Iowa, urging the passage of the option bill, H. R. 5353—to the Committee on Agriculture.

Also, petition of other citizens of Dallas County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolution of Alliance No. 1435, of same county and State, for same measure—to the Committee on Agriculture.

By Mr. HENDERSON, of Iowa: Resolutions of Farmers' Alliance No. 1576, Hardin County, Iowa, urging the speedy passage of House bill 5353, defining options, futures, etc.—to the Committee on Agriculture.

Also, paper by S. M. Cart, relating to Indian training school at Santa Fé—to the Committee on Indian Affairs.

By Mr. KERR, of Iowa: Petition of Pleasant Grove Alliance, Linn County, Iowa, in favor of passage of bill to prohibit dealing in options and futures—to the Committee on Agriculture.

By Mr. KERR, of Pennsylvania: Resolution of Pine Grove Grange, No. 898, Patrons of Husbandry, of Pennsylvania, John C. Greer, master, and W. W. Shawkey, secretary *pro tempore*, opposing the passage of the election bill and urging the Pennsylvania members to use all honorable means to defeat its passage—to the Committee on Elections.

Also, petition of officers and members of Du Bois Council, No. 376, Order of United American Mechanics, of Du Bois, Clearfield County, Pennsylvania, protesting against the unnatural increase in immigration of foreigners to the United States, and asking for legislation thereon, and also praying for the enactment of the Lodge bill—to the Committee on Immigration and Naturalization.

By Mr. LA FOLLETTE: Memorial circulated by the World's Woman's Christian Temperance Union, signed by C. W. Manly, S. Kelley, and 46 others, citizens of Wolf Creek, Cushing, and Sterling, Wis., praying that immediate and decisive steps be taken to aid in suppression of the alcoholic liquor traffic in the Congo Free State and Basin of the Niger, and to prohibit the exportation of intoxicants from this country into any part of Africa—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. LEE: Petition of James H. Shumate, of Fauquier County, Virginia, praying that his war claim be referred to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

Also, petition of John W. Elgin, of Fairfax County, Virginia, for same relief—to the Committee on War Claims.

By Mr. LODGE: Papers to accompany House bill 12944, for relief of S. M. Warren—to the Committee on Military Affairs.

Also, papers to accompany House bill 10874, for relief of Phœbe S. Curtis—to the Committee on Pensions.

By Mr. PEEL: Petition for grant of right of way to Fort Gibson Telegraph and Great Northeastern Railway Company—to the Committee on Indian Affairs.

By Mr. PERKINS: Petition and affidavits in support of the pension claim of Adam Deitz, of Kansas—to the Committee on Invalid Pensions.

Also, petition of F. G. Walter and other farmers of Kansas, asking for legislation that will prevent the dealing in options on farm products—to the Committee on Agriculture.

By Mr. REED, of Iowa: Memorial of Fidelity Alliance, No. 1833, Guthrie County, Iowa, asking for the passage of the option bill—to the Committee on Agriculture.

Also, petition of J. J. Snider and 35 others, citizens of Harrison County, Iowa, for same measure—to the Committee on Agriculture.

Also, memorial of Meadow Brook Alliance, No. 1372, of same county and State, for same measure—to the Committee on Agriculture.

Also, memorial of Lynn Alliance, No. 1168, Montgomery County, Iowa, for same measure—to the Committee on Agriculture.

By Mr. SPOONER: Petition of Lankfort Mullis, for muster, etc.—to the Committee on Military Affairs.

By Mr. STRUBLE: Petition of B. A. Biggerstaff and 58 others, citizens of Monona County, Iowa, urging the passage of House bill 5353—to the Committee on Agriculture.

Also, petition of John Oustot and 10 others, citizens of Woodbury County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Glencoe Alliance, No. 1627, Woodbury County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Friendship Alliance, No. 1305, Clay County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of W. H. Spencer and 41 others, citizens of Monona County, Iowa, for same measure—to the Committee on Agriculture.

By Mr. WILSON, of Missouri: Resolutions of the Nodaway Island Alliance, No. 3, Andrew County, Missouri, in favor of the farmers' antioption bill—to the Committee on Agriculture.

Also, petition of D. McCush and 32 others, citizens of Andrew County, Missouri, in favor of the passage of the farmers' antioption bill—to the Committee on Agriculture.

By Mr. WILSON, of Washington: Petition of 14 citizens of Whitman County, Washington, relative to options—to the Committee on Agriculture.

Also, resolutions of Collin Farmers' Alliance, Whitman County, Washington, No. 49, John L. Flaven, president; J. P. Rose, secretary, relative to options—to the Committee on Agriculture.

SENATE.

FRIDAY, *January* 9, 1891.

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

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

EXECUTIVE COMMUNICATION.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, with his indorsement, a letter from the Commissioner of the General Land Office recommending an amendment of the act of September 29, 1890, so that the time fixed therein within which certain rights granted to settlers on the lands involved may be asserted shall begin to run from the actual restoration of the land under the act, and not from the date of the passage of the act, as now provided; which was read.

The VICE PRESIDENT. The communication and accompanying papers will be referred to the Committee on Public Lands and printed.

Mr. REAGAN. I do not know whether the communication should be referred to the Committee on Public Lands or the Select Committee on Irrigation, which has had the general subject under consideration.

Mr. EDMUNDS. The Committee on Public Lands reported the bill, I think.

The VICE PRESIDENT. The communication and the accompanying papers will be referred to the Committee on Public Lands, if there be no objection.

Mr. REAGAN. Very well.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair has received a telegram from the Chamber of Commerce of New York, the oldest organization, he believes, of a commercial character in the United States, which will be read, if there be no objection.

The Chief Clerk read as follows:

NEW YORK, *January* 8, 1891.

At a large and enthusiastic meeting of Chamber of Commerce held at noon today the following resolution, on motion of Mr. John Inman, was unanimously adopted:

"Whereas the chamber for many years advocated the most liberal action on the part of the Government of the United States whereby justice may be done to the interests of American shipping, and competition on the part of Americans be rendered at least possible against the largely aided shipping of other countries, and the carrying of American commerce on the high seas be restored to American bottoms; and

"Whereas the bill now before Congress called the shipping and tonnage bill will, in our opinion, serve to bring about this end: Therefore,

"*Be it resolved*, That this chamber urges the prompt passage of the shipping bill now being discussed by Congress, and our Senators and Representatives, irrespective of party, are requested to use every effort in their power to procure its passage."

GEORGE WILSON, *Secretary.*

The VICE PRESIDENT. The memorial will be referred to the Committee on Commerce, if there be no objection.

Mr. FRYE. Both those bills have been reported from the Committee on Commerce and have passed the Senate. Therefore there is no need for a reference of the memorial to the committee. It should lie on the table.

The VICE PRESIDENT. The memorial will lie on the table.

Mr. CULLOM. I present resolutions of the Board of Trade of Chicago, Ill., deprecating any further legislation by Congress in regard to silver, setting forth that they believe further agitation of the subject will be injurious to the business and commercial interests of the country. I move that the resolutions lie on the table.

The motion was agreed to.

Mr. CULLOM presented a memorial of G. B. Williams and 17 other citizens of Belleville, Ill., and a memorial of the Board of Trade of Chicago, Ill., remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table.

He also presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of 46 butchers of Chicago, Ill.;

Petition of citizens of Ransom, Ill.;

Petition of R. C. Brown and 23 citizens of Illinois;

Petition of Rockford (Ill.) Lodge, Farmers' Mutual Benefit Association;

Petition of L. B. Ault and 28 other citizens of Fulton County, Illinois;

Petition of J. M. Johnson and 17 other citizens of La Salle County, Illinois;

Petition of James Fulton and 14 other citizens of Woodford County, Illinois;

Petition of George Connard and 33 other citizens of Macon County, Illinois;

Resolutions of members of Farmers' Alliance, No. 71, Vermillion County, Illinois;

Resolutions of New Concord Lodge, No. 3146, Farmers' Mutual Benefit Association, Pulaski County, Illinois;

Resolutions of Rockton Lodge, No. 3217, Farmers' Mutual Benefit Association, Rockton, Ill.;

Resolutions of members of Harmony Alliance, No. 3, Canton, Ill.;
Resolutions of Wiley Alliance, No. 69, of Fulton, Ill.;
Resolutions of Emry Green Farmers' Alliance, No. 98, La Salle County, Illinois;
Resolutions of Cazenovia Farmers' Alliance, No. 15, Illinois;
Resolutions of the Elwin Lodge, Farmers' Mutual Benefit Association, of Macon County, Illinois;
Resolutions of members of Utica and Waltman Alliance, No. 83, Utica, Ill.;
Resolutions of Centre Point Farmers' Alliance, of Knox County, Illinois;
Resolutions of Farmers' O. K. Alliance, No. 72, of Illinois;
Petition of J. C. Truman and 36 other citizens of Winnebago County, Illinois;
Petition of D. G. Otto and 30 other members of Harmony Alliance, Fulton County, Illinois;
Petition of J. C. Drake and 10 other citizens of Tazewell County, Illinois;
Petition of J. Baker and 9 other citizens of Pulaski County, Illinois;
Petition of Frank Seaverns and 32 other citizens of Winnebago County, Illinois;
Petition of H. J. Moniot and 11 other citizens of Utica and Waltham, county of La Salle, Illinois; and
Petition of O. K. Lemere and 4 other citizens of La Salle County, Illinois.

Mr. CULLOM presented the petition of R. C. Brown and 23 citizens of Illinois, praying for the passage of the Paddock pure-food bill; which was ordered to lie on the table.

Mr. REAGAN presented a petition of citizens of San Angelo, Tex., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. COCKRELL presented a petition signed by 124 laboring men of the city of St. Louis, Mo., praying for the passage of the Paddock pure-food bill; which was ordered to lie on the table.

Mr. COCKRELL. I present two memorials addressed to the Vice President, the President of the Senate, and headed.

FARMERS' MEMORIAL.
GROUNDS OF THE ST. LOUIS AGRICULTURAL AND MECHANICAL ASSOCIATION,
October 1, 1890.

remonstrating against all class legislation, including the Conger lard bill, and opposing its passage. The memorialists represent that they are farmers engaged in tilling the soil, raising cattle and hogs, and residing in the States of Ohio, Indiana, Illinois, Wisconsin, Michigan, Iowa, Missouri, Kansas, and Colorado, and at the time of affixing their signatures to the memorials were visitors at the great St. Louis fair. I move that the memorials lie on the table.

The motion was agreed to.

Mr. COCKRELL presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:
Petition of G. W. Praiswater and 24 other citizens of Andrew County, Missouri;
Petition of A. J. Clements and 26 other citizens of Stoddard County, Missouri; and
Resolutions of Eureka Farmers' Alliance, No. 5, Andrew County, Missouri.

Mr. WILSON, of Iowa, presented the following petitions of Farmers' Alliances and citizens of Iowa, praying for the passage of the Conger lard bill; which were ordered to lie on the table:
Resolutions of Farmers' Alliance, No. 1833, of Yale, Iowa;
Resolutions of Farmers' Alliance, No. 1627, of Woodbury County, Iowa;
Resolutions of Farmers' Alliance, No. 1372, of Harrison County, Iowa;
Resolutions of Farmers' Alliance, No. 1688, of Decatur County, Iowa;
Resolutions of Farmers' Alliance, No. 837, of Linn County, Iowa;
Resolutions of Farmers' Alliance of Hardin County, Iowa;
Resolutions of Farmers' Alliance, No. 815, of Crawford County, Iowa;
Resolutions of Farmers' Alliance of Adair County, Iowa;
Resolutions of Farmers' Alliance, No. 1816, of Carroll County, Iowa;
Resolutions of Farmers' Alliance, No. 1521, of Howard County, Iowa;
Petition of 12 citizens of Howard County, Iowa;
Petition of 10 citizens of Crawford County, Iowa;
Petition of 11 citizens of Woodbury County, Iowa;
Petition of 37 citizens of Harrison County, Iowa;
Petition of 45 citizens of Decatur County, Iowa;
Petition of 15 citizens of Adams County, Iowa;
Petition of 89 citizens of Monona County, Iowa; and
Petition of 25 citizens of Union County, Iowa.

Mr. WILSON, of Iowa, presented the following memorials, remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table:
Memorial of 16 citizens of the United States; and
Memorial of 17 citizens of the United States.

Mr. CASEY presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:
Petition of the Highland Alliance, No. 83, of Steele County, North Dakota;
Petition of W. H. H. Dickinson and 33 other citizens of Edmunds County, South Dakota; and
Resolutions of the Loyalton Farmers' Alliance, No. 239, of Vermont City, S. Dak.

Mr. DOLPH presented the following petitions, praying for the passage of the Conger lard bill; which were ordered to lie on the table:
Petition of F. K. Hubbard and other members of Pleasant Valley Grange, of Pleasant Valley, Polk County, Oregon;
Petition of H. N. Knapp and 19 other citizens of Portland, Oregon;
Petition of F. C. Aubury and 20 other citizens of Monow, Oregon;
Petition of B. K. Searcy and 28 other citizens of Gilham, Oregon;
Petition of Seth Morgan and 14 other citizens of The Dalles, Wasco County, Oregon; and
Resolutions of the members of Three-Mile Farmers' Alliance, No. 2, Oregon.

Mr. MANDERSON presented the following petitions, praying for the passage of the Conger lard bill; which were ordered to lie on the table:
Petition of S. M. Darnell and 23 other citizens of Butler County, Nebraska;
Resolutions of the members of Silver Creek Center Farmers' Subordinate Alliance, No. 1704;
Petition of Robert S. Haines and 35 other citizens of Carter County, Nebraska;
Petition of James Clark and 21 other citizens of Burt County, Nebraska;
Resolutions of members of Pinnacle Hill Alliance, No. 1287, Cedar Rapids, Nebr.;
Petition of J. W. Moore and 36 other citizens of Boone County, Nebraska;
Petition of A. Warner and 12 other citizens of Antelope County, Nebraska;
Resolutions of Green Garden Alliance, No. 1669, of Antelope County, Nebraska;
Resolutions of Shiloh Alliance, No. 631, Adams County, Nebraska;
Resolutions of Christian Ridge Alliance, No. 1449, Boone County, Nebraska;
Resolutions of Excelsior Alliance, No. 914, of Cuming County, Nebraska;
Petition of H. M. Lathrop and 19 other citizens of Clay County, Nebraska; and
Resolutions of Inland Farmers' Alliance, of Clay County, Nebraska.

Mr. CAMERON presented the petition of Josiah W. Leeds and other citizens of the State of Pennsylvania, praying for the passage of Senate bill 4173, providing for a commission to inquire into and report upon the social vice; which was referred to the Committee on Education and Labor.

He also presented the memorial of A. C. McLean and 51 other citizens of Pittsburgh, Pa., remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

He also presented resolutions adopted by the Flint and Lime Glass Manufacturers' Association of Pittsburgh, Pa., favoring the passage of the Torrey bankruptcy bill; which were ordered to lie on the table.

Mr. HAWLEY presented the following petitions, praying for the passage of the Conger lard bill; which were ordered to lie on the table:
Petition of Charles Robertson and 26 other citizens of Coventry, Conn.;
Petition of F. S. Truesdale and 31 other citizens of Naugatuck, Conn.; and
Petition of E. Cooley and 14 other citizens of Berlin, Conn.

Mr. EDMUNDS. I present the petition of Professor Henry C. Spencer, of the Spencerian Business College here, and others, praying for the passage of a bill prohibiting the sale of cigars and cigarettes to minors in the District of Columbia, and also a series of papers in the nature of petitions on the same subject from Dr. D. W. Prentiss, president of the Medical Society of the District of Columbia; Dr. Joseph Taber Johnson; Dr. C. B. Purvis, surgeon in charge of the Freedman's Hospital; from the president of Georgetown College; from Bishop John J. Keane, president of the Catholic University of Washington, D. C.; Rev. Dr. J. E. Rankin, president of Howard University; Rev. Dr. Teunis S. Hamlin and other Presbyterian clergymen and laymen; Rev. P. L. Chapelle, rector of St. Matthew's Church, Washington; Dr. D. R. Hagner, and a synopsis of the laws of twenty-nine States on the subject of this traffic, which I move be referred to the Committee on the District of Columbia.

I find that two years ago similar petitions of other parties were presented and printed as a document, and as some of these papers contain valuable statements and arguments, and they are conceived in a patriotic temper and with a good object, I ask that they be printed as a document to go with the others, if there be no objection.

Mr. HARRIS. I suggest to the Senator from Vermont that the papers he presents be printed as a document and lie upon the table, as the bill to which they refer will be reported this morning.

Mr. EDMUNDS. Very well; let them be printed as a document and lie on the table.

The VICE PRESIDENT. The petition and papers will be printed as a document and lie on the table, if there be no objection.

Mr. HISCOCK presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of P. E. Galligan and 16 other citizens of Lewis County, New York;

Petition of A. H. Allen and 19 other citizens of Montgomery County, New York;

Petition of B. F. Kent and 22 other citizens of Lewis County, New York;

Petition of B. W. Peckban and 29 other citizens of Lewis County, New York;

Petition of J. C. Wilson and 24 other citizens of Jefferson County, New York;

Petition of W. F. Rasbach and 13 other citizens of Herkimer County, New York;

Petition of George A. Day and 46 other citizens of Broome County, New York;

Petition of G. E. Phillips and 18 other citizens of Herkimer County, New York;

Petition of Mohawk Valley Grange (98 members) of Montgomery County, New York;

Petition of J. J. Wilcox and 41 other citizens of Lewis County, New York; and

Petition of J. W. Hotchkiss and 21 other citizens of Chenango County, New York.

Mr. HISCOCK presented a petition of 183 citizens of New York, praying for the passage of a national Sunday-rest law; which was referred to the Committee on Education and Labor.

He also presented a petition of the Stationers' Board of Trade of New York; the petition of the Paint, Oil, and Varnish Club of New York City; the petition of I. J. Kuntz, a photographer of Syracuse, N. Y.; and a petition of five business firms and citizens of the city of Rochester, N. Y., all praying for the speedy passage of the Torrey bankruptcy bill; which were ordered to lie on the table.

Mr. EVARTS presented the petition of F. T. Shay and other citizens of Buffalo, N. Y., praying for the passage of the so-called Paddock "pure-food" bill; which was ordered to lie on the table.

Mr. STOCKBRIDGE presented the memorial of H. H. Eustis, of Kalamazoo, Mich., and 16 farmers of Michigan, remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

He also presented a petition of 54 citizens of Michigan, praying for the passage of the Paddock pure-food bill; which was ordered to lie on the table.

Mr. McCONNELL presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of J. J. Hafer and 32 other citizens of Latah County, Idaho; and

Resolutions of Alliance No. 42, Latah County, Idaho.

Mr. McCONNELL presented the memorial of R. Albright, Fred Albright, and Henry Johnson, of Tahlequah, Ind. T., and 32 cattle-raisers and farmers, declaring that a tax on compound lard is a tax on beef fat, a product of the cattle-farmers of the West, and therefore opposing the passage of the Conger compound-lard bill; which was ordered to lie on the table.

He also presented a petition of 45 farmers and visitors at the St. Louis (Mo.) fair, praying for the passage of Senate bill 3991, known as the Paddock pure-food bill; which was ordered to lie on the table.

Mr. VOORHEES presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of P. Perry Turner and 26 other citizens of Delaware County, Indiana;

Petition of Indiana State Grange (under seal), J. H. Walker, secretary; and

Petition of W. A. Ebert and 15 other citizens of Madison County, Indiana.

Mr. BUTLER presented the memorial of C. J. Shannon, jr., J. D. Deas, and other citizens of Camden, S. C., remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. SAWYER presented a resolution adopted by the Chamber of Commerce of Milwaukee, Wis., favoring the passage by Congress of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented the petition of Charles Knoblock, of Racine, Wis., and 22 other citizens of Wisconsin, praying for the passage of the Paddock pure-food bill, instead of any incomplete measure that does not fully protect the people; which was ordered to lie on the table.

Mr. VEST. I present a petition of Enterprise Union, No. 174, of Montrose, Mo., praying for Congressional legislation reducing the pay of members of Congress to $10 per day during the sessions of Congress; also for the free coinage of silver, the abolition of the national-banking system, the reduction of the salaries of all public officers one-half, and the adjustment of all passenger and freight rates on railroads in the United States.

I move that the petition be referred to the Committee to Examine the Several Branches of the Civil Service, as it seems to relate principally to salaries.

The motion was agreed to.

Mr. VEST presented the petition of J. C. Somerville and other citizens of St. Louis, praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented the petition of John Willis Kraft and 23 other citizens of Benton County, Missouri, praying for the passage of the Paddock pure-food bill; which was ordered to lie on the table.

He also presented the petition of James Anderson, a cattle-raiser, and 18 other citizens of Pacific, Mo., praying for the passage of the Paddock pure-food bill and remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. ALLISON presented the petition of Nicholas Kuhnen and a large number of other business firms of Davenport, Iowa, praying for the immediate consideration and passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented resolutions of the Vernon Alliance, No. 1711, of Dubuque County, Iowa, favoring the passage of the antioption bill and the Conger lard bill; which were ordered to lie on the table.

He also presented the following petitions, praying that the Conger lard bill, so called, be speedily enacted into a law; which were ordered to lie on the table:

Resolutions of the Ingraham Grange, No. 1242, Patrons of Husbandry, of Mills County, Iowa; and

Petition of C. F. McCormack and 14 other citizens of O'Brien County, Iowa.

Mr. ALLISON. I also present the petition of George New and 13 other citizens of O'Brien County, Iowa, praying for the speedy passage of House bill 5353, defining options and futures, etc. That, I understand, is a bill taxing certain products or operations, and I move that the petition be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. HALE presented resolutions of the Norwich (Conn.) Board of Trade, favoring the passage of Senate bill 4329, providing for a more thorough investigation by the Census Office of electrical industries; which were referred to the Committee on the Census.

Mr. PLUMB presented the memorial of George Henderson, of Topeka, Kans., and 16 other citizens of Kansas, remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

He also presented a petition of citizens of Johnson County, Kansas, praying for the passage of the "option" bill; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of citizens of Johnson County, Kansas, praying for the speedy passage of the Conger lard bill; which was ordered to lie on the table.

Mr. SHERMAN presented the petition of Typographical Union, No. 5, of Columbus, Ohio, praying for the passage of the international copyright bill; which was ordered to lie on the table.

Mr. INGALLS presented sundry petitions signed by 660 citizens of Kansas, praying for the passage of a national Sunday-rest law; which were referred to the Committee on Education and Labor.

He also presented a memorial of citizens of Labette, Kans., and the memorial of A. C. Davis and 14 farmers of Hutchinson, Kans., remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table.

Mr. INGALLS. I present a memorial of citizens of Kansas, farmers, alleging that the Conger lard bill is in the interest of a Boston pork manufactory, and remonstrating against its passage. I move that the memorial lie on the table.

The motion was agreed to.

Mr. TURPIE presented the petition of W. J. Crawford, of Crown Point, Ind., and 23 other citizens of Indiana, praying for the passage of the Paddock pure-food bill "in preference to any inadequate remedy that does not fully protect the people;" which was ordered to lie on the table.

Mr. BATE. I present the memorial of P. F. Williamson, of Memphis, Tenn., and 30 visitors at the St. Louis (Mo.) fair, who oppose both the so-called Conger lard and Paddock pure-food bills, and who "believe that the States can give the citizens ample protection in what they shall eat and drink." I move that the memorial lie on the table.

The motion was agreed to.

Mr. DAWES presented a petition signed by A. A. Ranney, Leopold Morse, Benjamin F. Butler, John D. Long, and other citizens of Boston, Mass., praying for the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. CULLOM presented a memorial of citizens of Illinois, remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. STEWART, from the Committee on Military Affairs, to whom was referred the bill (S. 4397) to provide for the purchase of a site and the erection of suitable buildings thereon for a military post at San Diego, Cal., and for other purposes, reported it with an amendment.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (H. R. 11577) granting a pension to Martha Leach, reported it without amendment, and submitted reports thereon.

He also, from the Committee on Military Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4431) to remove the charge of desertion standing against the name of Joseph G. Utter; and

A bill (H. R. 10520) to reimburse H. W. Keyes for money wrongfully paid the United States for commutation.

Mr. DAVIS, from the Committee on Military Affairs, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 3069) to extend the benefits of section 4 of "An act making appropriations for the support of the Army for the year ending June 30, 1866," approved March 3, 1865; and

A bill (S. 3102) for the relief of John W. Eckles.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 4376) for the relief of William G. Tidwell, reported it without amendment, and submitted a report thereon.

Mr. MANDERSON. I am instructed by the Committee on Military Affairs, to whom was referred the bill (S. 4472) for the relief of Charles B. Stivers, to report it without amendment, and I ask that I may be permitted within a day or two to make a written report on the bill.

The VICE PRESIDENT. The bill will be placed on the Calendar and leave will be granted to file a report hereafter.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 11814) to provide the assessor of the District of Columbia with plats of subdivisions outside the cities of Washington and Georgetown, reported it without amendment, and submitted a report thereon.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 11407) to improve car service on Fourteenth street extended, reported it without amendment, and submitted a report thereon.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary, to which was referred a petition of the governor and Legislative Assembly of the Territory of Utah, praying for such legislation as will enable the creation of a fourth judicial district in that Territory, and sundry other papers that have come to the committee on the subject, to report an original bill and recommend its passage.

The bill (S. 4811) to provide for the creation of a fourth judicial district in the Territory of Utah was read twice by its title.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 11098) for the relief of Lorenzo S. Coffin, late chaplain Thirty-second Regiment of Iowa Volunteers, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2526) authorizing the President of the United States to grant an honorable discharge to William L. Lenau, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1157) for the relief of Joseph Johnson, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 11766) to correct the military record of Marcellus Pettitt, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 8042) to remove the charges of desertion against Urs Ambrose Nunlist, reported it with amendments, and submitted a report thereon.

Mr. COCKRELL. The Committee on Military Affairs, to which was referred the petition of George Hume, of the State of Kansas, with sundry accompanying papers, have instructed me to report it back with a written report, and to ask to be discharged from its further consideration. It is a claim for compensation for some officers and soldiers called into the military service under the authority of the State of Kansas, and for whose payment or compensation the State of Kansas has made no provision and has not assumed either.

It has been the universal rule of the Treasury Department, so far as the Committee on Military Affairs knows, not to entertain jurisdiction to audit and allow the claims of States under the act of July 27, 1861, for reimbursement of expenditures in enrolling and equipping militia until the State has first either paid the claim itself or unconditionally assumed the payment of it. This has not been done in this case, and Congress has always held that it was not a fit tribunal to undertake to audit and allow the individual claims of officers and soldiers for services performed under State authority.

We therefore simply ask to be discharged from the further consideration of the petition. I ask that the report together with the accompanying exhibits may be printed. I desire to call the attention of the junior Senator from Kansas [Mr. PLUMB] to this report, but I see he is not in his seat at this time.

The VICE PRESIDENT. The committee will be discharged from the further consideration of the petition, and the report with the accompanying papers will be printed if there be no objection.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 4560) to prohibit the sale of tobacco to, or its use by, minors under sixteen years of age in the District of Columbia, reported it with an amendment.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (H. R. 8588) to amend section 4178, Revised Statutes, providing for the marking of vessels' names at bow and stern, reported it with amendments.

Mr. CAMERON, from the Committee on Naval Affairs, to whom was referred the (bill S. 4212) for the relief of Henry E. Rhoades, reported it without amendment, and submitted a report thereon.

Mr. WILSON, of Iowa, from the Committee on the Judiciary, to whom was referred the bill (S. 4710) declaring null and void certain laws of the Territory of New Mexico, and for other purposes, reported it with amendments.

Mr. INGALLS, from the Committee on the District of Columbia, to whom was referred the bill (S. 3023) to define the route of the Baltimore and Ohio Railroad in the District of Columbia, and for other purposes, reported it without amendment.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 4711) to provide for the erection of a Government building at Joliet, Ill., reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. 4559) to provide for the construction of a public building at Rockford, Ill., reported it with amendments.

Mr. SAWYER, from the Committee on Post Offices and Post Roads, to whom was referred the bill (S. 4781) creating the office of Fourth Assistant Postmaster-General, reported it without amendment, and submitted a report thereon.

PRINTING OF A DOCUMENT.

Mr. MANDERSON. I am directed by the Committee on Printing to report back favorably a Senate resolution, and I ask for its present consideration.

Mr. COCKRELL. Let it be read for information.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution submitted by Mr. VEST December 30, 1890, as follows:

Resolved, That the Public Printer is hereby instructed to print and deliver to the document room 10,000 copies of Miscellaneous Document No. 24 of the present session, with the modifications indicated by the copy hereto attached.

Mr. MANDERSON. This document is quite short. The 10,000 copies proposed to be printed will cost $36, so that it is within the limit of $500. It consists of the proceedings of the convention of commercial associations which met at St. Louis and took into consideration the matter of the Torrey bankruptcy bill. The document presents in a short and succinct way the matters connected with that bill and an argument in its favor. The request for its publication was made by the Senator from Missouri [Mr. VEST]. I do not now see him in his seat. It seems to the committee that it is a matter of importance and will save to the members of the Senate very much time, as it is useful in correspondence with parties concerning the bankruptcy measure.

The resolution was considered by unanimous consent, and agreed to.

MAJ. JOSEPH W. WHAM.

Mr. HAWLEY. The Committee on Military Affairs, to whom was referred the bill (H. R. 7082) for the relief of Maj. Joseph W. Wham, paymaster, United States Army, instruct me to report it back and to ask to be relieved from its further consideration for the reasons I shall state. While the subject naturally belongs to the Committee on Military Affairs, a bill identical with this one was referred to the Committee on Claims and favorably reported and passed. Now the same bill comes from the other House, that body having acted upon the identical bill, but not the same piece of paper, and we ask to be excused from its further consideration. The Senator from Wisconsin [Mr. SPOONER] will request action on the bill.

The VICE PRESIDENT. The Committee on Military Affairs will be discharged from the further consideration of the bill, if there be no objection.

Mr. SPOONER. I ask unanimous consent that the House bill just reported, which is a copy of the bill which the Senate passed for the relief of the same party, be taken up at this time. The Senate bill was unanimously reported favorably by the Committee on Claims and passed by the Senate.

Mr. EDMUNDS. Let the bill be read for information.

The VICE PRESIDENT. The bill will be read for information.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the proper accounting officers, in settling and adjusting the accounts of Maj. Joseph W. Wham, paymaster United States Army, are hereby directed to credit said Maj. Joseph W. Wham, paymaster United States Army, with the sum of $28,345.10, Government funds, of which he was robbed in Graham County, Arizona Territory, on the 11th of May, 1889, without his default.

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

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 a third reading, read the third time, and passed.

FUNDS OF SOLDIERS' HOME IN THE DISTRICT OF COLUMBIA.

Mr. HAWLEY. From the Committee on Military Affairs I report back favorably the bill (H. R. 9919) to authorize the Treasurer of the United States to receive and keep on deposit funds of the Soldiers' Home in the District of Columbia. I beg leave to say that it is a very brief bill and a matter only of safe and convenient administration of the funds of the Soldiers' Home. The Secretary of War and the General of the Army ask for the passage of the bill. It is of very few lines, and I ask that the bill be put on its passage.

The VICE PRESIDENT. The bill will be read for information.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the Treasurer of the United States be, and he is hereby, authorized and directed to receive and keep on deposit, subject to the checks or drafts of the treasurer of the Soldiers' Home in the District of Columbia, all funds which may now be under the control of the said treasurer of the Soldiers' Home, or may hereafter be furnished him or in any manner come into his possession for use in defraying the current expenses of maintaining the said Soldiers' Home, and, upon the request of said treasurer of the Soldiers' Home, there shall be transferred, from funds to his credit with the United States Treasurer, and placed to his credit with the assistant treasurer of the United States in New York City, N. Y., such sums as he may require monthly or quarterly for payments on account of "out-door relief" to members of the said Soldiers' Home residing at a distance therefrom.

Mr. HAWLEY. In brief the story is this: The existing law requires the funds of the Soldiers' Home in the District of Columbia to be kept partly in the Treasury and partly in banks. The administrators of that fund, the managers of the home, desire to be allowed practically to keep their bank account in the Treasury here.

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

Mr. HARRIS. I desire to ask the Senator from Connecticut if the bill has been referred to the Secretary of the Treasury.

Mr. HAWLEY. Oh, the subject has been before the Department, and they say they will be glad to do it except the law just now does not permit it. They will be glad to do it if a statute is passed permitting them to receive it for that purpose. A part of the funds are kept there now. The Treasurer says he can not keep all the funds in the Treasury without a slight amendment of the law.

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 a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MARTIN, its Chief Clerk, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House to the following bills:

A bill (S. 507) to provide for the erection of a public building in the city of Youngstown, Ohio;

A bill (S. 953) for the erection of a public building at Fort Dodge, Iowa;

A bill (S. 2405) to provide for the purchase of a site and the erection of a public building thereon at Lewiston, in the State of Maine; and

A bill (S. 3417) to provide for the purchase of a site and the erection of a public building thereon at Haverhill, in the State of Massachusetts.

ENROLLED BILLS SIGNED.

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

A bill (S. 902) for the erection of a public building at Sioux City, Iowa;

A bill (S. 4112) to amend section 1225 of the Revised Statutes, concerning details of officers of the Army and Navy to educational institutions; and

A bill (S. 4692) for the relief of Abraham Lisner.

BILLS INTRODUCED.

Mr. HISCOCK introduced a bill (S. 4812) granting an increase of pension to General Isaac F. Quinby; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4813) granting an increase of pension to Joseph J. Bartlett, which was read twice by its title; and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DOLPH. Referring to the communication from the Secretary of the Interior, presented to the Senate this morning, accompanied by a letter from the Commissioner of the General Land Office, I greatly regret that there should have been delay and that the instruction was not sent out by which the lands forfeited could be entered. But in any event, at however an early date the instruction may be sent out, the amendment of the act proposed is a very necessary one. I have prepared a bill, which I introduce and ask to have referred to the Committee on Public Lands, to carry out the suggestions of the Interior Department. I give notice that I shall endeavor to have the bill reported to the Senate in the morning, and I shall then ask to have it considered. It is a very brief matter.

The bill (S. 4814) to amend "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes" was read twice by its title, and referred to the Committee on Public Lands.

Mr. INGALLS introduced a bill (S. 4815) to correct the military history of Capt. James H. McDougal; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. ALLISON introduced a bill (S. 4816) establishing a port of delivery at Des Moines, Iowa; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 4817) to remove the charge of desertion against Francis M. Hansell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. FRYE (by request) introduced a bill (S. 4818) authorizing the President to take action on certain bills favorably reported in either House of Congress; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4819) to provide for the payment of the French spoliation claims, in accordance with the findings of the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (S. 4820) to amend the law relating to the residence abroad of the owners of American vessels in the foreign trade;

A bill (S. 4821) to regulate the rights and privileges of pleasure vessels and yachts of foreign build and ownership; and

A bill (S. 4822) to amend the law relating to bonds for marine documents.

Mr. DANIEL (by request) introduced a bill (S. 4823) granting a pension to Mary E. Douglass; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4824) to amend and re-enact paragraph 6, section 1, of an act entitled "An act granting right of way and other privileges to the Hampton and Old Point Railway Company;" which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BUTLER introduced a bill (S. 4825) granting a pension to S. C. Mitchell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 4826) to place the name of John M. Cunningham on the retired list of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

BILL RECOMMITTED.

Mr. FRYE. I ask unanimous consent that the bill (S. 4684) to amend certain sections of the Revised Statutes of the United States, namely: Sections 4400, 4405, 4445, 4490, and 4495 of Title LII, concerning the "Regulation of steam vessels;" 4234 of Title XLVIII, "Regulation of commerce and navigation;" and section 594 of Title LVIII, "Remission of fines, penalties, and forfeitures," may be taken from the Calendar and recommitted to the Committee on Commerce.

The VICE PRESIDENT. Is there objection to the request made by the Senator from Maine?

Mr. COCKRELL. What is the bill?

Mr. FRYE. It is a bill to amend certain sections of the Revised Statutes touching sail and steam vessels. There is a matter in it which requires further consideration.

The VICE PRESIDENT. The Chair hears no objection, and the bill will be taken from the Calendar and recommitted to the Committee on Commerce.

NICARAGUA CANAL.

Mr. MORGAN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the sum of $207 is hereby appropriated, to be paid out of the contingent fund of the Senate, to be expended by the Secretary of the Senate in the purchase of 1,000 copies each of six maps and six plates that accompany the special report made in 1890 by Charles T. Hervey, civil engineer to the Maritime Canal Company of Nicaragua.

HOUR OF MEETING ON SATURDAY AND MONDAY.

The VICE PRESIDENT. Is there further morning business?

Mr. HAWLEY. If this is the proper time to make a request of the Senate, I wish to say that we have been meeting so continuously at 10 o'clock and for a time at 11 that it has been practically impossible that committee meetings could be held. Last night at a late hour the Senate agreed to meet at 12 o'clock to-day, but the notice was too late in many cases to call meetings of committees. I ask unanimous consent that when the Senate adjourns on Saturday it be to meet on Monday at 12 o'clock. Three-quarters of the Senators then will be in committees on Monday morning.

The VICE PRESIDENT. The motion to take effect from to-morrow?

Mr. HAWLEY. Yes, sir.

Mr. GORMAN. I suggest to the Senator from Connecticut, why not make an arrangement by unanimous consent that we meet to-morrow at 12 o'clock? We have an important meeting, I know, in the Committee on Printing to-morrow morning.

Mr. HAWLEY. I have no objection to making the hour of meeting at 12 o'clock to-morrow and letting Monday take care of itself.

Mr GORMAN. For to-morrow and Monday let the hour of meeting be 12 o'clock.

Mr. HAWLEY. I have no objection, if that is agreeable to the Senate.

The VICE PRESIDENT. The Chair understands that it is suggested the order for to-morrow and Monday be that on those two days the hour of meeting of the Senate shall be 12 o'clock?

Mr. HAWLEY. That is the request now made.

The VICE PRESIDENT. That will be considered as agreed to if there be no objection. The Chair hears no objection, and it is so ordered.

AMENDMENT OF COPYRIGHT LAW.

Mr. PLATT. I desire to give notice that on Monday, immediately after the consideration of the routine business, I shall ask the Senate to take from the table and consider the bill passed by the House (H. R. 10881) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights.

WASHINGTON AND ARLINGTON RAILWAY COMPANY.

Mr. DANIEL. I ask the Senate to consider, out of its order, Calendar number 2155, being the bill (S. 3770) to incorporate the Washington and Arlington Railway Company of the District of Columbia.

The VICE PRESIDENT. The morning business is now concluded. The Calendar under Rule VIII being in order, the Senator from Virginia moves to take up the bill indicated by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3770) to incorporate the Washington and Arlington Railway Company of the District of Columbia.

The VICE PRESIDENT. The bill has been read at length and the amendments of the Committee on the District of Columbia partially considered. There is an amendment pending, which was offered by the Senator from Maryland [Mr. GORMAN]. It will be read.

The CHIEF CLERK. In section 10, line 4, after the word "power," it is proposed to strike out the words "of the kind described by this act;" so as to read:

That the tracks of said company on the bridge and the approaches to said bridge may be freely used for the passage of street cars with motive power, belonging to any individual or corporation legally authorized thereto, upon making just compensation for such use.

Mr. PLATT. I ask the Senator from Virginia to state what the effect of that amendment will be. I did not catch it as it was read. As I heard it read, it relates to allowing private individuals to run cars across the bridge, and I wish to know to what extent it goes.

Mr. GORMAN. I offered the amendment which is now under consideration, the object of which is to liberalize the bill and permit a bridge to be constructed which will accommodate steam railroads or other roads. There are some objections, I understand, to a provision authorizing the use of this bridge for anything but streeet railroad cars. I withdraw the amendment now and will bring up that question later on. That will relieve the bill at present of that question.

The VICE PRESIDENT. The amendment offered by the Senator from Maryland is withdrawn. The next amendment of the Committee on the District of Columbia will be stated.

The CHIEF CLERK. The committee report to insert as a new section the following:

SEC. 11. That if the corporation can not agree with the owner for the purchase, use, or occupation of land, gravel, earth, timber, or other material required for the construction, enlargement, or repair of any of its works, or if the owner be a married woman, infant, *non compos mentis*, or out of the District, the said corporation may apply to the marshal of the District of Columbia, and he shall issue his warrant or summons for a jury to meet on the land at a day therein specified, and being not more than ten or less than five days thereafter.

Mr. DANIEL. I beg leave to inquire exactly where that amendment comes in?

The VICE PRESIDENT. It is proposed to be inserted after section 10 as a new section.

Mr. DANIEL. I have in my hand certain amendments to this bill, which were prepared with great care by the Senator from Vermont [Mr. EDMUNDS], who gave it critical examination and who has authorized me to say that he would consider the bill unobjectionable and make no further objection to it if those amendments are agreed to. I do not know who offered the amendment now pending.

The VICE PRESIDENT. It is an amendment reported by the Committee on the District of Columbia.

Mr. GORMAN. Let it be again read.

The VICE PRESIDENT. The amendment will be again read.

The Chief Clerk again read the amendment.

Mr. DANIEL. I see that in section 11 the Senator from Vermont proposes an amendment to strike out the word "marshal" and insert the words "supreme court of the District of Columbia at any general or special term thereof," in order that the proceedings of condemnation may be conducted under the direction of the court.

Mr. HARRIS. That is an amendment to the committee amendment.

Mr. DANIEL. Yes, it is an amendment to the committee amendment.

Mr. HARRIS. I do not think there is any objection to that.

Mr. DANIEL. I move that amendment. It will be found printed in the amendments intended to be proposed by the Senator from Vermont [Mr. EDMUNDS].

The VICE PRESIDENT. The amendment to the amendment will be stated.

The CHIEF CLERK. In line 6 of the proposed section 11, after the words "apply to," strike out the word "marshal" and insert "supreme court," and in line 7, after the word "Columbia," insert "at any general or special term thereof;" so as to read:

The said corporation may apply to the supreme court of the District of Columbia at any general or special term thereof.

The amendment to the amendment was agreed to.

Mr. DANIEL. On page 13, in the proposed section 11, as consequential to the other amendment, in lines 7 and 8, I move to strike out all after the word "and" to the end of the section and insert the words:

Said court, after reasonable public notice and hearing, shall proceed with the condemnation of such land or property for the use aforesaid.

This conforms the language to the amendment already made.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 13, in the proposed section 11, line 7, it is proposed to strike out all after the word "and" to the end of the section, as follows:

And he shall issue his warrant or summons for a jury to meet on the land and at a day therein specified, and being not more than ten nor less than five days thereafter.

And in lieu thereof to insert:

Said court, after reasonable public notice and hearing, shall proceed with the condemnation of such land or property for the use aforesaid.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The VICE PRESIDENT. The next amendment reported by the Committee on the District of Columbia will be read.

The CHIEF CLERK. It is proposed to add as a new section the following:

SEC. 12. That the said United States marshal shall accordingly summon eighteen disinterested men, not related to either party; and if any of them refuse to attend he may then summon or call others immediately to make up the number of eighteen. Each party shall have the right, in person or by attorney or agent, if present at the time, to strike off three, and the marshal shall strike off such as shall not be so stricken off by the parties, until the number shall be reduced to twelve, who shall be a jury.

Mr. DANIEL. To that amendment I offer an amendment. In line 1 I move to strike out the words "the said United States" and insert the words "for the purpose of ascertaining the value of any land or property so condemned the said court may direct the marshal and the." That is a consequential amendment.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In the proposed section 12, line 1, it is proposed to strike out the words "the said United States" and insert the words "for the purpose of ascertaining the value of any land or property so condemned the said court may direct the marshal and the;" so as to read:

That for the purpose of ascertaining the value of any land or property so condemned the said court may direct the marshal, and the marshal shall accordingly summon eighteen disinterested men, not related to either party, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on the District of Columbia was to insert as a new section the following:

SEC. 13. That the marshal shall then administer an oath or affirmation to every person of the jury that he will impartially and to the best of his skill and judgment value the land or other property required by the corporation, and also, if the same be land required for the construction of the said railroad or work, the damage which the owner will sustain, if any, by the taking of the land for such use. The jury shall accordingly inquire of such value and damage, and make report thereof in writing, to be signed by them all, and setting forth in case of land the boundaries of the land and the estate, interest, or use to be taken by the corporation. Such inquisition and report shall be returned by the marshal to the clerk of the circuit court of the District of Columbia.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 14. That such inquisition and report shall be confirmed by such court unless good cause be shown to the contrary, and when confirmed shall be recorded by the clerk of said court; but for cause the court may set it aside and order another inquisition, or more than one from time to time, to be conducted in like manner as the first and with like effect, until an inquisition and report shall be confirmed by the court. Upon such confirmation of the first or any subsequent inquisition and report and upon payment or tender of the amount fixed in the inquisition to be paid by the corporation, either to the owner or in court, as the court shall order, the said corporation shall be entitled to the property absolutely or for such estate, interest, or use as shall have been valued and

described in the inquisition and report, as fully as the same could be vested in the corporation by a valid conveyance from the owner, and the corporation shall have the right to take away any material so valued.

Mr. DANIEL. To that amendment I offer an amendment. In line 12, I move to strike out all after the word "property" and insert "according to the nature of such condemnation and appropriation for the uses mentioned in this act." The effect of that amendment is to condemn the property to the use of the railroad instead of undertaking, as it would seem, to condemn the absolute fee simple.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The CHIEF CLERK. In section 14, line 12, it is proposed to strike out all after the word "property," as follows:

Absolutely or for such estate, interest, or use as shall have been valued and described in the inquisition and report, as fully as the same could be vested in the corporation by a valid conveyance from the owner, and the corporation shall have the right to take away any material so valued.

And insert:

According to the nature of said condemnation and appropriation for the uses mentioned in this act.

Mr. SPOONER. I should like to inquire of the Senator from Virginia if there is no provision in this bill or in any of the amendments to it for an appeal from the award and the intervention of a jury, or is the court to be at liberty to try the question of damages? How is the question left finally by this bill?

Mr. DANIEL. It is left to a jury under section 12.

Mr. SPOONER. I had not noticed that provision.

Mr. DANIEL. It is to be left to eighteen disinterested men, not related to either party.

Mr. SPOONER. I know; but after they make an award, if the owner of any property or any interest which is sought to be condemned is not satisfied with the amount of damages awarded by the marshal's jury, what remedy has he? Has he any appeal, any right to a further hearing, any right of trial before the court?

Mr. DANIEL. Section 14 seems to contemplate the procedure in such a case. It provides—

That such inquisition and report shall be confirmed by such court unless good cause be shown to the contrary, and when confirmed shall be recorded.

The inquisition is made by the jury; report is made to the court; and if good cause is shown the court may refuse to confirm.

Mr. SPOONER. Would the Senator understand by that that if the property-owner were able to show to the court that the amount of damages awarded was inadequate the court would be at liberty to review the testimony on that subject?

Mr. DANIEL. Undoubtedly. I think so. The section further provides that—

But for cause the court may set it aside and order another inquisition, or more than one from time to time, to be conducted in like manner as the first and with like effect.

The bill seems to have the usual provision in respect to condemnations as to revision of awards and as to succeeding ones if the first is not satisfactory. That is in the amendment prepared by the Senator from Vermont.

Mr. HALE. Where is that?

Mr. DANIEL. In section 14. The condemnation proceedings are fully provided for in the amendment of the committee.

Mr. HALE. That is not in the list of printed amendments prepared by the Senator from Vermont?

Mr. DANIEL. It is in the amendment reported by the Committee, and the Senator from Vermont has suggested an amendment to it, which simply, I understand, provides that the property shall be condemned to the use of the railroad company, striking out the words which would vest it absolutely.

Mr. SPOONER. The effect of that amendment is to vest in the railroad company the easement instead of the fee.

Mr. DANIEL. I so understand.

Mr. INGALLS. Has the Senator from Virginia concluded the amendments he desires to submit?

Mr. DANIEL. No, sir; I have a few more to present.

Mr. HALE. I wish to ask the Senator from Virginia, who is in charge of this bill, whether he has offered the list of amendments which I have been informed were prepared with very great care by the Senator from Vermont [Mr. EDMUNDS] and which are found in a printed list of amendments.

Mr. DANIEL. I have given notice that I should offer them in their order, but the committee's amendments are being first considered, and the amendments prepared by the Senator from Vermont to those amendments are being considered.

Mr. HALE. So that the Senator is offering those amendments?

Mr. DANIEL. I have merely so far offered the amendments proposed by the Senator from Vermont to the amendments of the committee, and I have given notice that I should offer the others.

Mr. HALE. The Senator is taking certain features in the Edmunds amendments, if I can call them so, and applying them to the committee's amendments where they are germane?

Mr. DANIEL. That is the case.

Mr. HALE. And he proposes afterwards to have all of the amendments in the printed list offered and acted upon?

Mr. DANIEL. Undoubtedly.

Mr. HALE. I hope that will be done. The Senator from Vermont is not here.

Mr. DANIEL. I have already given notice that I should do that, but in parliamentary practice the committee's amendments are to be first considered, and then it is appropriate to offer amendments to the committee's amendments before amendments are considered to the text of the bill, which the committee does not propose to amend.

Mr. HALE. Undoubtedly. I only wanted to understand if the Senator proposes to see that all the amendments of the Senator from Vermont are acted upon.

Mr. DANIEL. I shall see to it, as I gave notice that I should. I have no idea of doing otherwise. I believe the committee amendments are now through with.

The VICE PRESIDENT. The pending amendment to the amendment of the committee has not been disposed of. Is the Senate ready for the question on the amendment to the amendment?

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question now recurs on agreeing to the amendment of the committee, to insert section 14 as amended.

The amendment as amended was agreed to.

Mr. DANIEL. Now I offer the amendment which I send to the desk.

The VICE PRESIDENT. The proposed amendment will be stated.

The CHIEF CLERK. Add a new section after section 14, as follows:

SEC. 15. That said railway shall be constructed in such a manner as not to injure or endanger any of the pipes, fixtures, or apparatus of the water works supplying the District of Columbia, or any part thereof, and the operations of said company shall always be subject to the control and direction, in this respect, of the Secretary of War, and subject to the right of the Secretary of War, or other lawful public authority, to interrupt the construction or use of said railway whenever necessary for the protection or repair of such water works, or in respect of any increase thereof or additions thereto. That neither the said corporation nor its successors or assigns shall erect, maintain, or use any overhead electric or other wires or apparatus within the District of Columbia, or any property of the United States either within or without said District.

The amendment was agreed to.

Mr. DANIEL. Now I offer the other amendments prepared by the Senator from Vermont [Mr. EDMUNDS], to which the Senator from Maine [Mr. HALE] referred.

Mr. HALE. Is the amendment which was just adopted a committee amendment?

Mr. DANIEL. No, sir.

Mr. HALE. It is one of the Edmunds amendments?

Mr. DANIEL. It is the last amendment, coming in at the end of the bill. I now offer the amendments in their order down to those which have already been adopted, as indicated in the proposed amendments of the Senator from Vermont.

The VICE PRESIDENT. The amendments will be stated in their order.

The CHIEF CLERK. On page 2, section 1, line 11, after the word "horse," it is proposed to strike out the word "cable;" so as to read:

For operating the same by horse or electric power.

Mr. GORMAN. Why strike out the word "cable?"

Mr. HALE. Will the Secretary read the text of the bill, so that we may see how it reads as proposed to be amended?

The CHIEF CLERK. In section 1, page 2, line 11, after the word "horse," it is proposed to strike out "cable;" so as to read:

With authority to construct and lay down a single or double track railway, with necessary switches, turnouts, and other mechanical devices for operating the same by horse or electric power, for carrying passengers or freight by the following route, namely, etc.

Mr. SPOONER. Do I understand the Senator from Virginia to propose an amendment to strike out the word "cable?"

Mr. DANIEL. The amendments which I am proposing are offered by me in courtesy to the Senator from Vermont [Mr. EDMUNDS]. I understood his objection to the use of the word "cable" to be that he apprehended a cable railroad would interfere with the water pipes as they are laid over the city.

Mr. SPOONER. There is already a provision that the water pipes shall not be interfered with. Whether the water pipes would be interfered with by the use of a cable is merely a matter of opinion and speculation, and that seems to be sufficiently guarded by the prohibition against interference. I should think it would be unwise to deprive this company of the power to use cable power if it should be in the public interests, as I think it might be, that such power should be so used.

Mr. DANIEL. I have no desire to do so, but the Senator from Vermont indicated that without these amendments he would probably object to the bill, and we have tried to put the bill in such a shape as to meet his approbation.

Mr. SPOONER. But the Senate, and not the Senator from Vermont, is passing upon this bill.

Mr. DANIEL. I am only explaining my relation to it.

Mr. SPOONER. I object, for one, in view of the fact that the safety of the pipes is sufficiently guarded in another section, to depriving the

company of the right to use the cable power if they think the public interest and convenience would be thereby subserved. I make the objection so that the amendment may not be passed *nem. con.*, but be submitted to the Senate.

The VICE PRESIDENT. The question is on the amendment. It will be considered as agreed to if there be no objection.

Mr. SPOONER. I objected to it, Mr. President.

The VICE PRESIDENT. The question, then, is on agreeing to the amendment.

The amendment was rejected.

The VICE PRESIDENT. The next amendment in order, proposed by the Senator from Virginia for the Senator from Vermont, will be stated.

The CHIEF CLERK. On page 2, section 1, line 12, after the word "passengers," it is proposed to strike out the words "or freight" and insert the words "parcels, milk, and truck;" so as to read:

For operating the same by horse, cable, or electric power for carrying passengers, parcels, milk, and truck.

Mr. GORMAN. What is the object of that amendment?

Mr. DANIEL. The object of that amendment is to allow the simple market matters to be brought in on this line and to prohibit the carrying of articles of freight that are usually known under the head of "freight." Small truck or market baskets or anything of that sort may come in.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. The next amendment will be stated.

The CHIEF CLERK. On page 3, section 1, line 40, after the word "estate," it is proposed to insert "outside of the cemetery grounds;" so as to read:

And from thence by, on, and over such lines as may be selected by the said company, with the approval of the Secretary of War, to the northwest entrance of the Arlington Cemetery, and thence through the Arlington estate, outside of the cemetery grounds, to the south or west line thereof, in the State of Virginia.

The amendment was agreed to.

The next amendment was, on page 3, section 1, line 42, after the word "authorized," to strike out the word "coincide" and insert "occupied the same street or avenue;" so as to read:

Provided, That should any part of the track herein authorized occupied the same street or avenue with portions of any other duly incorporated street railway in the District of Columbia but one set of tracks shall be used when, on account of the width of the street or for other sufficient reason, it shall be deemed necessary by the commissioners of the District of Columbia.

Mr. HALE. Should the word "be" not be inserted before the word "occupied?"

Mr. DANIEL. That is simply a matter of verbal amendment. The word "coincide" did not seem to convey the exact idea, and the Senator from Vermont suggested the change.

Mr. HALE. It reads now:

That should any part of the track herein authorized coincide.

If you put in the word "occupied," there is no grammar about it unless you insert the word "be" before "occupied;" so as to read:

Provided, That should any part of the track herein authorized be occupied.

Mr. SPOONER. Let the amendment be again read for information, and then let the text be read as it would stand if amended.

The VICE PRESIDENT. The amendment will be again stated.

The CHIEF CLERK. On page 3, in section 1, line 42, after the word "authorized," it is proposed to strike out "coincide" and insert "occupied the same street or avenue;" so as to read:

That should any part of the tract herein authorized occupied the same street or avenue with portions of any other duly incorporated street railway, etc.

Mr. DANIEL. It seems that the word "occupied" ought to be "occupy."

Mr. HALE. That will do.

Mr. DANIEL. The word "occupy" will fill the idea.

The VICE PRESIDENT. That modification will be made. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

Mr. SPOONER. Is there a provison authorizing the condemnation of the right to use the tracks in case the two companies can not agree upon their joint use?

Mr. DANIEL. There is a provision that in case of disagreement between the companies the supreme court of the District of Columbia, on petition filed, may hear the matter and adjust it.

The VICE PRESIDENT. The next amendment will be stated.

The CHIEF CLERK. On page 3, section 1, line 44, it is proposed to strike out all after the word "used," down to and including the word "Columbia," in line 46, as follows:

When, on account of the width of the street or for other sufficient reason, it shall be deemed necessary by the commissioners of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 3, in section 1, line 51, to strike out the second word "by" and insert the word "on;" so as to read:

In the case of disagreement, by the supreme court of the District of Columbia on petition filed therein by either party, and on such notice to the other party as the court may order, etc.

The amendment was agreed to.

The next amendment was, on page 3, section 1, line 58, after the word "Virginia," to insert "excepting the Arlington Cemetery grounds;" so as to read:

And said company is hereby authorized to run its said railway through the United States reservation known as Fort Myer and such other land of the United States in the State of Virginia, excepting the Arlington Cemetery grounds, as may be necessary to construct the railway between the points named in this bill.

The amendment was agreed to.

The next amendment was, on page 3, section 1, line 59, after the word "bill," to insert:

Only if the Secretary of War shall deem the same promotive of the public interests, and always subject to such conditions and regulations as the Secretary of War may from time to time impose.

The amendment was agreed to.

The next amendment was, on page 3, section 1, to strike out from line 60 to line 62, inclusive, as follows:

Provided, That in so doing the said company shall first have obtained the approval of the Secretary of War of the line of said railway through said property.

Mr. DANIEL. That is a consequential amendment to the one just adopted.

The amendment was agreed to.

The next amendment was, on page 4, in section 2, line 5, after the article "a" to insert "suitable;" so as to read:

That the railway hereby authorized and lying in the District of Columbia and on the bridge shall be constructed by said company of good materials, and in a substantial manner, with grooved rails of the best pattern, and of a suitable gauge to be approved by the commissioners of the District of Columbia and the Secretary of War jointly.

The amendment was agreed to.

The next amendment was, on page 4, section 2, line 5, after the word "gauge," to insert a comma and a dash, and the word "all;" so as to read:

And of a suitable gauge,—all to be approved by the commissioners of the District of Columbia and the Secretary of War jointly.

The amendment was agreed to.

The next amendment was, on page 4, section 2, line 10, after the word "order," to insert "to the satisfaction of the commissioners of the District of Columbia;" so as to read:

The tracks of said railway, so far as the same shall lie within the District of Columbia, and the space between the same and for 2 feet adjacent to the outer rails thereof, shall be at all times kept by said company well paved and in good order, to the satisfaction of the commissioners of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 4, section 2, line 17, after the word "Columbia," to insert "and subject to the other provisions of this act;" so as to read:

And it shall be lawful for said company to make all needful and convenient trenches and excavations in any streets or spaces where its railway may be constructed, and to place in such trenches and excavations all the needful and convenient devices and machinery for operating said railway in the manner and by the means aforesaid, subject to the approval of the commissioners of the District of Columbia and subject to the provisions of this act.

The amendment was agreed to.

The next amendment was, on page 4, section 2, line 19, after the word "line," to insert "not in any avenue, street, alley, or other public place;" so as to read:

And also it shall be lawful for said company to erect and maintain, at such convenient and suitable points along its line, not in any avenue, street, alley, or other public place, as may be deemed advisable by said company or its board of directors, and subject to the approval of the proper authorities over the place or places where the same may be located, etc.

Mr. GORMAN. I call the attention of the Senator from Virginia to the amendment which has been made in line 17.

Mr. DANIEL. That is correct. It is subject to the other provisions of the act.

The VICE PRESIDENT. The question is on the amendment which was last read.

The amendment was agreed to.

The next amendment was, on page 4, section 2, line 21, after the word "approval," to strike out the words "of the proper authorities" and insert "and regulations from time to time made by the commissioners of the District of Columbia;" so as to read:

It shall be lawful for said company to erect and maintain, at such convenient and suitable points along its line as may be deemed advisable by said company or its board of directors, and subject to the approval and regulations from time to time made by the commissioners of the District of Columbia, over the place or places where the same may be located, an engine house or houses, boiler house or houses, and other buildings necessary for the successful operation of said road.

The amendment was agreed to.

The next amendment was, on page 5, section 3, line 1, after the word "company," to strike out the word "shall" and insert "may;" so as to read:

That the said company may receive a rate of fare not exceeding 5 cents for each passenger for one continuous ride over the route aforesaid or any part thereof, between the termini of said railroad, and shall sell tickets at the rate of six for 25 cents, etc.

The amendment was agreed to.

The next amendment was, in section 5, on page 3, line 13, after the

words "lieu of," to strike out "personal taxes" and insert "taxes on personal property;" so as to read:

And said company shall pay to the District of Columbia, in lieu of taxes on personal property for the next ensuing fiscal year, 2 per cent. of its net earnings upon traffic for the preceding year, as shown by said verified statement.

The amendment was agreed to.

Mr. SHERMAN. I should like to make an inquiry of the Senator from Virginia. I understand that the bill as it now stands allows this company to build a cable road along M or High street in Georgetown the whole length from Rock Creek to the bridge, and authorizes them to use a cable. Under authority already given the Washington and Georgetown Railway Company is now building a cable road between those points. It is utterly impossible for two cable railroad companies to use the same cable and it is impossible also for a horse railroad or any other kind of a railroad which travels more slowly than a cable line to use the same road as a cable road. The cable road must necessarily occupy an exclusive track. I ask how the Senator proposes to settle that difficulty.

Mr. STEWART. I suggest to the Senator that, so far as cable and horse cars are concerned, they are frequently used on the same tracks.

Mr. SHERMAN. But this is for a mile.

Mr. STEWART. For two or three blocks the two systems can operate very readily, and it is frequently done.

Mr. SHERMAN. I can see that, but the Washington and Georgetown Street Railroad Company is now constructing a cable road. It seems to me the very nature of a cable road would require the exclusive occupation of the tracks used by it. I do not see how the same tracks could be used by two different cable roads. As the Senator from Nevada [Mr. STEWART] says, horses might go over the road for a block or two, but as a matter of course the rate of speed by a horse car is much slower than the rate of speed by a cable car, and there would be constant danger of collision if they ran on the same tracks. It would be impossible to run a horse car on a cable road for the reason that it would be impossible to run cable cars at as slow a rate of speed as horse cars would run. The momentum or rate of travel by the cable system is fixed for the whole line, and the cars travel at a uniform rate; they must go at the same rate, and all the cars must necessarily travel 5 miles an hour, or whatever the rate of speed may be.

It seems to me, therefore, that this road had better be put on some other line parallel to M street. I merely submit the difficulties which occur to me to the Senator from Virginia, without desiring to interfere with the passage of the bill.

Mr. EDMUNDS. Mr. President, I had partly in view what the Senator from Ohio has said when I prepared an amendment in the Judiciary Committee room (I would say during the session of the Senate), striking out the word "cable," for the observations of the Senator from Ohio are practically, I am sure, correct, that it is incompatible with the nature of the two services, horse and cable, and probably motor car and cable (though that would not be so inconsistent with the use), to get on over the same line, and yet the nature of the streets in Georgetown, and in this town, too, is such that it would really be a public nuisance to have two separate sets of double tracks for two different railroads. That would make four tracks, which would be really destroying the value of the street for the common purposes of citizens.

But my chief desire in striking out the word "cable" was because I am informed by the Chief of Engineers (and the committee who had the aqueduct business in charge two or three years ago made a very careful examination into it) that when you get to that street in Georgetown where the mains supplying Georgetown and Washington with water lie, all the way up to The Three Sisters—there are four mains, I think, now lying in that street, certainly four beyond this end of the Aqueduct bridge, in Georgetown—and from that point on to where these gentlemen wish to cross the river, which is probably the best place to cross it, the roadway is necessarily very narrow. On the left-hand side of the road going up is the bank of the canal, protected on the roadside by a wall, I believe, the most of the way, and then by railings, etc., and on the right-hand side going up are for a considerable part of the way cliffs of solid rock. So the Chief of Engineers says (and I had a letter from him with a diagram showing it all, that I thought I had turned over to some one) it would be entirely dangerous to the pipes that now lie there, and upon which the cities of Washington and Georgetown depend for water, to undertake to lay a cable road there, which would occupy about all there was that was left of the street, and the slightest disturbance would endanger the water pipes, and it is really impracticable.

I explained this, as I thought, to the gentlemen interested in this bill who did me the honor to come to see me about it, and they were quite satisfied, if I correctly recollect their statement, that it would be improper to undertake to put a cable road there, and they therefore assented to the striking out of the word "cable," wanting, as they said—and I have no doubt they stated it with frankness and in good faith—to run motor cars through the city of Washington and up to the bridge where they cross the river.

Therefore, I must express my regret that the Senate has thought it fit not to agree to that amendment, and, if proper, I would ask the Senate to reconsider it, for that is a very serious danger.

Mr. SPOONER. I submitted one or two observations against striking out the word "cable." Of course I had not, nor had any member of the Senate so far as I know, any opportunity to be informed of the consent which the Senator from Vermont says was given by the gentlemen in interest to the amendment. I thought in the public interest it might become necessary some day, and important, that the company should have the power to utilize the cable system; and as the Senator had already guarded against any injury to the water pipes by absolutely prohibiting any use of this franchise that should in any manner interfere with the water pipes, it seemed to me that he had sufficiently protected that point.

The argument which the Senator from Ohio [Mr. SHERMAN] made would be equally against the joint use of that track for horse cars for a considerable distance. He says they could not use a cable road jointly on tracks for cars propelled by horses for a mile. If they can not, and I suppose they can not, use jointly that track with another company for a cable, it would seem to me to be pretty clear that they either ought to be permitted to put down separate tracks or else that they ought to go on another street, if there is another street which could be utilized without detriment to the public interest.

Mr. EDMUNDS. There is not any other street, I am quite sure. I did have a map—it is down in my committee room, where everything else is—showing where this line was drawn out, which was sent to me recently by the Chief of Engineers, and attention was called to the impracticability of having a cable road where these water pipes are. There is Water street, but the difficulty is that it does not go half far enough. That is a low street, is out of the line of communication, and they could not get back from it on the river side to get on to the place where they cross, as I now understand it. So I do not see how they could accomplish this enterprise unless they go a distance of half a mile or so, I should say, on the same street where the Washington and Georgetown cars now run.

Mr. SPOONER. Then they could only use the electric motor?

Mr. EDMUNDS. Then they could only use the electric motor, unless for a very short distance. There would not be much difficulty if both companies exercised care in running the horse cars. There is no difficulty at all in running horse cars on a cable line.

Mr. SPOONER. If but a short distance.

Mr. EDMUNDS. The place where they would strike High street or Bridge street, in Georgetown, can not be anything like a mile in distance, I should suppose.

The VICE PRESIDENT. The question is on the motion made by the Senator from Vermont to reconsider the vote by which the Senate rejected the amendment striking out the word "cable."

Mr. GORMAN. As I understand, the Senator from Vermont suggests that if this company is permitted to use a cable it will interfere with the water pipes. I did not hear very distinctly, but that is what I understood him to say.

Mr. EDMUNDS. That is the way I understand it.

Mr. GORMAN. Now, there is a provision in the bill, an amendment drawn by the Senator from Vermont and adopted, providing that this company shall in no case interfere with the water main, and that the road shall be constructed in that respect practically under the direction of the Secretary of War. So that ample provision has been made by the amendment guarding against any interference whatever with the water mains.

Mr. EDMUNDS. Will the Senator from Maryland allow me a moment?

Mr. GORMAN. Certainly.

Mr. EDMUNDS. I ought to have said, what I had at the moment forgotten, that there is a provision there which I believe was prepared by myself, but which, upon looking at the paper as I hastily came up to the Chamber, I did not observe, which will probably be adequate to secure the water mains, because the Secretary of War and Chief of Engineers will not permit them to lay down cable or any other kind of work that will endanger those. So that, so far as I am concerned, I do not think it will do any injury to the particular security I had in view to leave out the word "cable." But these gentlemen, as I understood them, were entirely satisfied to leave it that way.

Mr. GORMAN. I am satisfied that the Senator from Vermont will agree to let the word "cable" remain in the bill, for this reason: Nobody has taken more interest in it than he has, but he wants a better car service in the District of Columbia. Congress has prohibited by an act, I think by an amendment drawn by the Senator from Vermont himself, the use of electric wires overhead. Now, it has been clearly demonstrated, in every city where it has been tried, that it is impossible with economy and fair service to use electricity except by overhead wires. It has not yet been demonstrated that you can use it at all within reasonable bounds of economy by a conduit with the wires underground.

Mr. HALE. How is the road to be operated that we all see being constructed along G street to its intersection with Fifteenth street nearly opposite the Treasury? How are the cars to be propelled?

Mr. GORMAN. I understand that Congress has prohibited that company from using overhead wires on that part of its line. That is an extension of the road which comes down New York avenue to Sev-

enth street, and they intend to try the experiment upon that level ground of using storage batteries.

Mr. HALE. But not underground.

Mr. GORMAN. Not underground, for no preparation whatever has been made for it. They have experimented in Boston, Baltimore, and many other cities, and they have found the use of electricity a failure except by the use of overhead wires; that is to say, it is too expensive; the loss of power is so great that it makes the operation of a road about double the cost of horse power. Now, what we are anxious about is to have better service, and Congress authorized the present road, which extends east and west, to put in a new motive power.

The Washington and Georgetown Railroad Company made a most thorough examination in every city in the Union, and the report of their officers comes back to us that in the District of Columbia, with our streets and with our grades, the cable is the most economical and the best motive power that they can possibly adopt. Hence, they have put it on Seventh street, and they are now preparing to run it on the road from the Washington navy yard to Georgetown.

Here is proposition for a parallel and competing road from Seventh street to the upper end of Georgetown, and thence to Arlington. If you strike out the word "cable" you will practically confine them to one of the ordinary horse railroads. I submit to the Senator from Vermont that as he has made ample provision that no interference whatever with the water mains shall occur, more stringent, I think, than in regard to any other road in the District, he had better let the word "cable" remain in the bill and give them the opportunity, if they find it best, to use cable power.

Mr. EDMUNDS. I do not agree with the Senator from Maryland that the motor cars are a failure, even in an economic point of view. I do not mean to say that they can be run as cheaply, mile for mile, as a horse-car line, but I believe that the very last year, 1890, has shown in some places in the United States that with the continual gain that applied science is making in the use of electricity motor cars are entirely adequate for the usual purposes of street railways.

Mr. HARRIS. May I ask the Senator if he means the storage-battery car when he uses that term "motor"?

Mr. EDMUNDS. That is what I mean, that storage-battery cars can be used in that way. I am sure that I very recently saw a statement in reference to some city in the State of Washington—I think it was either Tacoma, or Seattle, or Olympia, one of those three cities—showing the progress of the town, the extent of its street-railway service, and the extremely good service that it has from motor storage-battery cars, as I understood it to be. I certainly understood last year from the president, I think it was, of the Eckington Railway, which had been under dicsussion, that his own engineers and electricians had found some devices or applications that gave very encouraging promise of the question being satisfactorily solved here, and that they were going to try it. Perhaps further experiments have shown that they could not do it.

The idea the Senator from Ohio has stated so well struck me; but my chief thought was directed to the absolute preservation of the water mains that occupy the whole of that country up there, and must necessarily do so; I did not give much consideration to that part of it; and as these gentlemen—if I correctly understood them, and I am very confident I did—repeatedly said that they were going to run motor cars this side of the bridge, and that is all they wanted to do, and so on, in order to make the whole thing complete and systematic I proposed to strike out the word "cable" where it applies to these two cities, so as to make it absolutely secure. But I repeat, and it is due to fair argument to say so, that I think the provision which I have proposed for the particular purpose I am speaking of would be adequate. So I am willing, so far as I am concerned, to let it stand on that, and we shall see how it will result. So, Mr. President, I withdraw my motion to reconsider, if there is no objection.

The VICE PRESIDENT. The motion to reconsider is withdrawn. The next amendment will be stated.

The CHIEF CLERK. On page 5, section 3, line 13, strike out the words "personal taxes" and insert "taxes on personal property;" so as to read:

And said company shall pay to the District of Columbia, in lieu of taxes on personal property for the next ensuing fiscal year, etc.

The amendment was agreed to.

The next amendment was, on page 5, section 3, line 14, after the word "year," to strike out the word "two" and insert "four;" so as to read:

Four per cent.

The amendment was agreed to.

The next amendment was, on page 5, section 3, line 14, to strike out the word "net" and insert the word "gross;" so as to read:

Of its gross earnings.

The amendment was agreed to.

The next amendment was, on page 5, section 3, lines 15 and 16, to strike out the words "as shown by said verified statement;" so as to make the clause read:

Upon traffic for the preceding year, which amount shall be paid to the collector of taxes, etc.

The amendment was agreed to.

The next amendment was, on page 6, section 3, lines 24 and 25, to strike out the words "of personal taxes" and insert "upon its personal property;" so as to read:

And all other assessments upon its personal property in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 6, section 3, line 25, after the word "Columbia," to strike out the words "upon its property."

The amendment was agreed to.

The next amendment was, on page 7, section 5, line 5, after the word "be," to insert "made from time to time by said company and;" so as to read:

And shall run cars thereon as often as the public convenience may require, and according to a schedule to be made from time to time by said company and approved by the commissioners of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 7, section 5, line 6, after the word "Columbia," to insert "but no steam cars, locomotives, passenger, or other cars for steam railways shall ever be run on said railway."

The amendment was agreed to.

The next amendment was stated to be on page 8, section 5, line 14, to strike out all after the word "railway" down to and including the word "aforesaid," in line 30.

The VICE PRESIDENT. This amendment, the Chair is informed, was agreed to when the bill was under consideration on the 18th of December. It is unnecessary to pass upon it again. The next amendmen will be stated.

The next amendment was, on page 11, section 7, to strike out the proviso down to and including the word "located," in line 23, as follows:

Provided, That said by-laws or any of them be not contrary to this act or any other law in force where its railway may be located.

The amendment was agreed to.

The next amendment was, on page 11, section 8, line 17, after the word "such," to insert the words "lawful and reasonable;" so as to read:

For the purpose of paying dividends at such lawful and reasonable times, etc.

The amendment was agreed to.

Mr. DANIEL. After the word "Virginia," in line 41, section 1, page 3, I move to insert the following proviso:

Provided, That said road shall cross the Chesapeake and Ohio Canal on a bridge that shall be so constructed as not to interfere with the use of the bed or towpath of the canal as a waterway or as a railway, and in a manner satisfactory to the Secretary of War.

The latter words are proposed at the suggestion of the Senator from Vermont.

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

The amendment was agreed to.

Mr. DANIEL. I wish to submit just one word of inquiry. In the section that was inserted after section 14, I should like to inquire if the words "or on any property of the United States either within or without said District" are contained in the amendment. They are stricken out in pencil mark in the copy of the amendment I have before me, and I believe they were intended to be left out.

The VICE PRESIDENT. The words were not stricken out.

Mr. EDMUNDS. No; the clause is not stricken out, and I think it had better be left to stand as it is.

Mr. DANIEL. Very well. I have no further amendment to suggest, Mr. President. On page 14, section 15, the original text still stands, I suppose?

The VICE PRESIDENT. It still stands.

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.

COIN AND CURRENCY.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay the unfinished business before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4675) to provide against the contraction of the currency, and for other purposes.

Mr. PLUMB. I wish to offer an amendment to the bill.

Mr. WILSON, of Iowa. I ask that the bill be temporarily laid aside for a few moments.

Mr. PLUMB. I am going to leave the Chamber, and I desire to offer an amendment to the first section of the bill, in the nature of a substitute. I ask that it be read and printed.

The VICE PRESIDENT. The amendment to be proposed by the Senator from Kansas will be read.

The CHIEF CLERK. Strike out section 1 and insert:

That the compulsory requirement of deposits of United States bonds with the Treasurer of the United States by national banks is hereby limited in amount to $1,000 of bonds for each and every national bank: *Provided*, That this act shall not apply to the deposits of bonds which may be required by the Secretary of the Treasury to secure deposits of public moneys in the national banks.

The VICE PRESIDENT. The amendment will be printed.

ADDITIONAL ASSOCIATE JUSTICE IN ARIZONA.

Mr. WILSON, of Iowa. I ask unanimous consent that the regular order may be laid aside for a few moments in order that the Senate may take up the first number on the Calendar, which would have been considered if the Calendar had been reached this morning, so as to dispose of the measure for the promotion of the judicial interests of the Territory of Arizona.

Mr. GORMAN. Let the bill be read, subject to objection.

Mr. WILSON, of Iowa. It is the bill (H. R. 6975) to provide for an additional associate justice of the supreme court of Arizona.

The VICE PRESIDENT. The bill was reported with an amendment in the nature of a substitute. The substitute will be read if there be no objection.

The CHIEF CLERK. The committee report to strike out all after the enacting clause of the bill and insert:

That hereafter the supreme court of the Territory of Arizona shall consist of a chief justice and three associate justices, any three of whom shall constitute a quorum; but no justice shall act as a member of the supreme court in any action or proceeding brought to such court by writ of error, bill of exception, or appeal from a decision, judgment, or decree rendered by him as judge of a district court, unless one of the other justices is disqualified to sit in such action.

SEC. 2. That it shall be the duty of the President to appoint one additional associate justice of said supreme court in manner now provided by law, who shall hold his office for the term of four years, and until his successor is appointed and qualified.

SEC. 3. That the said Territory shall be divided into four judicial districts, and a district court shall be held in each district by one of the justices of the supreme court thereof, at such time and place as is or may be prescribed by law. Each judge, after assignment, shall reside in the district to which he is assigned.

SEC. 4. That the present chief justice and his associates are hereby vested with power and authority and they are hereby directed to divide said Territory into four judicial districts, and make such assignments of the judges provided for in the first section of this act as shall in their judgment be meet and proper.

SEC. 5. That the said district court shall have jurisdiction, and the same is hereby vested, to hear, try, and determine all matters and causes that the courts of the other districts of the Territory now possess; and for such purposes two terms of said court shall be held annually, at such places within said district as may be designated by the chief justice and his associates, or a majority of them; and grand and petit jurors shall be summoned thereon in the manner now required by law.

SEC. 6. That all offenses committed before the passage of this act shall be prosecuted, tried, and determined in the same manner and with the same effect (except as to the number of judges) as if this act had not passed.

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

Mr. PUGH. Mr. President, I would like to inquire if that bill was reported from the Committee on the Judiciary.

Mr. WILSON, of Iowa. It was reported from the Committee on the Judiciary. The amendment which has just been read was the amendment directed by the committee to be reported.

Mr. PUGH. Reported the 16th of December?

Mr. WILSON, of Iowa. On the 16th of December.

Mr. PUGH. I have no recollection of ever hearing of it before.

Mr. WILSON, of Iowa. I reported it by direction of the committee.

Mr. PUGH. I should like to hear some of the reasons stated for the proposed addition to the number of judges in that Territory. The bill proposes an increase of judges in that Territory, I understand.

Mr. WILSON, of Iowa. It proposes an increase of one. There are three judges now. The extent of the Territory, its division, and the condition and amount of business seem to render it necessary that they shall have another judge and another district. The other House passed the bill, sent it to the Senate, it went to the Committee on the Judiciary, was considered by that committee, and the amendment which has just been read was reported.

The principal difference—I may in fact say the only differences between the bill as passed by the House of Representatives and the substitute reported by the committee are that the substitute makes certain provisions for always having a quorum in the court of appeals or supreme court, and also leaves to the court the determination of the district. Those are the only differences between this amendment and the bill as it passed the other House.

Mr. PUGH. Can the Senator inform me the sources of information upon which the committee acted in giving this increase in the number of judges and the necessity for it?

Mr. WILSON, of Iowa. I obtained some information from the Department of Justice, and also through communications from citizens of the Territory. This is the only Territory that was left without a provision of this kind in respect of their courts, and the bill gives them four judges, as had been given to the others. The consideration which I gave to this bill, and also that of my colleague on the subcommittee, induced us to believe that the bill ought to pass in the form of the amendment which had been reported and which was just read at the desk.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The question is on the adoption of the amendment reported by the committee.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

Mr. WILSON, of Iowa. I now move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Chair was authorized to appoint the conferees on the part of the Senate; and Mr. WILSON, of Iowa, Mr. EVARTS, and Mr. VEST were appointed.

PUBLIC BUILDING AT YOUNGSTOWN, OHIO.

Mr. SPOONER. Mr. President, I present a privileged report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 507) to provide for the erection of a public building at Youngstown, Ohio, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreements to the amendments of the House, and agree to the same with an amendment as follows:

In lieu of the part proposed to be stricken out, strike out all after the word "dollars," in line 11, to the end of the bill and insert:

"Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

"Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

"If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

"The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

"No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Ohio shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

"The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys."

JOHN C. SPOONER,
G. G. VEST,
Managers on the part of the Senate.
S. L. MILLIKEN,
P. S. POST,
Managers on the part of the House.

The report was concurred in.

STUBBS AND LACKEY.

Mr. SHERMAN. There is a little bill on the Calendar——

Mr. SPOONER. I desire to present another privileged report. I have several conference reports to present.

Mr. SHERMAN. I hope the Senator will indulge me just a moment. There is a little bill here which proposes to do a manifest act of justice, reported from the Committee on Claims, of which the Senator from Wisconsin is chairman. The bill is very short, and if the Senate will hear it read, and the report, which is only a third of a page long, I have no doubt it will receive unanimous assent. It is a case of very great hardship, and delay would be very great injustice.

Mr. SPOONER. Very well.

Mr. SHERMAN. It is the bill (H. R. 2309) for the relief of Stubbs and Lackey.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent to proceed to the consideration of the bill which will be read.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be directed to pay to Albert Stubbs and Job Lackey, of Lebanon, Ohio, the sum of $2,128.87, in full of all work done by them, or by John B. Holbrook, in building a dike at Merriman Bar, and dams at Captina and Fish Creek Islands, in the Ohio River; and there is hereby appropriated, for such purposes, out of funds otherwise unappropriated and lying in the Treasury, the sum of $2,128.87.

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

Mr. COCKRELL. I should like to hear the report or to have an explanation of the bill.

Mr. SHERMAN. There is a report.

Mr. SPOONER. All there is of it is this: These parties were surety upon the bond of a contractor to do certain work. The contractor, pending the work, absconded, leaving his men unpaid. The sureties, as they had a right to do, took charge of the work and performed the contract in accordance with its terms, and the work was accepted by the Government. Under the contract with the contractor a percent-

age, as is usual, was retained by the Government, amounting, I think, to a little over $2,000. These sureties were clearly, as a matter of law and equity recognized by the court, subrogated to the rights of the contractor. This bill is to pay to the sureties, who performed the contract, that retained percentage.

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

PUBLIC BUILDING AT HAVERHILL, MASS.

Mr. EDMUNDS. I think we had better have the regular order now. I am afraid we shall delay the financial debate.

The PRESIDING OFFICER. The Senator from Wisconsin gave notice of a further privileged report.

Mr. SPOONER. I have a privileged report to submit.

Mr. EDMUNDS. That is right.

Mr. SPOONER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3417) to provide for the purchase of a site and the erection of a public building thereon at Haverhill, in the State of Massachusetts, having met, after a full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreements to the amendments of the House, and agree to the same with an amendment as follows: Strike out all after the word "dollars," in line 9, to the end of the bill and insert:

"Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

"Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to said proposed sites.

"If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

"The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

"No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Massachusetts shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

"The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys."

JOHN C. SPOONER,
G. G. VEST,
Managers on the part of the Senate.
S. L. MILLIKEN,
Manager on the part of the House.

The report was concurred in.

PUBLIC BUILDING AT LEWISTON, ME.

Mr. SPOONER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2405) to provide for the purchase of a site and the erection of a public building thereon at Lewiston, in the State of Maine, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: Strike out all after the word "dollars," in line 10, and insert:

"Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

"Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into its possession relating to the said proposed sites.

"If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, map, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

"The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

"No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Maine shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

"The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys."

JOHN C. SPOONER,
G. G. VEST,
Managers on the part of the Senate.
S. L. MILLIKEN,
P. S. POST,
Managers on the part of the House.

The report was concurred in.

PUBLIC BUILDING AT FORT DODGE, IOWA.

Mr. SPOONER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 953) for the erection of a public building at Fort Dodge, Iowa, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreements to the amendments of the House, and agree to the same with an amendment as follows:

In lieu of the part proposed to be stricken out, strike out all after the word "dollars," in line 11, and insert:

"Proposals for the sale of lands suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

"Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to said proposed sites.

"If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

"The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

"No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Iowa shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

"The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys."

JOHN C. SPOONER,
G. G. VEST,
Managers on the part of the Senate.
S. L. MILLIKEN,
P. S. POST,
Managers on the part of the House.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MARTIN, its Chief Clerk, announced that the House had passed a bill (H. R. 12365) to authorize Oklahoma City, in Oklahoma Territory, to issue bonds to provide a right of way for the Choctaw Coal and Railway Company through said city; in which it requested the concurrence of the Senate.

NICARAGUA CANAL—CHARLES T. HERVEY'S REPORT.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That the sum of $207 is hereby appropriated, to be paid out of the contingent fund of the Senate, to be expended by the Secretary of the Senate in the purchase of 1,000 copies each of six maps and six plates that accompany the special report made in 1890 by Charles T. Hervey, civil engineer to the Maritime Canal Company of Nicaragua.

COIN AND CURRENCY.

The PRESIDING OFFICER. The regular order, Senate bill 4675, will be proceeded with.

Mr. DOLPH. I ask unanimous consent that House bill 5474 may be taken up and disposed of. It is a small matter and the justice and equity of the case is far more apparent than that of the bill which was taken up a few minutes ago on motion of the Senator from Ohio.

Mr. EDMUNDS. I think it is due to the gentlemen who wanted time to discuss the financial bill until next Wednesday that they should have that opportunity. If the gentlemen in charge of the bill and those who desire to support it or oppose have nothing to say upon it to-day of course I can not interfere, because I can not reverse the understanding that it was not to be voted upon until next Wednesday, but I think it is due to everybody who wishes to speak, if there be anybody, that he should have an opportunity now.

Mr. DOLPH. Of course it was understood that if anyone wished to take the floor on the bill he would interpose an objection. It will only take a few moments to dispose of the bill I ask the Senate to consider.

Mr. EDMUNDS. I shall insist on the regular order for awhile and see how we get on.

The PRESIDING OFFICER. The Senator from Vermont calls for the regular order, and the unfinished business will be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4675) to provide against the contraction of the currency, and for other purposes, the pending question being on the amendment of Mr. STEWART to the amendment of the committee.

Mr. BLACKBURN. Mr. President, there has been so much said on behalf of the amendment which is pending before the Senate and so little in the way of argument said against it that it seems well-nigh superfluous to continue this discussion, at least upon the part of the friends of the measure. And yet, sir, I am not willing that this debate should close without bearing the testimony of my section and my people to the merits of the amendment that we are now considering. I am not willing to have it go to the country and to the world that this is simply an effort made by the representatives from silver States and that the rest of the country is indifferent to the result. There is not a silver mine within the limits of the great Commonwealth that sends me here, and yet I venture to assert that her people are as united, as earnest, as honest, and as clamorous in their demand for the free coinage of silver as are the people of Colorado, or California, or Idaho, or Nevada.

It would seem to an unprejudiced and fair-minded man that we, of all the civilized countries of this world, need a liberal per capita circulating medium when we come to consider the vast enterprises that are projected and are to-day and must for many years be in process of completion, when we remember that we occupy a continent, and that the movement of its crops from ocean to ocean seeking seaboard transportation to the markets for which they are destined requires an outlay and an expenditure of money far in excess of that to which any pent-up European country can possibly be subjected.

It would seem that these and many other considerations that may be submitted would entitle us to at least as large, as full a measure of per capita circulating medium as any of the countries of the Old World require or demand. And yet, sir, we have it not. These enterprises are required to go on, the crops of the country must be moved, its business must be maintained upon a relatively and comparatively small sum of money.

We are told by the official authorities of this Government that France, with a population of 38,250,000 people, is carrying in her circulation $900,000,000 of gold and $700,000,000 of silver and nearly $600,000,000 of outstanding notes, a total of metal and paper currency of $2,194,000,000 of money, which gives to her 38,250,000 people a total per capita of $57.36.

Contrast, if you please, with that our own monetary policy. I am speaking now of the most prosperous nation financially upon this earth; I am speaking of a nation whose financiers within late years have given evidence of superiority when compared with those of any other people; I am speaking of a nation that within the memory of every man who sits here by me on this floor was subjected to a payment of the heaviest war indemnity that one nation conquering ever inflicted upon a nation vanquished; and yet to-day it stands in the very front rank, the stay upon which universal credit has recently been forced to rest, the prop that saved England and the world from commercial panic if not bankruptcy within the last thirty days. Her people have no such necessities for a large circulating medium as ours, and yet they have a total per capita of more that $57, whilst we are asked to be content with a per capita of less than $23.

Great Britain carries to-day with her 38,000,000 people a gold circulation of $550,000,000, a silver circulation of $100,000,000, an outstanding note circulation of $190,000,000, a total of metallic and paper currency of $840,000,000, and a per capita of $22.01.

Germany carries with her 48,000,000 people $500,000,000 of gold to-day and $215,000,000 of silver. This, the single-standard country, this, the nation that bows down in its fetich worship to gold, carries in her circulation to-day $500,000,000 of gold and $215,000,000 of silver, and she carries $275,000,000 of paper, and gives to her people a per capita of $20.63. Ours is $22.36. And yet, Mr. President, the gentlemen who oppose the passage of this amendment, they who see danger in the adoption of a free-coinage law, tell us that their apprehensions are based upon a flood of silver that is to pour in upon this country.

You have to-day in circulation but $116,000,000 of silver money. Of all these countries, Britain alone is below the silver circulation of the United States. Germany, which demonetized that metal, carries more than $2 of silver to our $1, whilst France carries well-nigh $7 for every $1 that is in circulation in this country.

Mr. President, I have been listening and I have been reading the speeches made by those who oppose a free silver-coinage act. I have failed to find an argument or a suggestion that was entitled to serious consideration.

The Senator from New York [Mr. HISCOCK], who is not now in his seat, told us in his speech the other day that he was opposing the adoption of this amendment simply and solely because it would tend to contract the volume of our currency. He said that he was against it because its effect would be to increase the burdens of the debtor class of this country by a shriveling process to be applied to the circulating medium. I doubt not that he was sincere. I have known him too long and too favorably to mistrust his purpose; but this I may in fairness be permitted to say, that if he is sincere, if the reason assigned by him constitutes the ground of his objection, it is the first time in the modern history of this people that any man coming from that section, and representing the people who send him here, has ever had manliness enough to open his mouth in opposition to a contraction of the currency.

They tell us that silver from abroad will flood the country if we dare to open our mints to its coinage; they tell us that the foreign holder of silver from every nation and every clime will come clamoring here to have his foreign silver coins reminted at our expense. This debate, which has been, if not long, at least elaborate and instructive, would demonstrate to the satisfaction of every honest mind that this apprehension is groundless. There is no reason to entertain such a fear. It is proven conclusively that there is no country within the limits of the earth that holds any appreciable quantity of silver which can be induced to part with it.

But let us look at the bill which the Committee on Finance has offered to the Senate for its adoption. In its fourth section, which is an amendment offered by the committee of the Senate, it answers conclusively and disproves the ground of apprehension upon the part of the men who oppose the pending amendment. The committee that draughted the fourth section of this bill that I have in my hand was not afraid of an influx of currency. It was not alarmed at the idea that values were to be disturbed and business was to be overthrown by the unexpected and sudden introduction of an immense volume in addition to the present circulating medium of this land, because it provides expressly for the issue of $200,000,000 more than we have now.

As a single naked proposition I have no fault to find with that. I think we need more currency than we have now. I shall not quarrel with the committee for proposing to increase it to the extent of $200,000,000, which is provided in the fourth section of the bill as reported to this Chamber; but I do seriously complain of the method adopted in that fourth section. I reiterate the eloquent protest uttered by the Senator from Nevada [Mr. STEWART] when here within the last three days he called the attention of this Chamber and the country to the fact that this was a device upon the part of the committee looking to the perpetuation of a banking system that has already been doomed and which the people will no longer tolerate.

The fifth section of the bill provides that free coinage may be given to silver upon condition, and the very condition makes its admission to the mint impossible. It says that before this silver metal shall have the right of access to the mints of this country it shall first, as a condition precedent, have maintained its parity or above for one year at least. It requires of silver the execution of an impossibility. No silver advocate upon this floor ever claimed, no friend of that metal was ever idiotic enough to claim, that it could assert and maintain continuously for a year or more its parity in value until it was put upon even terms with the measure by which you intend to gauge it. You can not make silver the equivalent of gold; it is impossible for that parity of value ever to be reached, much less to be maintained as long as it is trampled under foot and treated as a debased and dishonored coin.

The architects of this bill have draughted wisely or at least they have draughted shrewdly in the execution of a purpose to thwart the will of the American people upon this great question. If the Senator from Ohio was correct in the opening remarks he made to this Chamber upon the first day the bill was brought up for discussion we are dealing with an issue wrapped in the short amendment offered by the Senator from Nevada, bigger, more important, more grave, and entitled to more serious consideration than any that has been presented to this Chamber during this or the preceding sessions.

Mr. President, I object to the bill that the committee have brought here, not only because of its fourth and fifth sections, to which I have briefly adverted, but I object to it for many reasons, and in order to sum them up and state them in a single sentence, I object to this bill because it falls short of the demands of the people and fails to give a just and full measure of relief.

Since 1873, when the people of this country discovered that silver had been stricken from the list of precious metals, there has been a well-nigh universal demand for its restoration to the position that it had held and honored through all the ages.

The people demand free coinage, and, what is more, they mean to have it. It is not in your power to deny it much longer. You have measured out your homeopathic doses of relief until they will no longer satisfy.

A limited coinage act of 1878, followed by the meager supplemental legislation that has come to us since, has not sufficed to satisfy the demands of the American people. They will have nothing less than an absolutely free coinage of this metal. The handwriting is upon the

wall, and even though one be blind he may read it in its glaring characters.

You may rely, and you do rely, upon the veto power that is vested in your President to protect you from the passage of this act. That will prove to be a vain reliance. He dare not furnish you that veto. When this amendment passes this Chamber and is enacted into law, so far as Congress is concerned, by the concurrence of the House of Representatives, your President dare not put his veto upon the bill, unless he is already prepared to sign the death warrant of a party already doomed.

But even if he give it to you it will not suffice you. Thank God the death knell of this Congress will soon be rung; and then comes another Congress whose House of Representatives will give free coinage to the American people by the vote that the Constitution requires to pass it over the veto of a President, and this Senate, as then constituted, will concur in the action of the people's representatives. So that relief for a clamoring and overburdened people is close at hand, whether you will it so or not.

The masses of our people are not prosperous; the producing classes of this country, the tillers of the soil, are encumbered with debts which they can not pay. In round numbers seven-tenths of our exports consist of the products of the soil. The prices of all these products have reached a nonremunerative figure.

The tiller of the soil finds himself unable, as the years go by, to either liquidate or abate the mortgage that covers his farm and plasters the homestead that shelters his wife and little ones more closely and more securely than the shingles that have rotted and that he can not replace. He asks for no class legislation by which he is to profit at the expense of his fellow, but he only asks that those who make the laws that govern him shall look and see if he is the victim of class legislation which brings him to poverty in order that others may be benefited.

He asks simply for relief from legislation which discriminates against him unfairly, and this he has a right to ask for; but when he appeals for this relief he is told that he has been too industrious; that in his effort to maintain his family and to pay his debts he has worked too hard and produced too much; that overproduction is the cause of his poverty, and, with an insolence which is equaled only by the greed that stands behind it, he is told to believe that by his honest toil he has become the author of all his own woes. It is hard for him to believe this, for he knows that the unfed teeming millions of the Old World are still hungry and pleading for the bread that is the product of his labor.

The sad experience through which we are passing is not a novel one. The history of the world teaches us that the volume of currency has never fallen below a proper apportionment on the basis of population and business without bringing disaster to all sections save the business and moneyed centers, and suffering to all citizens save those who are the holders and changers of money.

Reduction in the money volume, as measured by population and business, increases the value of the unit of money as it increases the purchasing power of this measure of values. As the value of this unit increases, the value of every article to which it is applied of necessity decreases. He or they who hold this talisman become the beneficiaries of the disturbance of values; or, in other words, the holders of money profit by the shrinkage in value of everything save that which they have for sale or for hire.

What we want and what we most need is not so much an elastic currency as a stable currency whose value shall be unchanged and unchangeable. This currency can only be secured by making its volume commensurate with the population and the business of the country. This is the only basis upon which you can undertake to fix the matter of volume. With me this is no party question. I denounce the anti-silver policy of every Administration with which this country has been blessed or cursed for twenty years. To me it does not matter that my own party is responsible for four years of this enduring wrong. Mr. Cleveland's Administration, in my judgment, is as justly amenable to criticism and to censure upon this score as were those of his predecessors or as is this one that came after him.

When honest toil is doomed to want and poverty by law, despite its labor and its products, no party shackles shall chain me to the defense of such a course.

The tillers of the soil throughout this land can endure no longer the burdens put upon their bowed, bent backs by injustice and partial legislation. They have at last determined to make their cause of grievance known and to demand that it be righted.

The Farmers' Alliance, now crystallizing into a national organization, is nothing more nor less than a protest against the class legislation which for a quarter of a century has fulfilled its purpose of robbing the masses to enrich the few. That they have just cause of complaint every intelligent man in this country knows and all honest men admit. They seek a redress of grievances that are not imaginary, but real, and the sense of fairness that characterizes the American people will give them the relief to which they are entitled.

Human ingenuity has not yet been able to furnish either justification or excuse for the demonetization of silver in this country. In 1873, when this foul deed was done, our silver dollar commanded a premium over gold. In the very hour of its taking off it stood confessedly the more popular and better metal of the two on which the country and its business rested.

Surely it was not stricken down because of its baseness; surely it was not rejected because the people discredited it. It had stood the strain of war, performing all of its vital functions as well as it had ever done throughout the ages that lie behind it. The volume of currency at that date no man dare say was too large for the country's wants, and yet, for purposes that may be suspected, but which may not be admitted, it fell, the victim of a blow delivered in the dark.

The authors of its dishonor did not dare to avow their fell purpose; they did not dare to give warning even in the title of their bill; they did not dare to name the metal at whose vitals they were striking; silver is not named in that act of 1873. They accomplished their work of assassination by omitting it and failing to name it as a metal to be coined.

The Senator from Ohio has more than once upon this floor sought to defend the methods by which this law was passed. I have heard him strive to paint it as an open and a fair transaction, but I have never seen him succeed in convincing anyone save himself. Great as his powers may be, he can not unwrite history.

The record stands despite his protest and denial, and that record shows that the Congress that passed the demonetization bill of 1873, under a misleading, false, and specious title, did not know that the bill demonetized silver. That record shows that the President who signed it did not know it, and the record shows that the people who, by its operation, were plundered and robbed had no knowledge of the outrage of which they were made the victims.

Mr. President, here I will ask permission of the Senate to read as part of my remarks an extract from a speech delivered in this Chamber at the last session of Congress by the honorable Senator from Nevada [Mr. JONES]. It was then that this Republican Senator from Nevada, in language more forcible and far more eloquent than I may command, told to the Senate and to the country the conditions that led up to the act of silver demonetization.

He said:

At the time silver was demonetized it might well have been supposed that a sufficiently large unearned increment had already been realized by the foreign and domestic holders of United States bonds. The greater portion of the debt of the Government was, when incurred, made payable simply in "lawful money," the interest alone being payable in coin. Yet in March, 1869, the bondholders secured the passage of an act of Congress entitled "An act to strengthen the public credit," containing a pledge to pay in coin or its equivalent not merely the interest, but the principal of all national obligations not specially provided to be paid otherwise.

And again—

I still read from the able speech of the Nevada Senator—

And again, when in 1870 Congress was about to provide for a refunding of the public debt, these clamorous creditors, not satisfied with having got the bonds at rates much below their face value and not satisfied with the pledge to pay in coin—a pledge made long after the contract was made and the debt incurred—insisted that not only should the new bonds be payable in coin, but in order to guard against any possible interpretation which might work to their detriment they did what has rarely been done in the history of monetary legislation, insisted that even the very standard of that coin should be fixed and nominated in the bond. They were willing to take no chances. They were not willing to place confidence in the sense of equity and fair dealing of the people of the United States. They held before Congress the covert threat that if the new issue of bonds did not provide for payment in "coin," instead of "lawful money," and did not prescribe the precise standard of coin in which they were to be payable it would be difficult if not impossible to place the bonds on the market.

So, by the refunding act of July 14, 1870, Congress provided for the payment in "coin of the present standard value," that is to say, in either gold dollars of 25.8 grains of gold, nine-tenths fine, or in silver dollars of 412½ grains of silver, nine-tenths fine, at the option of the United States. But even this extreme advantage to the creditors over payment in "lawful money" of the United States, in which the bonds were bought and in which they were legally payable, was insufficient. All but the most ingenious would imagine that having thus provided for payment in coin then bearing a considerable premium over the current money of the Republic, and having the very standard of that coin fixed in the act, the highest point of vantage had been reached. One device, however, and only one, remained by which the money of the payment could be still further increased in value, and this device did not escape the watchful eye and cunning hand of the public creditors.

They clearly saw that if by legislative enactment they could secure the rejection of one of the money metals they would succeed in enormously increasing the value of the metal retained. This they accomplished by the demonetization of silver, and thus by striking down one half the automatic money of the world and devolving the money functions exclusively on the other half, added thousands of millions of dollars to the burden of the debt.

THE PRETENSE TO "STRENGTHEN THE PUBLIC CREDIT."

It will be observed that this anxiety to strengthen the public credit was evinced by the bondholders after and not before the bonds were in their possession. No anxiety for the public credit was manifested by them at a time when the Government might be able to reap advantage from it. The Government having parted with the bonds at a heavy discount, their selling price in the market became a matter of no direct pecuniary importance to the people of the United States.

The "strengthening of the public credit" that was to be effected by the act of March 16, 1869, consisted of a rise in the price of the bonds for the benefit of the holder, at a time when they were no longer the property of the Government, but of private individuals. The real effect of the act, therefore, was not in any way to benefit the Government, but greatly to enrich, by an increment unearned and unbargained for, a few men who had already been greatly enriched by their dealings with the United States. The title of the act should have read "An act to strengthen the bank account and credit of the holders of United States bonds."

The excuse and apology for the act was that by its passage the refunding process then contemplated, and afterward provided for by the refunding act of

1870 might be rendered more certain of success; but if any advantage accrued from that cause, it was lost, and much more with it, by the increase which the act of 1869 effected in the burden of the bonded obligation, by pledging the nation to a payment in a medium much more valuable than the medium provided for in the contract. And again, in 1873, when all the bonds provided for by the refunding act of 1870 had been sold and had passed out of the hands of the Government, another act was passed, intended by the money-lenders again to strengthen the public credit, and again to the disadvantage of the people and to the exclusive and enormous advantage of the bondholders. It bore the innocent title—

"It bore the innocent title"—

of "An act revising and amending the laws relative to the mints, assay offices, and coinage of the United States." This act, bearing on its face no suggestion of any change more serious than that of regulating the petty details of mint management, has proved to be an act of momentous consequence to the people of this country. This is the act that demonetized the silver dollar, which it did by merely omitting that coin from the enumeration of the coins of the United States.

There was the act demonetizing silver, and the Nevada Senator has portrayed more forcibly and more plainly than I can do the conditions that surrounded and the influences and motives that led to its enactment.

The bondholder had bought his bonds at a heavy discount; he had paid for them in a depreciated currency; he had induced a Republican Congress to change the terms of the contract years after its execution, and make the principal as well as the interest of that bond payable in coin in defiance of the contract. He had then concluded that he could grind still more out of the taxpayers of the country by demonetizing silver, and leaving his bond, both as to its principal and interest, to be paid to him in gold and in gold alone. It was this that a Republican Congress in 1873 gave to him, and the limit of his greed was measured only because his avarice could reach no further.

When the financial legislation of this country for the last twenty years is carefully and impartially reviewed a candid mind is forced to the conclusion that Christ, with a lash, scourged from the temple a better gang than those who have framed and fashioned our policies.

We are the largest silver-producing country upon the earth. What reason, what excuse, what explanation, can be offered by any man for our striking down the metal of which we produce more than any other nation and enthroning as a single standard a metal over which we have no control?

I favor the amendment that proposes to give free silver coinage to this country.

During the sixteen years that I have been in Congress I have stood here as the earnest advocate of that metal's restoration to its old and honored place upon a fair, even plane of equality with gold. Whence comes the opposition to this amendment? Not from the West nor from the South; not from the producing sections of this country. Oh, no; but from the East, where the bonds are held and the wealth is massed. It comes mainly from that section whose people claim the right to dominate, not because of their contributions to the general fund, but because of their successfully levied exactions upon the people. Through the operation of cunningly devised and unrighteous tax laws and financial schemes like these they have come into possession of the earnings of men less cunning, but more industrious and more honest than themselves. And now they claim the right to rule by reason of their moneyed power.

You gentlemen may as well learn here and now that the American people, as recently demonstrated by their action at the polls, have come to consider their condition and the causes that have led up to it. It will be as well for you to learn now as later that your domination is ended; that the star of empire is moving westward. The scepter has departed from the tribe of Judah. The mighty West and the rejuvenated, prosperous South have endured the fleecing process until patience is exhausted. They mean that just laws shall be enacted and that unjust laws shall be repealed.

But we are warned not to give silver free access to our mints, and coupled with this warning we are told that if we do the gold in this country has already sprouted its wings with which to take its flight to foreign shores. No fact is offered to support this prediction; nothing is given us save the threat, and that consists of the opinion of men who have prophesied before, but who, in every instance, have proven to be false prophets.

These same dogmatic people told us that if the limited-coinage act of 1878 was passed there would not be left a single gold dollar within the limits of this country. Despite their threats, ay more, Mr. President, despite the veto of their President, we passed that act, and to-day there are more than three gold dollars in this land where there was one when they made these false predictions.

They told us more. They said that the passage of that limited-coinage act of 1878 would prevent the refunding of the national debt at a lower rate of interest; that it would debase the Government's credit; and yet under the operation of that law we have refunded the country's debt from a $4\frac{1}{2}$ per cent. basis down to 3, and that coupled with a premium to-day of 125 in the markets of the world upon our outstanding 4 per cent. bonds. In short, these prophets told us everything that has not happened and never told us anything that ever has transpired. In olden times false prophets were stoned; but in this Christian era, for the benefit of the Senator from Ohio and those who follow in his lead, let us hope that they may be forgiven.

But the opponents of this amendment insist that its adoption will drive from our shores the gold that is here. No proof is offered, no argument submitted, no fact adduced to support the threat. But assuming all to be true that they would have us believe, let me ask, why would the gold leave this country?

What better or more profitable investment could that gold find abroad than is offered to it here, whether it be in real estate, in mines, in railroad stocks, or other enterprises in which productive industry engages? Tell me, pray, what clime or country offers greater inducement for its investment than it has with us. But granting everything; admitting that the gold that is now here should leave us instantly upon the passage of a free-coinage-of-silver bill; for the sake of the argument let us grant it all, what harm would come of that?

Practically it is not to-day an integral or an element in our circulation. Gold does not circulate among this people. I have not seen a gold coin within the twelvemonth past, and such I take it would be the testimony of the average American citizen.

Suppose it went abroad, it would not embarrass us. It would naturally go to the gold-standard countries of the world, and there it would perform for us a friendly, valuable service in maintaining the prices of the products that we furnish to those people.

In round numbers the output of the world's product of gold is a hundred millions of money. Almost one-half of this is deflected from the channels of trade and the arteries of commerce and goes into the arts; the remainder, if every dollar of it thus left unemployed by the arts was poured into the business channels of this country, would scarcely produce a ripple upon our financial surface.

But our friends of the opposition tell us that if we give free coinage to silver the country will be flooded and our own mints overcrowded with the silver of foreign holders. There are two answers to this suggestion. In the first place, it is not true and there is no ground upon which to base the apprehension. This debate has shown conclusively that there is no country of this earth which holds any appreciable amount of silver money or silver coin that can under any conditions or under any circumstances be induced to part with it. Suppose that foreign nations brought their foreign silver coin here to be reminted. What then would happen? If the Senator from New York is right he told us upon the day before yesterday that after it was done, after the French and the German or the foreign holders of silver coin had brought it here and had it recast without cost or charge in our mints, it would command nothing more than its bullion value in the markets of the world.

If that be true, Mr. President, the Senator from New York has furnished the answer to his own objection. If that be true, then the foreign silver-holder would reap nothing as his profit except the privilege of paying the ocean freights. He would go back with exactly what he brought when measured by the standard that the world applies. It is farcical. It does not reach the dignity either of an argument or of a suggestion that is worthy to be answered.

Mr. President, I am not an expert in the intricacies of finances. I am not authorized or fitted to speak for any save the average class of my countrymen who obey the laws, pay the taxes, and honestly endeavor to support the Government under which they live. From this standpoint, assuming to speak for that element of our people, I declare that I would gladly exchange the present depressed condition of the producing classes of my country for that which would follow the influx of a currency as good as silver used to be and always would have been but for the devices that were employed by those who were more heedful of personal advantage than of public good.

The financial policy of this Government, to which I have adverted, is but a part of that still broader and, if possible, more unfair and outrageous tariff system which for a quarter of a century has served its purpose of securing an unequal distribution of the products of American labor. And, strangely enough, our friends who oppose the adoption of this amendment find themselves unable to reconcile the inconsistencies of their position.

When the tariff is under discussion we are charged with being the advocates of British theories, but upon this issue the tables seem to have been turned. The British theory of a single, gold standard finds its champions in the Senator from Ohio and those who follow his leadership. He and they may not like England's tariff views, but they appear to be amazingly enamored with her financial or monetary policy, so long as it serves the purpose here as it has served there of the annuitants, the capitalists, the money-holders, and the money-changers, even though it grinds to poverty the toiling millions of our land. If we are British advocates upon the tariff, pray tell me who are her minions and hirelings here and now.

Mr. President, this debate has been so thoroughly exhaustive, so elaborate in detail, upon the part of the advocates of this amendment that it would not only be unnecessary and out of taste, but smack of vanity for me to offer any additional suggestions. I trust, sir, that the day is not far distant; I trust that the time has come, and that ere the ides of March shall be ushered in the Senators who represent the

sovereign States of the greatest Republic upon which the sun of God has ever shone, and the Representatives of the bravest, freest, manliest, and most intelligent people upon this earth will unite in doing one act of justice, restoring silver to the place and to the position which it held and which it honored for more than three thousand years.

Mr. MORGAN. Mr. President, in rising to discuss this very great question again, as I have done frequently since I have been a member of this body, I should feel embarrassed by the immense amount of statistics, learning, and information that has been flooded upon Congress and upon the country in regard to silver and gold coinage and the question of fixing a parity of value between these two metals, and I should not attempt to make any suggestions further than have already been made upon this question were it not that I consider that this is an opportune and emergent time for the Congress to come to the relief of the country. Our crops are very abundant; our mining interests are developing enormous yields of coal, iron, copper, and other metals; our forests are being cut down and transformed into commercial values, and, indeed, every industry in the country seems to have prosperous markets and to be engaged in active enterprise in forwarding the grand march of the progress of the people of the United States.

But notwithstanding the great abundance of our productions, notwithstanding that the farmers and mechanics, the artisans, the manufacturers, the miners, and the fishermen have all contributed in the most bountiful way to the volume of our productions and commerce, notwithstanding there is great zeal, earnestness, and activity in all classes of producing and commercial men, there is still some want, there is still something to be supplied, there remains something to be done to check and to remedy, if possible, an evil which is so hidden away, so hard to understand, it seems, that the wisest of minds seem almost incapable of comprehending what is needed.

We find that there was overtrading in the Argentine Republic and in other South American States. There had been very large investments upon credit which was based on the prospect of an abundant supply of English capital. The Argentine Republic engaged in an effort to swell the volume of its currency without a good basis of redemption and became largely indebted in England particularly and somewhat in France and in Germany, and when the period of liquidation came around it became necessary, it appears, that all the great capitalists should combine in France and in England to come to the relief of that one point, I may say, of overspeculation and overtrade in the world. I have not heard of any commercial or financial disturbance of a serious nature in any part of the earth except in that portion of South America. It is true that there has been in the United States a good deal of booming, a good deal of activity in the creation of debts based upon future prospects of increased value in real estate and otherwise, but nothing like a sum sufficient to disturb the commercial equilibrium of this country.

When the capitalists in Great Britain become alarmed, the men who have a gold policy, who rely upon gold for the redemption of every promise, public and private, and as the regulator of all values, not only in Great Britain, but through their exchanges and their clearing houses the regulator of values throughout the world, we find that the men who own gold and depend upon gold for the prosperity of that country become all at once timid, that gold is withdrawn from the banks and the great banking houses, and that capitalists become afraid in consequence of this speculative overtrading. A great foundation of finance like the Baring Brothers commences to topple upon its base after having stood firm for more than a century, and the cause of it has been, evidently, that the patrons of Baring Brothers, the men upon whom Baring Brothers could always rely in time of emergency for capital to sustain them in any pinch that might come, alarmed at the overtrading, had determined that they would raise the price of their gold in the markets of the world. They felt, and felt justly, that under existing conditions and circumstances they had the control of the monetary markets of the earth, and feeling thus they commenced to withdraw their deposits from the various public institutions and banks, and Baring Brothers found that they were drawing against resources of credit which would not yield them the money to meet their obligations.

Then there was a reflected action upon the United States, and all at once we found the money retiring from the banks in this country; it was being locked up in the private vaults and in the safety companies. Money was brought, we are informed, from New York into various cities. A large amount of it was brought into this city by some of the most prominent bankers here and stored in the vaults and lockups which are kept for that purpose in this place. The withdrawal of this money from the banks naturally caused them to limit their discounts. They began to be very much afraid that the speculative adventures for which they had loaned money in flush and easy times to men who were mere speculators in stocks and bonds, and the like of that, would fail, and they would not be able to sustain their credit, and they withdrew the use of their money from commercial purposes and from commercial hands, and locked what they could get into their vaults, refusing to make accommodations for the men engaged in legitimate trade in this country.

In easier times the banks had loaned their money to stock jobbers, and, when the least cramp occurred in the stock markets, they had to save themselves by refusing discounts to merchants and manufacturers.

Mr. President, the evil effect of this lock-up has extended through all the avenues of industry in the United States. It has affected the country which I belong to very materially indeed. I do not know how precisely to estimate it, but other men, who are wiser than myself in such matters, have estimated that we have made a loss in the South upon the present crop of cotton of not less than fifteen or twenty million dollars in the last six or eight weeks in consequence of this lock-up.

When we come to speak of the independence of the United States and to think of the duty of the people of this great Republic, containing now more than 62,000,000 inhabitants, of their having a financial policy which belongs to them and is based upon their own industry, their own commerce, and their own institutions; when we see how a spasm of this kind, occurring in the Argentine Republic, can be transferred across the Atlantic Ocean to Liverpool, London, Paris, and Berlin, and then be again reflected back upon the United States, and from the money centers of the United States out over the agricultural and mechanical and industrial and mining fields, and produce calamity—for it can be called by no milder name than that—amongst the people of this country, with this great abundance of material, the result of their labors, we must conclude that the time has come when the people of the United States should make their second declaration of independence.

It is not so much of consequence to us that we have the freedom of enacting our own laws and building up and sustaining our own institutions if those laws are to be set at naught, and those institutions are to be perverted from their benign purposes by the influence of opinion or financial distress across the water. It is not worthy of the American people in the present stage of our progress that we should any longer decline to base our financial policy upon our own unfailing industries, that are so actively and enormously increasing.

Allusion has been made during this debate, and it has been stated for years and years past, that we are producing in this country what is practically $50,000,000 of silver bullion every year. In ten years that is $500,000,000. If it could be realized that $500,000,000 in silver coin will be added to the production of gold coin in this country, carrying it up to about $800,000,000 of coin in the next ten years, and if the policy of the Government of the United States could be a fixed and settled one, that the coins which are produced by our own mines, even, should find free circulation according to the wants of the people for the next ten years, and that thereby $800,000,000 could be added to what is properly and justly called the basis of redemption of all promises in this country, no fact and no condition could be stated that would contribute more to the solid progress of this country.

What we need most is faith in ourselves and our own country. The trembling hands of our misers and hoarders of wealth are too feeble to reach out and grasp the blessings that abound in our own land and should bear fruit under our own laws.

The gold and silver coin or bullion of the world, Mr. President, is, after all and in spite of every opposition, the real money of redemption for all promises, public and private. Governments may twist this matter as they will, they may try to prohibit it if they choose, but, after all, every civilized nation will adhere to this policy. Whether the government of any nation does it or not, the people will adhere to the plan and policy of having the ultimate redemption of all promises, public and private, in coin of gold or coin of silver. Accepting that as an actual and true proposition—and I think no man will be rash enough to doubt or dispute it—we can not discard from our monetary system with safety to our own prosperity either coins of gold or coins of silver. We may attempt to do that, but the people, after all, will overrule the legislators, and they will accept and establish amongst themselves coins of gold and silver as the fundamental basis for the redemption of promises.

In several States, when there was need of more coined money, notably in California and North Carolina, private mints have coined gold and silver in large quantities that had free circulation among the people. No law can prevent the people from the use of gold and silver as money.

The safe basis upon which a circulation can be predicated on the experience of this nation and other countries in the use of gold and silver coin for the redemption of public promises is $1 of coin for $3 of paper promises. Any bank is considered to be entirely solid that is in the hands of honest men if that bank has the power at any time to bring to the front $1 of gold or silver coin for the redemption of $3 of its paper promises. The United States has two sources upon which it can rely for the redemption of its promises to pay. The first is the metallic basis of gold and silver coin struck from native bullion, and the next is the receipts through the customhouses and other taxation, and the expenditure for the support of the Government in the vast annual outlay that we have to make for conducting this immense establishment of ours, and also the expenses of the various State and local governments, including the large cities. We have here, in addition to the gold and silver coins, a basis of redemption in the taxation, through which enormous masses of money are collected annually out of the people and passed through the different treasuries of the United

States, the States, and local treasuries, and are dispensed again in a continued circuit of collection and expenditure amongst the people.

So that if the United States Government, or if any State government, or if any city government issues its promises to pay, after having secured to itself a basis of coin that represents one dollar in three of the actual circulation of money, the medium of taxation alone will employ so much of that money in actual and continual circulation that its redemption is a matter of absolute certainty, and, its redemption being absolutely certain, there can be no doubt about the value of the paper promises.

Mr. President, suppose that we have $800,000,000 of money, gold and silver, to come out of our mines in the next ten years—an actual production of the basis of redemption that the world receives in all of its latitudes and longitudes—and then suppose that the Government of the United States alone, to say nothing of the State governments and the other local governments, choose to predicate upon that basis its paper issues to the amount of 3 to 1, as any solvent bank would safely do and as the Government can very much better do than any solvent bank can, how can any man assume that the paper issued upon a basis of that kind is an inflation?

Who can have a distrust about it? Who can say that it is nonredeemable currency? Who can say that it is money that unnecessarily and unduly increases the circulation amongst the people? Who can say that when a government can produce this amount of bullion within ten years it can not wisely and not safely employ that production of its own mines for the purpose of facilitating trade and commerce and exchange and intercourse amongst its own people? Who can point to a better future for any government in this world than that which I now point to as the secured future of the United States in the production of $800,000,000 of coin in each decade as the basis for the redemption of all promises, public and private? Can Germany promise herself that much from her mines? Not a tithe of it. Can France do it? Not at all. Can England, with all of her vast possessions, her great colonies spreading themselves around the entire globe, can she from all of her colonies predicate a future of that kind upon the production of her mines? Not by any means. But here stands the fact confessed and indisputable that the United States of America every year produces more than half the yield of gold and silver that is in the world.

Now take that and say that in ten years it amounts to the very moderate sum of $800,000,000—and it will run up to a thousand million of dollars—and then predicate upon that fact, as a settled policy of the United States Government, the issue, if you please, of one for one, or two for one, or three for one, which is an absolutely safe calculation, and you have got assured to this country a money supply that is immutable and safe, a policy that is just as certain as the flow of the waters in the Mississippi River, that can be calculated upon without any failure in its results. You have it in your power to secure to this country a policy which in ten years' time, if we utilize it and appreciate its value and employ its magnificent results in our own industries and in our commerce, will make the United States the master of the world upon all questions of finance. We will cease to be beggarly dependents upon the financial policy of other countries.

In view of this fact why should we be here in the Senate of the United States trembling and fearful and almost in a state of panic lest if we seek to use this silver coin and avail ourselves of this natural advantage, some people may conclude that the Government of the United States is becoming slack in its ideas of honor and honesty and public credit and that these men will therefore withdraw their money from circulation and hoard it or send it abroad to some other market.

The policy of fear and apprehension, Mr. President, is not becoming to this people who have their feet planted upon this great rock of safety. There is no need to doubt the future when the present is so assured and the past has been so fruitful in splendid results from our mining industries. We have no need to fear, and yet that is what we are confronted with to-day. Imaginations of evil to come are brought into play. Senators who seem to be under the impression that any legislation on this subject at this moment of time might result in some additional weight to one side or the other of the tottering frame of our financial system dread to take a step to the front, dread to do anything. They are standing here almost in a state of petrification, afraid to turn in any direction to give relief to the people except the one indicated in the bill reported by the Senator from Ohio of extending our indebtedness $200,000,000, to borrow more money from people who have it in order to flood it out into the country through the redemption of our bonds at 25 per cent. premium.

Mr. President, this nation was not half so timid and—I use the word in no offensive sense—cowardly in 1863 as it is now. In 1863 a war was flagrant in this country, the turmoil, bloodshed, and the disaster of which no human tongue can describe in adequate phrase. Our people in the United States were agitated more in respect of their credit than they were in respect of anything else, because if the armies could then be maintained in the field and the great military operations could be continuously conducted, those who were on this side of that terrible line felt no apprehension as to the final result.

What did your Government do at that time? You had an occasion here to raise in one bill $900,000,000 in 1863. That was when the war was in its most desperate phase, when it required the most strenuous exertions on the part of this country to marshal its resources of every kind in men and money and material for the purpose of putting down that internal strife. What reliance did you rest upon then? You did not stop to pledge the honor of the United States that you would pay those $900,000,000 of loan in gold. Why did not your creditors in Germany and in France and particularly in England at that time, in 1863, demand of you that these bonds that you were throwing upon the world in blocks of $900,000,000 under a single act should be redeemed in gold coin? The demand is made now by Great Britain, by the merchants and factors, the commercial classes in Great Britain, that the bonds that you have got outstanding shall be paid in gold coin, that the Treasury notes that are outstanding shall be redeemed in gold coin, and that you shall so far demonetize silver that you can not ask a foreign creditor, no matter of what class he may be, old or new or prospective, that he will take anything but gold coin in the payment of your debts.

Now, why is it that we have shrunk into this poor and abject condition, that now in a time of peace and when prosperity rules in every department of trade and commerce we are called upon by these people abroad that we shall so shape our policy as to give them a positive assurance and give everybody else a positive assurance that hereafter the debts of the United States shall be redeemed alone in gold coin? Why do you resort to that now and why did not your fears alarm you to that extent in 1863? It was because at that time you were not half so much afraid of the awful rebellion that was proceeding in the United States as you are afraid to-day to give offense to the men who have the money power of the world in their control and who demand that silver shall be expelled from circulation and from commerce, and that gold, and gold only, shall be adopted as the standard for the redemption of all promises now and hereafter.

Let them price our securities at what rate they will; we are not dependent upon them. Our own people will take our securities whenever they are offered, with eagerness. They will more than emulate the example of the French when the Republic needed money to pay war tribute to the German Empire then recently born on the soil of France.

Now, I will read just a paragraph from that act of 1863 to show how correct I am in this statement:

> That the Secretary of the Treasury be, and he is hereby, authorized to borrow, from time to time, on the credit of the United States, a sum not exceeding three hundred millions of dollars for the current fiscal year, and six hundred millions—

Nine hundred million dollars in all—

> for the next fiscal year, and to issue therefor coupon or registered bonds, payable at the pleasure of the Government after such periods as may be fixed by the Secretary, not less than ten nor more than forty years from date, in coin, and of such denominations not less than $50 as he may deem expedient, bearing interest at a rate not exceeding 6 per cent. per annum, payable on bonds not exceeding $100, annually, and on all other bonds semi-annually, in coin.

What was "coin" at that time? Coin was silver and coin was gold. We had then the dollar of the coinage of 412½ grains, and we had then the subsidiary silver coin of 360 grains upon the basis of the French system, and this obligation we were then making included both the subsidiary and the dollar coin, if we had chosen so to construe it. The only word that would put down such a construction as that is the use of the word "dollars" in that act, but surely no one now can deny that the proposition at that time of the Government of the United States was that it would borrow $900,000,000 of money for the purpose of carrying on the war, and that the payment of the bonds issued for that money, for that loan, should be simply in the coin of the United States. The phraseology that was employed in the earliest issues of those bonds was continued through every one of the series, and no bond has been issued by the United States Government of that series, or as a successor or refunding bond of that series, that did not contain the same provision, and it spoke of the "coins of the United States," the legal, lawful coins of the United States of the standard value on the day that a certain act of Congress was passed, and the men who took our obligations all took them with that condition in them that they were to be paid simply in coin, without respect as to whether the coin was of gold or silver.

Mr. President, I ask again the question, how was it that in the time of this great public strife and contention the Government of the United States did not find it necessary to put into its statute books that its obligations should be redeemed in gold coin, and now, in a time of perfect and profound peace, the effect of our legislation is that our obligations of every kind and character, including the $200,000,000 that the Senator from Ohio desires to borrow, shall be paid and paid only in coins of gold? How is that? That results from the fact that you have demonetized silver. It is true that we are making limited issues of silver coin. We have a certain limited amount of silver coinage under the law of 1890; but that is a cramped condition, and one that can by no means meet the emergency as it will arise. That act really gives no credit to the United States based upon silver coin.

A part of the panic that seems to be felt by Senators on this subject is due to an apprehension on their part that after silver, which they say will be a cheaper money, has become of general and unlimited circulation in the United States, the gold will lift itself up and go

away into foreign countries. Now, let us observe the processes by which this thing is to be accomplished? How is gold to be transported to a foreign country? It must be done, if at all, in payment of some debt. Otherwise gold would be a mere commodity seeking some other market for sale. If the balances of trade are not against us, if, when we balance up all of the trade of the United States with all the outside nations of the world, we are still ahead, we are still producing and exporting more of value than we import, there can be no difficulty about the gold leaving us, or if it goes it makes no difference. We get for it something more valuable to us than gold when it goes abroad.

If gold departs from us under such conditions as those (which is entirely impossible), but if it should it would leave us none the poorer. Our prosperity would not be in the slightest degree impaired by the exportation of gold to meet a sudden market in some other part of the world if the balance is made up to us continually by gold payments, if we choose to demand gold, for the surplus products of this country exported from this to foreign countries. That argument to a man of plain, practical, common sense has not any value at all. It may do for those gentlemen who sit at their desks and pile up figures and calculations and run through all the intricacies of mathematics, and even into geometry and astronomy, in order to find out something about some solvent for a question that is to be solved only by practical common sense. It may not suit those gentlemen; it may not make their figures true; their calculations may not prove.

It seems in this day and time that, instead of godliness being the great mystery, great is the mystery of gold and silver. The hidden wonder of gold and silver eclipses that declaration in the Scriptures entirely about the great mystery of much better things. So great is the mystery of finance that a man of plain common sense dreads to attack the subject. A subject that seems simple enough to a plain and ordinary mind is so embarrassed with hovering clouds of calculations and conjectures that the whole horizon of truth and good sense is bedimmed and darkened and we go searching about through it with our lanterns to see if we can find a way out of the labyrinth. The truth is that plain people have to deal with it and in a plain way, and if the currency of this country can not be regulated until you inform all of the people who have got to vote upon questions of currency of all the hidden mysteries and calculations that are made by doctrinaires, we shall never have any legislation to regulate finance and we shall never have any prosperity so far as our financial system is concerned. The people are no more allowed to govern themselves about their monetary affairs than they are allowed to regulate the planetary system. But it is a plain proposition to a plain mind that if the people of the United States annually, through decades and double decades, send abroad commodities of their own production of greater value than those that they import into the country the balance must be paid to us, and that it rests with us to say whether that balance shall be gold or whether it shall be silver. It has to be paid. Does not the whole question depend upon that?

In that connection I put this proposition to Senators: What right have we to expect that the balances of trade during the next twenty years will be against us? Who can entertain that apprehension and make a daily companion of it upon any basis of experience or upon any prognostic that is justified by ordinary common sense? It is not an established impossibility, but conjecturally speaking and arguing from cause to effect it is an impossibility that the balance of trade during the next twenty years should be against us.

Our prospects of reciprocal trade with South and Central America, with Mexico and Canada, give us the almost positive assurance of increased balances of trade in our favor. We should hold towards this hemisphere at least the like advantage that Great Britain has in Africa, Europe, and Asia. We can do this if we will.

Mr. STEWART. If the balance of trade should be against us and we are on the gold standard, and foreign countries call for what little gold we have, the whole fabric of our industries would be crushed.

Mr. MORGAN. There is no question of that. It would be like taking the last bushel of meal out of the widow's barrel. There would be nothing left for the family to subsist upon. When the creditor abroad has a balance of trade against us and demands gold and we have nothing but gold to pay in and nothing left at home but gold or the narrow circulation of promises based upon gold, of course we are impoverished, and the balance of trade in a case of that kind becomes absolutely destructive. The scarcity of money that produces famine in our industries will be aggravated to starvation when its full work is accomplished.

But there is another view of this matter. We have to seek markets abroad. We can not desert them; we are obliged to take our productions to them. Can any Senator suggest a worse calamity that could happen to the people of the United States than that suddenly there should be no market for cotton or wheat or any other grain or for the manufactured productions in the United States of any kind or description, in foreign countries? Could anything happen to the people of the United States that would be so entirely disastrous to our prosperity as that the markets with which we trade beyond our own border should all be suddenly dried up, that there should be nothing that we could sell there, and, of course, having nothing to sell we would buy nothing? Our intercourse would be prohibited by circumstances that we could not possibly control, and that would, of all conditions, be the most calamitous.

Nothing can so dishearten enterprise and paralyze industry as a plethora of productions for which there is no demand.

Now I will illustrate that. The State in which I live is a large cotton-growing State. The particular region of the State in which I reside is the largest and best cotton-growing region of that State. We bestow no attention upon any grain except Indian corn. Sometimes we make a supply of that in a good season; at other times we do not; but we do not plant for a crop of Indian corn. As to wheat, barley, rye, and oats, we plant none of those except merely for the temporary purpose of pasturage or to give the plow animals early in the spring of the year a change of food. We import from the great grain-producing centers of the United States along the Ohio and Mississippi Rivers the grain, and at least 60 or 80 per cent. of all the substantial provisions that are used by the large masses of the people in the State in which I live who are engaged in the production of cotton. Now, suppose that we in Alabama should have a drought, or that dearth should be visited upon us by some providential interference, and our condition should be reduced so that we could not buy anything from the grain-producing regions, who would feel the pinch and burden of that calamity? We would feel it, of course, in our starvation, but the people who deal with us and who produce for us and who look to us for a market would themselves be the sufferers by the reflex action of our poverty and distress.

We speak, Mr. President, about a drainage of gold from this country. Could there be anything more beneficial to us really than that there should be prosperity in every market that we visit, that there should be gold and silver there to buy all that we have to sell? Is it not the same thing across the Atlantic Ocean that it is across the Ohio River? Are not the conditions just the same and would not the results be just the same? And now if we could withdraw from Great Britain, France, and Germany 90 per cent. of the gold they have there, Great Britain and Germany being gold countries theoretically rather than practically—if we could withdraw to the United States by some magnificent maneuver of finance 90 per cent. of the gold of England and the gold of Germany, let me ask you where would we get a market for our beef cattle, our grain, our provisions, our cotton, and what other of productions or manufactures we have got to send from our surplus to those countries? How can we get rich by impoverishing them? How can their dilapidation and their distress contribute to our prosperity? What use have we got for gold in the United States if it be not to stimulate commerce, trade, and traffic in our midst, to make redundant productions to send to foreign countries for sale.

Therefore, even if a turn in financial policy should send gold out of the United States in large quantities, I can not see that a people who are overproducing in agriculture and in manufactures and in all of the productions of soil and climate which are so rich and abundant here—I can not see how it is that a condition of affairs like that would really militate against the prosperity of our industrial classes in the United States. It might depreciate securities or something of that kind; it might affect Wall street; it might affect the Jews who deal in bullion; but when you come to ascertain what the actual result is upon the real industries of the United States I do not see that there is any danger to them at all in the exportation of gold from the United States in the ordinary channels of the interchange of commodities between the United States and foreign countries. So I do not participate in the slightest degree in the apprehensions which are being continually mentioned here, and which seem to be the whole weight and burden at this time of the opposition to the remonetization of silver and the restoration of that metal to its former position and relation amongst the people of the United States.

Mr. President, after this brief survey of what the effect might be as between us and foreign countries and after having presented in this inefficient way the great leading facts which show that after all there is no great danger in our gold being transferred from us to foreign countries, let us come home and see what the effect is here; for if we do not have prosperity in our midst it matters little to us whether foreign countries buy from us or not.

We must first produce; we must produce in a sufficiency to give every person in this country as good a living, as comfortable a condition as he is able to purchase with labor or money, and then we are to have a surplus over that to send out into foreign lands if we would be a really prosperous people. But our first duty, of course, is addressed to the proposition that we shall enable our people here at home to produce more than they have been producing. I know that many honorable Senators, and among them one of the most venerable who sits before me now [Mr. MORRILL], have given frequent advice in this country to the agriculturists that they should shorten up the production of cotton, that they should shorten up the production of wheat and the production of corn and the production of provisions in order to overcome the depression of the market, to raise prices amongst the agriculturists of the United States by refusing to permit the bosom of the earth to yield its natural fruits to humanity.

I do not wish to characterize a policy of that kind in any harsh words,

but I wish to demonstrate in a very few words its utter impracticability. It has been a dream amongst the cotton-growers in the South that we should shorten up our cotton crops because, knowing that we have a monopoly of that crop the world over, it has been thought by some of our wisest men that if we should make 3,000,000 bales instead of 9,000,000 we could three times increase the price of the 3,000,000 bales and save all the difference in cost and expenditure of labor in the making of 6,000,000 bales annually and that the best policy that we could pursue would be merely to cut our cotton crop down to one-third of the regular standard of production at the present time. That subject has gone through all manner of discussion. In the newspapers, in magazines, in debating societies, around the fireside, in commercial clubs, boards of trade, everywhere, that question has been continually mooted, and what has been the result? A rise of an eighth or a quarter of a cent in the price of cotton at this season of the year will cause the crop to be projected to its fullest possible capacity, and every man who is engaged in it will rush in precisely as they will go into a gold mine or a placer digging in California, where a new one has been discovered, and they expect by working out the surrounding lands to produce a great deal more of gold.

Mr. MORRILL. I know the Senator from Alabama would not intentionally misrepresent anything that I have said. I have often contended that the increase of consumers was necessary in order to take care of the crops we raise of corn and wheat and other agricultural products, and I have often shown that a smaller amount of cotton had been sold for more money in the aggregate than the largest crop of cotton in the South. I may have urged at some time, years ago, that the people of the South should diversify their agricultural products and raise less cotton and more of corn and some other things. I believe that is the extent to which I have gone.

Mr. MORGAN. I have been very unfortunate in reading the Senator's speeches, and in listening to them, too, if that was the only conclusion to which he arrived, that there should be a diversification of crops; but that is not the fear. If the people of the United States, who have perfectly free trade amongst themselves, in certain localities can raise flax, they have a right to sell their flax for all they can get for it and to raise as much of it as they can produce, notwithstanding another textile is raised in the South that is its competitor for the clothing of the human family. So when you can raise corn and wheat and products of different kinds in the Central and Western and Northwestern States of the Union and you can not raise cotton there, why is it not a correct and just and wise policy to let the laws permit every man and encourage every man in the raising of those crops which belong naturally to his soil? How shall I bring the moist slopes of the Alleghany Ridge here into competition with the dry plains of California in the production of grapes and other fine fruits? Who would be heard to say to California, "Cut down nine out of ten of your fruit trees and your grape vines and produce less of that rich and beautiful fruit in order to send it across here and get nine times as much for the reduced product as you now get for the enormous masses that you send here of those delightful edibles?"

That policy, Mr. President, will not do. The duty of the Government of the United States, as far as it has any duty—and I admit it has got a very great one—is to furnish a currency to the people of this country which is not only sufficient, but more than sufficient for the present wants of the country, a currency that is continually increasing, not by an inflation of promises to pay merely, but by a spread of the great, broad, metallic basis of redemption.

The next argument that is made against the coinage of silver, so far as it applies within the United States, is, that if you admit silver to free coinage, as was done heretofore for nearly three-fourths of a century, you will at once create a margin between silver and gold, a speculative margin, and speculators will get hold of it, and gold coin will be at one price and silver at another, notwithstanding the law has established between them a certain parity or fixity of value, an arbitrary one, it is true.

That is the argument now that is brought to bear, and that argument has been, I think, of all the rest, the most pointed and perhaps the hardest to answer, for we have seen here speculations in Wall street between gold and the promises of the United States Government, which ought to be and are equal to gold at any and all times. We have seen such speculations, and it was apprehended, and perhaps with some degree of justice, that if the full flood tide of the coinage of silver was let on, what is called the more precious money, according to the fixed ratio of value at the present time, would seek retirement, would go into the background lying in ambush and looking out for speculation, and that a margin would be created between that class of money and silver money. It looked as if there might be some reason for that, and yet we have found that, by the issue of silver certificates and gold certificates, that event has been entirely prevented and we have no authority for saying that there has been no opportunity at all within the last ten or fifteen years for having a margin between gold and silver coins in the United States. The national banks and the clearing house of New York attempted to make such a margin on one occasion. They absolutely refused to pass silver certificates through the clearing house, and we had to pass an act of Congress that the national banks should forfeit their charters if they refused to do it, and in that way we supposed we would get rid of the difficulty. Then some of the leading New York papers came out with advice to the banks that they should practically nullify that law by failing or refusing to offer the certificates as clearing-house money. You can condemn them, they said, and prevent Congress from accomplishing the purpose that it has placed in the law simply by refusing to offer them for exchange or to pass them through the clearing house.

The most powerful efforts have been made by the most powerful financial men in the United States to create this margin between silver coin and gold coin, and they have not been able to do it. On the contrary, when the Senator from Ohio [Mr. SHERMAN] was Secretary of the Treasury he carried into the Treasury of the United States as much as one hundred millions of gold, I think it was, which was exchanged in the subtreasuries for silver certificates. So far from their being able to create a margin between the coins of gold and coins of silver, the banks have failed. The Treasury adopted a different scheme, and the people have never thought of looking at a gold certificate or a silver certificate with a view of making a contrast between the two, or at a five-dollar gold piece or five dollars in silver with a view of selecting between the two which of them they would rather have unless it was a matter of mere convenience.

Now, there is another part of that subject which is worthy of consideration. Gold does not actively circulate as money. You can not make it circulate as money to any great extent. In the hands of the common laboring populations and industrial populations of the United States, they have not any use for it in their necessary transactions. They do not like it. They do not want it. It is too difficult to handle. It is too precious. The loss of a small mite of gold carries with it a very severe draft upon the labors and earnings of a common poor man. When it is lost, usually it is lost beyond recovery. The loss of a silver dollar is a matter that can be more easily reclaimed probably than the other. Gold does not circulate amongst the people. You have got your subsidiary coins here, 360 grains in two half-dollars, and 412½ grains in one round full dollar. There is a discrepancy between the two; and yet there is no laboring man in the country who would not just as soon have four quarters of a dollar or two half-dollars as a full silver dollar.

We can not dispense nor can any civilized nation in this world dispense with silver as coin to circulate amongst the people. The quantity of it which is necessary for the daily exchanges in the smaller transactions of life every nation has reserved to the people in its coin policy, no matter how golden it is, and has provided and continues to provide for its people a full supply of silver subsidiary coinage. Now, can any man say that it is just in an economical or monetary or financial sense to put in the hands of a common laboring man four quarters of a dollar that weigh 360 grains, and as a legal tender also for his day's work, when he would be entitled to 412½ grains of silver, if the amount of silver that he got made any difference to him?

Why do we stickle upon points like this when every day we are requiring the common laboring people of this land, and a great many who are not laboring people, to receive in exchange, as legal tender, coins that contain only 360 grains in place of 412½? Where is the logic or the morality or the consistency in that attitude on the part of this Government if there is any danger at all of there being a margin in value between four quarters of a dollar and one round silver dollar weighing 412½ grains? There is none. That is the answer to the whole problem. Your four quarters of a dollar are worth just as much to you under the legal-tender laws, as much in all the commercial transactions that you have any connection with, as if you had a dollar of 412½ grains. It is not the amount of silver in the coin, but the stamp of the mint upon it, that gives it legal value in domestic circulation.

Mr. President, the point that I have been trying to discuss, whether it rests in imagination or whether it rests in fact, that there might occur a discrepancy in the value of gold and silver coin, that there might be some speculative opportunity furnished to depress one and raise the other as circulating money in the country, is safely met and answered by a proposition which is contained in this bill, and which for the first time found its way into the laws of the United States in respect of coin and coinage since 1863, in our financial legislation in 1890.

I have already pointed out in the opening of my remarks that in 1863 the Government of the United States thought that its obligations were properly redeemable simply in coin. Then that feature of the redemption was in effect dropped out of all other obligations by the demonetization of silver, which made the obligation in the bonds then issued and all future contracts of the Government an obligation to pay in gold coin, and not in the coin of the United States, and it was not until 1890, in the last financial act which we passed in this Congress, that the words "coin of the United States" were again employed in our statutes. It was then that we got back as far as our condition was in 1863 in the declaration of our financial policy. It was then that we were willing to risk the policy and the reputation and credit of the United States in times of peace, upon the same words and the same basis of legislation that in 1863 we rested the success of the great internal war that was then being conducted in this country.

In the act of 1890 we provided for the issue of coin certificates pay-

able at the option of the United States Government in coins of gold or coins of silver. Now, a Senator has got one of those coin certificates in his pocket for $1,000 and he knows perfectly well that the credit of the United States is always good for the redemption of that $1,000 certificate in coin of gold or coin of silver according to his wish and preference, and while the law reads that the Government shall have the option (which, I think, is an improvident provision), yet it is morally certain that the Senator can go at any time he chooses to any subtreasury and have that $1,000 certificate redeemed either in gold coin or in silver coin. If silver in the market happens to be at a bullion premium he might possibly prefer it in silver coin, and if gold happened to be at a premium he might possibly prefer it in gold coin. He could not have a preference of that kind within the United States, unless it be in respect of a mere matter of personal convenience of carrying it about his person, for the legal-tender law operating in conjunction with the coin certificate places them both, in the eyes of the law and in the estimation of all commercial and financial circles, at an exact equilibrium and a perfect parity.

That device, Mr. President, has solved this whole question of a margin between gold and silver coins so far as it concerns the people of the United States. If to-day every one of our promises, including the greenbacks and national-bank notes, were promises which carried upon their face a pledge of redemption in coin they would all be just as good as gold, and they would all be just as good as silver, and they would all be just as good as gold and silver, combined with the credit of the United States; and you could not have anything better than that.

Now, sir, as to the basis of the redemption of these coin certificates, founded, as they are, upon the honor of the United States and secured by its great taxing powers, which we never have in times of direst necessity stretched to any degree that did not meet the hearty welcome of the people, based upon the power of taxation and upon a vast volume of annual collections and expenditure in the matter of conducting the Government. There could not possibly be any system of finance more perfectly secure than that of the United States when its Treasury notes are in the form of coin certificates. That is, of course, in respect to our own internal affairs.

How is it in respect of our foreign financial affairs? Your greenbacks do not go abroad, your national-bank notes do not go abroad in any large sums, none of the paper issues of the United States go to London, and none, you may say, of the paper issues of the Bank of England or the Bank of France or the Bank of Germany come here. These paper issues are not interchangeable commercially between these great nations, and they have not anything to do with the question of the adjustment of the difference in systems of finance between this country and foreign countries.

When you import gold sovereigns from Great Britain or other gold coins from France or Berlin, what are they when they touch the customhouse at New York, or Philadelphia, or Boston? They are commodities, they are bullion, and unless you choose by the laws of the United States, which would be a very unnecessary and unwise provision which we used to have, but have repealed, to make those coins legal tender in our own country; they have no money value at all, not as money. They have a bullion value, and nothing but a bullion value. So when your coins of the United States, your eagles, your five-dollar pieces, your twenty-dollar pieces, or whatever they may be, go abroad to other countries, they are measured there by their standard of value; they are measured there by the fineness of the gold and the quantity that is contained in the coin. They are mere bullion, and you could not make anything else out of them unless the laws of those countries receive those coins as legal tender for the satisfaction of debts. Therefore it is a matter of absolute impossibility, by legislation, to regulate the interchange of coins between this and any foreign country, even Mexico and Canada, so as that your coins, when they pass your border, shall cease to be bullion, and their coins, when they pass their border coming this way, shall cease to be bullion.

It is a traffic in bullion and nothing else, and the value of the bullion does not depend upon the mintage; it depends upon nothing of that kind. It depends upon what happens to be the bullion value of gold or the value of silver in the controlling markets of the world or the market of the particular country to which you send it.

To say nothing about what we might do possibly as a treaty-making power in arranging as legislators for the people of the United States a financial system including coinage, mintage, and all that, what have we to do with the question how these coins, whether they are of gold or whether they are of silver, are to be received in foreign countries? Why, Mr. President, there is no question concerning that except the redemption feature.

If coins of gold and coins of silver can be used interchangeably and indifferently as a basis of redemption in the United States you have got the whole question settled; there is nothing left of it after that. It is a domestic question; it concerns the United States and that alone, and we will legislate and legislate in vain in the effort to prescribe to foreign countries what they shall do with our coins when they get them there or what value they shall impute to them. If we take care of our own country and establish our laws upon our own foundations of industry and the yield of the mines in respect to the coinage of silver and gold on the bullion value of silver and gold, we shall do all that the people of the United States could possibly expect of us, and we shall make of this the richest country in the world. We have nothing to do but to turn our faces resolutely to the front and to proceed upon our own soil to legislate for our own people in our own way.

Now, I do not believe that all the figures that can be produced by the wisest doctrinaires of the world can overturn these plain, common-sense propositions. I think they are the basis of all of the financial policy of the United States or they ought to be, and when we examine these propositions in the light of experience, in the light of logic, in the light of reason, we find that they are not amenable to any sort of doubt in our own minds, and therefore we need not hesitate to go back to the days of 1863 and declare that the promises of the United States Government and all other promises shall hereafter be redeemed on the double metallic basis.

Mr. President, the observations I have had the honor to make this evening are merely introductory to the presentation in the Senate of the remarks that were made by one of the greatest men who ever adorned this body, and who has so recently departed from our midst that his voice can almost be heard ringing around this Senate Chamber. His presence is now almost a reality. The last speech that was made by the honorable Senator from Kentucky, James B. Beck, was certainly one of the finest and ablest of the presentations that have ever been made in this Senate.

His utterances were not intended for prophecy or as safe conjectures merely. They were based upon history and his own observation. But they were prophetic as well as historical, and they now come to mind both as admonition and encouragement. He was not able in the latest controversy that we had over this matter to participate in the debates; he had to stand by and look on with the most yearning anxiety as to the results. His advice was always valuable, and the remainder of the remarks that I shall make upon this occasion will be to ask the Senate to hear from the lips of Beck's friend and admirer, from the lips of a Senator who believed in his wisdom and his truth, his latest utterances in this body upon this subject. They are instructive; they are valuable; and it is only just to the memory of that great man that the Senate should listen again to his advice upon this very grave and important subject. Were he back here to-day he would not alter a line of what he had said. All the experiences of our people since he passed from this world, in their financial straits and struggles, have only verified what Mr. Beck said in this body the last time he addressed it upon this great subject.

If, as we hope and confidently believe, the people shall at last enjoy the triumph of the restoration of justice over greed and avarice in our coinage laws, it is only fitting and just that the name of James B. Beck should be recalled and his wisdom and faithful labors applauded in the rejoicings of the people.

Mr. FAULKNER. I suppose the Senator from Alabama is rather weary now, and will not be able to complete his speech this evening.

Mr. CAMERON. I move that the Senate——

Mr. MORGAN. I think it will take an hour longer for me to present my views on this subject.

Mr. DOLPH. Will the Senator allow me to call up a bill which will take but a moment?

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

Mr. DOLPH. On that I call for the yeas and nays.

The PRESIDING OFFICER (Mr. PLATT in the chair). Before putting the question the Chair will lay before the Senate a bill from the House of Representatives for reference.

HOUSE BILL REFERRED.

The bill (H. R. 12365) to authorize Oklahoma City, in Oklahoma Territory, to issue bonds to provide a right of way for the Choctaw Coal and Railway Company through said city was read twice by its title.

Mr. CULLOM. Precisely such a bill, I think, has been reported from the Committee on Territories of the Senate. I ask, therefore, that the bill be laid upon the table for the present, and printed.

The PRESIDING OFFICER. That order will be made.

E. H. MIX AND OTHERS.

Mr. DOLPH. The Senator from Pennsylvania yields to me to ask unanimous consent to consider a bill to which there is no possible objection. It is House bill 5474.

The PRESIDING OFFICER. The Senator from Oregon asks unanimous consent for the consideration of the bill (H. R. 5474) to make payment to E. H. Mix, E. H. Griswold, D. D. Griffith, and C. C. Goodspeed on erroneous land-entry payments. Is there objection?

Mr. CULLOM. Let us hear it read first.

Mr. DOLPH. Let it be read.

The PRESIDING OFFICER. The bill will be read for information.

The Chief Clerk read the bill, as follows:

Whereas the said persons entered 80 acres of land at United States land office at La Grande, State of Oregon, and by mistake of the officers thereof paid the United States $5 per acre instead of $2.50 per acre, the legal price therefor: Therefore

Be it enacted, etc., That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $200, and that the same be

made payable and be paid to E. H. Mix, E. H. Griswold, D. D. Griffith, and C. C. Goodspeed, of the State of Oregon.

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 a third reading; read the third time, and passed.

The preamble was agreed to.

THE BLUFORD WEST SALINE.

Mr. CAMERON. I renew my motion that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The Senator from Pennsylvania moves that the Senate proceed to the consideration of executive business.

Mr. VOORHEES. I hope the Senator from Pennsylvania will allow me a moment, while I venture to ask the Senate to consider a bill which ought to have been passed a long time ago. It will take but a moment. There is not a particle of discussion about it. If the Senator will allow me to have the bill passed I shall be very glad to acknowledge his kindness. It is the bill (H. R. 8947) to pay the administratrix of the estate of Bluford West, deceased, for the Bluford West Saline, in Cherokee Nation.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. CULLOM. Let us hear it read first.

The PRESIDING OFFICER. The bill will be read for information.

The Chief Clerk proceeded to read the bill.

Mr. ALLISON. I think that had better go over.

Mr. INGALLS. Mr. President, is there a quorum present in the Senate?

The PRESIDING OFFICER. Objection is made to the consideration of the bill.

Mr. VOORHEES. This is a House bill that has passed the committee of the House, passed the other House, passed the committee of the Senate, and there is no objection to it at all. On the contrary, it was unanimously passed by the Committee on Indian Affairs. I see the Senator from Massachusetts [Mr. DAWES] present, and I ask him to state——

The PRESIDING OFFICER. The Chair must remind the Senator that debate is not in order, objection having been made to the consideration of the bill.

Mr. VOORHEES. I am not debating; I am only asking for information.

Mr. ALLISON. I dislike to object to the consideration of a case of this character, but——

Mr. VOORHEES. It is a little bit of a bill that ought to have been passed long ago.

Mr. ALLISON. That may be, but it is a pretty important matter; and I think we ought to have a fuller Senate when we consider it. I shall not object to it when we have a fuller Senate.

Mr. VOORHEES. There is no objection on the part of those who have investigated it, none whatever. The Senator from Massachusetts [Mr. DAWES] can tell you so. I think the Senator from Iowa will withdraw his objection if he reflects a moment.

The PRESIDING OFFICER. The Chair understands that objection is made to the consideration of the bill.

Mr. ALLISON. I will consent to its consideration later on.

EXECUTIVE SESSION.

Mr. CAMERON. I renew my motion.

The PRESIDING OFFICER. The Senator from Pennsylvania moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session, the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Saturday, January 10, 1891, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 9th day of January, 1891.

COLLECTOR OF CUSTOMS.

Joab W. Palmer, of Maine, to be collector of customs for the district of Bangor, in the State of Maine, to succeed Charles W. Roberts, whose term of office will expire by limitation January 27, 1891.

COMMISSIONERS ON INTERNATIONAL COIN AND COINS.

Nathaniel P. Hill, of Colorado, to be a commissioner to consider the establishment of an international coin or coins, as recommended by the International American Conference, etc., as provided for in the act making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1891, approved July 14, 1890.

Lambert Tree, of Illinois, to be a commissioner to consider the establishment of an international coin or coins, as recommended by the International American Conference, etc., as provided for in the act making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1891, approved July 14, 1890.

William A. Russell, of Massachusetts, to be a commissioner to consider the establishment of an international coin or coins, as recommended by the International American Conference, etc., as provided for in the act making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1891, approved July 14, 1890.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 7, 1891.

POSTMASTER.

Charles R. Luster, to be postmaster at Brunswick, in the county of Chariton and State of Missouri.

Executive nominations confirmed by the Senate January 9, 1891.

POSTMASTERS.

Frank W. Harriman, to be postmaster at Appleton, in the county of Outagamie and State of Wisconsin.

George A. Lincoln, to be postmaster at Cedar Rapids, in the county of Linn and State of Iowa.

Peter J. Potts, to be postmaster at Council Grove, in the county of Morris and State of Kansas.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January* 9, 1891.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

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

ORDER OF BUSINESS.

Mr. THOMAS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of business on the Private Calendar.

Mr. FARQUHAR. It was generally understood, I believe, that we should proceed with the unfinished business of the Committee of the Whole, which is the tonnage bill.

The SPEAKER. The Chair would like to recognize first the gentleman from Oklahoma [Mr. HARVEY] for the presentation of a bill.

CHOCTAW COAL AND RAILWAY COMPANY.

Mr. HARVEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 12365) to authorize Oklahoma City, in Oklahoma Territory, to issue bonds to provide a right of way for the Choctaw Coal and Railway Company through said city, was read, as follows:

Be it enacted, etc., That Oklahoma City, in Oklahoma Territory, be, and the same is hereby, authorized to issue its bonds, payable in not less than ten nor more than twenty years, at 5 per cent. per annum, to the amount not in excess of $40,000, for the purpose of providing a right of way for the Choctaw Coal and Railway Company through said city.

The following amendment, recommended by the committee, was read:

Add the following after line 8:

"*Provided*, That the proposition to issue the bonds authorized by this act shall be submitted to the qualified electors of said city who have resided therein for thirty days prior to said election, and a majority of said electors shall vote therefor. The mayor and council of said city shall fix the time at which said election shall be held and shall give ten days' notice of the same: *Provided further*, That neither said bonds nor the proceeds thereof shall be used for any other purpose than that hereinabove set forth."

Mr. HARVEY offered the following amendments to the committee amendment:

Line 12, after "and" insert "assented to by."
Same line, strike out "shall vote therefor" and insert "voting thereon."
Line 17, strike out "hereinabove" and insert "hereinbefore."

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

Mr. ANDERSON, of Kansas. I object, Mr. Speaker, until some explanation is made of the bill.

Mr. HARVEY. Mr. Speaker, ever since the town of Oklahoma City was started there has been a controversy between the people of that city and this railroad company. Under the decision of the Supreme Court the railroad company is now entitled to a right of way through the city, 300 feet wide, running through the business and residence portion of the city, which is entirely built up. The object of this bill is to adjust the right-of-way difficulty with the railroad company, to give them a street and two blocks of land in lieu of the right of way which they are to surrender. The persons owning the property surrendered, who are to be benefited by this adjustment, are to contribute in part, and the general public in part. If this arrangement is not carried out, the railroad company, under the decision of the Supreme Court of the United States, can tear through the improvements and mutilate the city in a way that we do not want to have done. This is a matter that could be arranged in any city in the gentleman's district by a meeting of the city council in half an hour, but we are compelled to come to Congress for it.

Mr. ANDERSON, of Kansas. I would like to inquire of the gen-

tleman whether these bonds authorized in this bill are to be given to the railroad company or to the owners of this property.

Mr. HARVEY. The bonds are to be given to the owners of the property to compensate them for the loss of their improvements. The railroad is to have nothing whatever to do with the handling of this money. It is not for the purpose of paying the railroad company; it is to pay the parties whose improvements are taken for the new right of way.

Mr. ANDERSON, of Kansas. How long has that city been there and what is its population?

Mr. HARVEY. It is about two years old. The population is about 6,000.

The SPEAKER. Is there objection to the present consideration of this bill? [A pause.] The Chair hears none.

Mr. CANNON. Mr. Speaker, as there is no objection, I would like to know the amount of these bonds that are proposed to be issued.

Mr. HARVEY. Not to exceed $40,000, whatever amount is necessary to pay the owners of property whose improvements are taken in this way. That is what the money is intended for, and it is to be used for no other purpose but to compensate these parties for the loss of their improvements. It is not to go to the railroad company at all. It will take about $75,000 all together to pay for these improvements, but part of it is to be met by individuals.

Mr. CANNON. In other words, it is proposed to give this railroad company a right of way through this city and to bond the city to pay for it.

Mr. HARVEY. No, sir; nothing of the kind. The railroad company already has a right of way, running in an angling direction through the city. The Supreme Court has held that that right of way has attached, and the railroad company has now the right to enforce it.

Mr. ANDERSON, of Kansas. How did the railroad company acquire this right of way?

Mr. HARVEY. By an act of Congress.

Mr. STRUBLE. Mr. Speaker, this bill was reported from the Committee on Territories by the gentleman from Ohio [Mr. MOREY], and I think it might be well for the House to hear him on this subject.

Mr. MOREY rose.

Mr. OATES. Mr. Speaker, I would like to retain the right to object to this bill.

The SPEAKER. The matter is now before the House. The Chair asked for objection and none was heard, and the bill has been debated.

Mr. VAUX. I objected twice, Mr. Speaker.

The SPEAKER. The Chair asked for objections and heard none, and then stated to the House that there was no objection, and nothing was said to the contrary.

Mr. VAUX. I tried to get the Speaker's eye, and objected.

The SPEAKER. Did the gentleman rise in his place and object?

Mr. VAUX. I did, sir. I rose in my place and objected, as I am doing now.

Mr. SPRINGER. I think the gentleman objected, not at the particular time the Chair submitted the question, but when the request was made.

The SPEAKER. The Chair asked for objection, heard none, and announced that there was no objection.

Mr. VAUX. Two of my colleagues sitting alongside of me heard me object.

The SPEAKER. The Chair wishes the House would be in such order that objections may be heard when presented and that gentlemen may be heard when they address the House. This can be done by every gentleman remaining in his seat and refraining from conversation. The gentleman from Ohio [Mr. MOREY] will proceed.

Mr. MOREY. Mr. Speaker, this bill comes before the House upon a unanimous report of the Committee on Territories. It authorizes the city of Oklahoma to issue bonds not exceeding $40,000 in amount for the purpose of adjusting the right of way of the Choctaw Coal and Railway Company through the city of Oklahoma. It seems that this railway company under a grant from the Congress of the United States had laid its route diagonally over the territory now occupied by the city of Oklahoma, but it had not been definitely surveyed or established.

Mr. ANDERSON, of Kansas. When was this grant made and had the company located its line prior to the establishment of the city?

Mr. HARVEY. It had been located.

Mr. MOREY. Prior to the founding of the city of Oklahoma the route had been laid out, but had not been definitely surveyed; and under a decision of the Supreme Court it is held that the company's right attached——

Mr. ANDERSON, of Kansas. Had any location whatever been made?

Mr. MOREY. It is held under the decision of the court that the right of the company attached where the route should be finally located and surveyed.

Mr. ANDERSON, of Kansas. But had the company surveyed and located any line whatever?

Mr. MOREY. I understand not.

Mr. ANDERSON, of Kansas. Then this is a "game of grab" on their part.

Mr. MOREY. Under the decision of the Supreme Court it is held that the right attaches to the route which may be finally located by the railroad company.

Mr. HARVEY. If the gentleman will permit me, the fact is that the survey had been made, but no report filed with the Interior Department of a definite location. The line was marked through the city.

Mr. ANDERSON, of Kansas. Had stakes been driven and the line marked?

Mr. HARVEY. Yes, sir.

Mr. MOREY. Under this state of facts parties went on and selected lots. The laying out of the city was completed. Lot occupants have erected improvements upon their lots, and now a conflict arises between such occupants and the railroad company. The route as finally located would go diagonally through the city of Oklahoma. The Delegate from that Territory [Mr. HARVEY], who resides in the city of Oklahoma, comes here and shows that it is the wish of the people of the city that this matter be adjusted between the railroad company and those who have improved these lots without litigation and by giving to the railroad company a straight line instead of a diagonal line through the city.

Mr. OATES. Does this bill authorize the city of Oklahoma to issue bonds for the purpose of adjusting the right of way through that city?

Mr. MOREY. That is the purpose. This bill authorizes the city of Oklahoma to issue bonds to the amount of $40,000 for the purpose of adjusting this right of way.

Mr. OATES. The Government of the United States will not indorse these bonds or be at all liable for them?

Mr. PERKINS. Not in any way.

Mr. OATES. All right.

Mr. ANDERSON, of Kansas. I would like to know what was the width of this original right of way.

Mr. MOREY. I am not able to answer.

Mr. HARVEY. Three hundred feet.

Mr. MOREY. The object of this bill is to do away with the right of way claimed by the company and to purchase another right of way which will be more convenient to the city by creating less obstruction, and will at the same time settle this controversy between the railroad company and the owners of these lots.

Mr. ANDERSON, of Kansas. I wish to ascertain one fact in this connection. As I understand from my friend who stands beside me [Mr. HARVEY], the right of way granted to the company under the act of Congress has a width of 300 feet. According to the statements made here the company, under a decision of the Supreme Court, can claim right of way for 300 feet through that city. Now, what is the proposition which the company makes as to the width of the right of way which they will take provided this bill becomes a law?

Mr. MOREY. The proposition, as I understand, is this: That the railroad company shall surrender its claim to the original right of way and accept another suitable and adequate right of way, to be secured by the use of these bonds, which will not exceed in amount $40,000.

Mr. ANDERSON, of Kansas. This new right of way, I am informed, is to be 80 feet wide.

Mr. HARVEY. Yes, sir; running along a street.

Mr. ANDERSON, of Kansas. Anything else?

Mr. HARVEY. And for depot purposes the company proposes to acquire two blocks of ground now covered with buildings, which we propose to remove.

Mr. ANDERSON, of Kansas. In this bill, then, the company obtains a compromise under which the right of way 300 feet wide will be surrendered?

Mr. HARVEY. They surrender all claim to that right of way.

Mr. MOREY. I will only add, Mr. Speaker, that this proposition, before finally taking effect, is to be submitted to a vote of the people of Oklahoma City. [Cries of "Vote!" "Vote!"]

The question being taken, the amendments to the amendment were agreed to, and the amendment as amended was adopted.

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

Mr. MOREY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. YODER. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill I send to the desk and put it upon its passage.

Mr. THOMAS. Mr. Speaker, I renew the motion to go into Committee of the Whole to consider business under the rule to-day.

The SPEAKER. That is equivalent to an objection.

The question was taken; and the Speaker decided that the ayes prevailed.

Mr. FARQUHAR. I demand a division.

The House proceeded to divide. Before the result was announced,

Mr. FARQUHAR said: I withdraw the demand, as it is evident the House desires to proceed with private business to-day.

Pending the announcement of the vote,

Mr. THOMAS said: Mr. Speaker, I ask unanimous consent that the Committee of the Whole be instructed to take up Senate bills as they appear on the Calendar, for consideration.

Mr. BOOTHMAN. I object.

The SPEAKER. It can be done only by unanimous consent. Is there objection?

Mr. ENLOE and Mr. SPRINGER objected.

The announcement of the vote on the motion of Mr. THOMAS was then made; and accordingly the House resolved itself into Committee of the Whole House, Mr. ALLEN, of Michigan, in the chair.

CITIZENS' BANK OF LOUISIANA.

The CHAIRMAN. The Clerk will report the first bill on the Calendar.

The Clerk read as follows:

A bill (H. R. 3209) to authorize the Court of Claims to hear and determine the claim of the Citizens' Bank of Louisiana, etc.

The bill was read, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred on the Court of Claims to hear and decide, as if it had original jurisdiction of said case, the claim of the Citizens' Bank of Louisiana, with interest thereon, against the United States, growing out of the alleged unlawful seizure and covering into the Treasury of the United States of certain moneys of said bank by General B. F. Butler, commanding the United States forces in Louisiana in 1862, and either party shall have the right to appeal to the Supreme Court, and said cause shall be advanced on the docket and tried without delay by any court which may become invested with jurisdiction thereof by virtue of the provisions of this act, and the statute of limitations shall not be pleaded or entertained as a bar to recovery in said cause.

Mr. THOMAS. Mr. Chairman, the gentleman from Louisiana [Mr. WILKINSON], who has charge of the bill, is, I believe, not present, and I ask to have it laid aside until he is here.

Mr. BLANCHARD. I object to that.

Mr. THOMAS. If the gentleman from Louisiana desires its consideration to-day, of course I will not insist.

Mr. BLANCHARD. My colleague, Mr. WILKINSON, in immediate charge of the bill, is absent from the city; but I do not think that is any reason why the bill should lose its place on the Calendar and not be considered at this time.

Mr. ENLOE. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. ENLOE. I would like the Chair to try to get the private business of a personal character laid aside, so that we can determine what the public business of a private character is before the House.

The CHAIRMAN. The Chair will endeavor to preserve order on the floor.

Mr. THOMAS. The reason for making the request was that the gentleman from Louisiana [Mr. WILKINSON] was absent. I felt compelled to carry out my action in the committee, which was in opposition to the bill; and for that reason I desire to give him fair opportunity to be present.

If, however, the gentleman from Louisiana who has addressed the Chair desires the bill to be considered at this time, I will have no objection. I will submit the request, however, again that it be laid aside without prejudice.

Mr. BLANCHARD. Mr. Chairman, I do not think it is the desire of my colleague who is absent that this bill should be laid aside, and I therefore object.

The CHAIRMAN. The bill is before the committee for consideration.

Mr. HOLMAN. Let the report be read.

Mr. THOMAS. I rise to oppose the bill, but will wait until I hear what is said on the other side in its favor.

Mr. BLANCHARD. Mr. Chairman, the gentleman from North Carolina [Mr. BROWER] who reported this bill does not appear to be in his seat. In his absence and in the absence of my colleague from the First district of Louisiana who introduced this bill, I will take the floor for the purpose of having read the report made in this Congress by Mr. BROWER, and also a report made on this bill in the Senate of the United States in 1884 by Mr. Jackson, then a Senator from the State of Tennessee, and now a United States circuit judge. I first send to have read the report made by Mr. Jackson in the Senate during the Forty-eighth Congress.

The Clerk read as follows:

[Senate Report No. 403, Forty-eighth Congress, first session.]

Mr. Jackson, from the Committee on Claims, submitted the following report to accompany bill S. 85.

The Committee on Claims, to whom was referred the bill (S. 85) for the relief of the Citizens' Bank of Louisiana, have considered the same, and respectfully report:

That the Citizens' Bank of Louisiana is now and has been since 1836 a banking corporation duly established and organized by and under the laws of the State of Louisiana, having its principal place of business and banking house in the city of New Orleans. Shortly after the commencement of the late civil war this bank, together with all other banks in the insurrectionary States, was compelled to suspend specie payments, gold and silver having ceased to circulate, being superseded by the treasury notes of the Confederate States; which thereafter became the only currency in ordinary use or in which current daily business could be at all carried on. These Confederate notes, while in form and general aspect like bank notes, promised to pay the bearer the sum named in them "two years after the ratification fo a treaty of peace between the Confederate States and the United States of America."

Being issued by an organization or government of paramount force, "they must be regarded [as declared by the Supreme Court of the United States, 8 Wallace, 11], therefore, as a currency imposed on the community by irresistible force," and from the necessity of civil obedience on the part of all who remained within its jurisdiction this currency has been considered by the courts in the same light as if it had been issued by a foreign Government temporarily occupying a part of the territory of the United States. "Contracts stipulating for payments in this currency can not be regarded for that reason only as made in aid of * * * the domestic insurrection."

Such being the character of this currency and the situation of the Citizens' Bank, it became necessary for the bank to protect itself against loss in accepting deposits of Confederate notes. Accordingly, on the 16th September, 1861, this currency having then become the sole circulation in the city of New Orleans, the Citizens' Bank of Louisiana, in common with all the other banks of that city, adopted a printed form of agreement with all depositors, which was placed in their books of deposit, and stipulated that all deposits made after that date were to be "payable in the treasury notes of the Confederacy."

Subsequently, and under the terms of this agreement, the Confederate States treasurer and other officers and agents of the Confederacy made deposits in said bank of Confederate notes, and at the date of the capture of New Orleans by the Federal forces their accounts with said bank by reason of such deposits stood as follows:

Confederate States treasurer's account	$219,090.94
Special account	12,465.00
Deposits by officers:	
J. M. Huger, Confederate receiver	106,812.00
G. W. Ward, Confederate receiver	72,082.00
J. C. Manning, Confederate receiver	1,120.00
Maj. M. L. Smith	16,026.52
Maj. S. Maclin	6,814.57
Major Reichard	497.30
	434,908.33

When the city of New Orleans was surrendered to the United States Army under General Butler, a proclamation was issued by him dated May 1, 1862, one clause of which was as follows: "All the rights of property of whatever kind will be held inviolate, subject only to the laws of the United States." This, as stated by the Supreme Court—

"Only reiterated the rules established by the legislative and executive action of the National Government in respect to such portions of the insurrectionary States as should be occupied and controlled by the troops of the Union, and 'after that proclamation private property in the district was not subject to military seizure as booty of war.'"

In June, 1862, General Butler issued a circular order to the banks of New Orleans, requiring them to report and turn over to the military authorities all property in their banks, "whether of the character of general or special deposits, bills of exchange, or other evidence of debt belonging to any officer or person serving in any way the Confederate States, the State of Louisiana, or any Confederate State," any false return or omission to be punished by the confiscation of the property of the bank making such return. In compliance with this order the Citizens' Bank of New Orleans promptly reported to General Butler that the foregoing amounts were standing to the credit of Confederate States treasurer and other officers and agents of the Confederacy upon the books of the bank; that said deposits were made in Confederate notes, and were, by the terms of the deposit, payable in the same currency, etc.

General Butler, recognizing, as he states, that "in equity and good conscience the Confederate States could call for nothing more than they had compelled the bank to take, the United States only succeed to the rights of the Confederate States, and should only take that which the Confederate States ought to take," directed the bank to hold the first item of $219,090.94 standing to the credit of the Confederate treasurer as a special Confederate money deposit, subject to further order. He subsequently directed Jacob Barker, a prominent banker and business man of New Orleans, who seems to have acted as an intermediary between General Butler and the bank, to sell this $219,090.94 of Confederate notes which he did at 33⅓ cents on the dollar, realizing the sum of $73,030.31 in United States Treasury notes, which was paid over by the bank to John W. McClure, assistant quartermaster, by order of General Banks, August 31, 1863. This worked no wrong or injury to the bank. But the other deposits, standing to the credit of the Confederate receivers and officers of the Confederate States, amounting to $215,820.89, General Butler directed and required the bank to pay to his order, for the United States, in gold, silver, or United States Treasury notes, at once.

Against this, the bank earnestly protested, but without avail, and on the 19th June, 1862, it paid said amount to General Butler by check on the Bank of America of New York at five days' sight, and the amount was subsequently covered into the Treasury of the United States. The bank claims that this money should be refunded by the Government, into whose use and treasury it went. It is difficult to understand upon what principle the commanding general acted in making this distinction and discrimination between deposits made by the Confederate treasurer and by the other agents and officers of the Confederacy. Both classes of deposits were made in Confederate notes, and under the same agreement they were to be "payable in the treasury notes of the Confederacy." They were each the property of the Confederate States, standing precisely on the same footing and imposing upon the bank the same contract obligation. By the capture of New Orleans and the control thus acquired over those assets of the Confederacy, the United States did not become invested with anything more than the rights of the creditor making the deposits. They simply succeeded to the position and title of the depositors, and in assuming this control could not justly or lawfully disregard the terms of the contract under which the deposits were made and received, that they should be returned by the bank in treasury notes of the Confederacy.

This contract between the bank and its depositors made during the Confederate control of New Orleans was not only not illegal, but could have been enforced in the courts of the United States, as decided by the Supreme Court in Thorrington *vs.* Smith, 8 Wallace, 6. This contract being valid and conferring upon the bank an important right of property could not be properly disregarded after the proclamation of May 1, 1862, declaring that "property of whatever kind" would be held inviolate, subject only to the laws of the United States. The action of the commanding general can not be justified or sustained as a seizure under and in pursuance of the confiscation acts of 6th August, 1861, and 17th July, 1862. Under neither of those acts was the property of a banking institution made confiscable.

Nor had the military commandant, as such, any authority to enforce such payment as an act of confiscation. (See 16 Wallace, 495.) If this compulsory payment of the $215,820.89 be treated as an enforcement by military order of the bank's liability to the depositors, it is clear that the commanding general disregarded the bank's right under the contract of deposit to pay in Confederate notes. He doubtless assumed that such an agreement or understanding between the bank and the depositors was not valid or binding upon the creditors, such being the then current opinion, but in so doing he misapplied the law and imposed upon the bank a liability far in excess of its legal and equitable obligation.

It is, however, shown by the action of Jacob Barker in disposing of the $219,090.94 Confederate treasury notes, in 1862, at 33⅓ cents on the dollar in par funds, that this $215,820.89 in Confederate notes left in the hands of the bank might have been also disposed of at that rate (it does not appear whether they were actually so disposed of or not), which, in the opinion of your committee,

should be treated as an equitable abatement of the bank's claim on this item. Deducting 33⅓ per cent. from the $215,820.89, paid as aforesaid, will leave, without interest, the sum of $143,880.60 wrongfully exacted from the Citizens' Bank, and which, in the opinion of your committee, for the reasons already stated, constitute an equitable and meritorious claim against the United States.

The next item of the claim grows out of the following state of facts: The Citizens' Bank, early in 1862, during the period of Confederate occupation and control, became a subscriber to the amount of $306,400 for that amount of certain bonds of the city of New Orleans known as "city defense bonds."

It appears that this investment was made by the bank chiefly as a means of getting rid of the Confederate notes which it held, upon the theory that, whatever might be the fate of the Confederacy, the city of New Orleans would preserve its organization as a municipality and be liable for its debts. This subscription was paid for in Confederate notes, which the city intended to, and perhaps did, apply in part to its defense against the Federal forces then threatening it. This transaction between the bank and city was doubtless illegal, amounting, as it did, to the giving of aid and comfort to the enemies of the United States. But it was fully consummated and completed before the capture of the city by the Federal forces. On the 28th May, 1862, the bank returned $156,400 of said bonds to the city for cancellation. Why this was done does not appear.

In August, 1862, General Butler, by an order known as General Order 55, imposed upon the Citizens' Bank, as a penalty for having aided the rebellion, an assessment equal to the amount of its investment in said "city defense bonds," which he required to be paid in installments of 25 per cent. On the 9th August, 1862, the bank paid the first installment, amounting to $76,600, and received the following receipt, namely:

"HEADQUARTERS DEPARTMENT OF THE GULF,
"*New Orleans, August* 9, 1862.

"Received of Citizens' Bank of Louisiana $76,600, being the amount of an assessment upon it for aiding the rebellion, and to be appropriated to the relief of the starving poor of New Orleans.

"Per General Order No. 55.

"DAVID C. G. FIELD,
"*Financial Clerk.*"

It being called to his attention that the bank had previously returned to the city its bonds to the amount of $156,400, and that said assessment and payment of $76,600 was 25 per cent. on the original subscription of $306,400, General Butler made the following order:

"This amount ($156,400) having been canceled, the tax therefore should be remitted; but as the city has taken upon itself the cancelment of the bonds she ought in future to pay that portion of the tax; therefore let the $38,456.81 held at the credit of the city in the bank, being nearly 25 per cent. of the canceled bonds, be passed to the credit of the Citizens' Bank, they paying the whole tax.

"August 9, 1862.

"BENJ. F. BUTLER,
"*Major General, Commanding.*"

The city accordingly gave its check to the bank for this sum of $38,456.81, standing to its credit. This was a Confederate deposit, and the effect of the order and transaction was to make the bank pay $76,600 in par funds and get back $38,456.81 in a credit payable in Confederate notes. But, deducting this credit from the $76,600, the bank paid out in this assessment the sum of $38,133.19.

On the 13th July, 1863, the bank paid another assessment of $37,500 and received the following receipt:

"OFFICE OF THE CHIEF QUARTERMASTER,
"DEPARTMENT OF THE GULF,
"*New Orleans, July* 13, 1863.

"Received from the Citizens' Bank of Louisiana, in obedience to Order No. 7, of 12th January, 1863, of Major General Banks, $37,500, amount assessed to said bank under General Order No. 105, being 25 per cent. on $150,000 subscription of said bank to the city defense bonds, to be appropriated to the relief of the starving poor of New Orleans.

"JNO. W. McCLURE,
"*Captain, Assistant Quartermaster.*"

On the 13th October, 1864, the bank, under General Order No. 144, was required to and did pay another assessment of $37,500, for which a receipt, signed by H. Robinson, colonel and provost marshal general, Department of the Gulf, was given, reciting that—

"Said amount being 25 per cent. on the assessment made by General Orders Nos. 55 and 105, of the year 1862, from headquarters of this department."

The bank claims that it paid a similar assessment of $37,500 on the 9th November, 1862, but no receipt therefor is found amongst the papers. The receipts produced show the three payments of $38,133.19, $37,500, and $37,500, aggregating the sum of $113,133.19.

The funds or collections from the bank appear to have been used and appropriated mainly in supporting and providing employment for the poor of New Orleans, consisting largely of the colored population, which crowded into the city after the Federal occupation of the same. Without pausing to discuss the question as to whether this military assessment was or was not consistent with the policy declared in the President's proclamation of August 16, 1861, and the proclamation of the commanding general issued upon taking possession of New Orleans in May, 1862, a majority of the committee consider that, as the funds raised thereby did not go into the Treasury of the United States, but were used and employed by General Butler, who was then exercising the powers and functions of the local municipal government, for the benefit of the city, which under whatever form of government must have made to the best of its ability some provision for the poor and starving persons within its limits, it would not be proper to review and correct this proceeding or make the United States liable therefor, and they accordingly recommend the disallowance of this item of the claim, amounting to $113,133.19.

Another branch of the bank's claim embraces numerous payments, aggregating about $70,000, made to the military authorities of the United States under and in pursuance of Special Order No. 202, dated New Orleans, August 17, 1863, issued by Major General Banks. Under this order the bank turned over the amounts standing upon its books to the credit of various individuals and banks located and residing in the insurrectionary States. In the case of the Planters' Bank *vs.* The Union Bank (16 Wallace, 495), the Supreme Court has decided that this order was invalid, and your committee in several instances where the funds of persons were received by the United States thereunder have recommended that the Government should refund the same. (See reports Nos. 41, 68, 148, to the present session of Congress.)

But it does not appear from the papers before your committee that the Citizens' Bank has been called upon or required to repay any of the parties whose funds were so turned over by it under said Order 202, except in one case, namely, the Ocoe Bank of Tennessee, located at Cleveland, Tenn., which had to its credit in the Citizens' Bank $8,000, which was paid over to John W. McClure, captain and assistant quartermaster, by the Citizens' Bank in compliance with said order on the 8th September, 1863. The Ocoe Bank subsequently transferred its claim for this deposit to Waterhouse, Pearle & Co., who brought suit thereon against the Citizens' Bank, and in 1873 recovered judgment for the amount with interest, notwithstanding the Citizens' Bank interposed as a defense that it had paid over the amount as aforesaid under Order 202.

This judgment the Citizens' Bank has paid, and is therefore legally and equitably entitled to have refunded to it this $8,000, which the commanding general without authority compelled it to pay over in September, 1863. It may be that the Citizens' Bank has been compelled to repay to others amounts turned over under said Order No. 202; if so, the papers before your committee do not disclose the fact. Hence on this branch of the claim the committee recommend only the payment of $8,000, which the bank was afterward compelled to pay the assignee of the Ocoe Bank of Tennessee.

The Citizens' Bank also produces and files with the papers before the committee the receipt of Bvt. Lieut. Col. DeWitt Clinton, bearing date of January 15, 1866, for various notes, bonds, and securities turned over to him by said bank, under and in pursuance of orders issued by General Canby, then commanding that department. Those securities consisted of the following items:

1. Bonds, notes, etc., of the Louisiana parishes, amounting to the sum of	$86,248.46
2. The warrant (No. 573) of the auditor of the State of Louisiana, account of Citizens' Bank, amounting to	165,016.99
3. The check (No. 108) to Governor Moore, of Louisiana, on the State Bank for	259,512.19
4. The Louisiana 8 per cent. bonds, dated March 1, 1862, amounting to the sum of	732,000.00
Aggregating the sum of	1,242,777.64

These assets were the property of the Citizens' Bank. Why or for what reason they were taken from the bank does not appear. It is more than probable that they were bonds and securities issued by the State and parishes during or in aid of the war; but it does not appear from anything in the papers before your committee either that the Government derived any actual benefit from these securities or that the bank sustained any positive ascertainable injury by this loss.

Under these circumstances the committee can make no recommendation of any allowance on this branch of the claim. The bank's right to relief on the two foregoing items considered equitably due should not be denied, under the circumstances that have surrounded it, because of the time that has elapsed since its funds were taken and appropriated by the Government.

It is doubtful whether its claim would ever have been enforced by suit in the Court of Claims, for want of jurisdiction in the court; and until December, 1872, when the Supreme Court of the United States decided (in Planters' Bank *vs.* Union Bank, 16 Wallace, 495) that after General Butler's proclamation of May 1, 1862, "private property in New Orleans was not subject to military seizure, that the military commanders of the Department of the Gulf had no authority to enforce by military orders the confiscation acts of 1861 and 1862, and that such orders were invalid," etc., it was supposed by the bank and its legal advisers that the acts of the commanding officers under which its funds and assets were seized and appropriated by the Government were within the scope of their authority, and if valid no recovery or restoration could be obtained.

Under this belief it delayed application for redress till after that decision was rendered, and followed the next year by the State courts of Louisiana in the suit of the assignees of the Ocoe Bank against the Citizens' Bank above mentioned. These decisions having declared the military orders under which its funds were taken and appropriated by the Government invalid, the Citizens' Bank was then advised that it had a valid claim upon the Government for reimbursement. Shortly thereafter its claim, together with the papers relating thereto, was placed in the hands of Hon. E. J. Ellis, a member of the House of Representatives from Louisiana, for the purpose of having the same presented to Congress for relief, the time for suing in the Court of Claims, if any such right ever existed, having then long expired.

The papers were inadvertently lost or mislaid by Mr. Ellis, who for this reason took no steps in the matter. The papers having been replaced after the delay of one or two years, a bill was introduced for the bank's relief. The case was before this committee during the Forty-seventh Congress, but was not considered or acted on. The Government has in no way been prejudiced by the claimant's delay in seeking redress. All the material evidence in the case is of a documentary character and on file in its own archives. The use of the money has been enjoyed by the Government all the while, so that the bank is the only sufferer by the time that has elapsed. Under such circumstances the Government should not interpose the bar of the statute of limitations, nor shield itself behind the defense of claimant's supposed laches.

Acting upon those considerations the committee deem it just and equitable for the United States to refund to the Citizens' Bank the two items or amounts, as follows:

1. Two-thirds of the $215,820.89 paid over to the Government June 19, 1862	$143,880.60
2. Amount of the Ocoe Bank deposit paid over to military commander and afterwards repaid to assignees of Ocoe Bank	8,000.00
Aggregating the sum of	151,880.60

Your committee think that this sum should be paid the Citizens' Bank. The bill should be amended as follows: In line 7, strike out the words "four hundred" and insert in lieu thereof the words "one hundred and fifty-one." And insert before the word "dollars," in line 8, the following: "eight hundred and eighty." And after the word "dollars," in eighth line, insert "and sixty cents." Also strike out lines 11 and 12. And as thus amended the committee recommend the passage of the bill.

Mr. BLANCHARD. I now send up to have read the report made in this Congress by the gentleman from North Carolina [Mr. BROWER] in favor of this claim.

The Clerk read as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 3209) to authorize the Court of Claims to hear and determine the claim of the Citizens' Bank of Louisiana, etc., report as follows:

The facts out of which this bill for relief arises will be found stated in House report from the Committee on War Claims of the Fiftieth Congress, a copy of which is hereto annexed for information.

Your committee adopt the said report as their own, and recommend that the bill do pass with the following amendments: In line 7 strike out the words "alleged unlawful," and in lines 5 and 6 strike out the words "with interest thereon," and strike out, in line 11, all after "Supreme Court," down to and including the word "act," in line 14.

[House Report No. 4120. Fiftieth Congress, second session.]

Your committee, after careful consideration, submit the following as the result of their conclusions:

The Citizens' Bank of Louisiana claims from the United States the sum of $215,820.89, exacted from it June 19, 1862, by the order of Maj. Gen. B. F. Butler, commanding the United States forces at New Orleans, which amount was turned over to the quartermaster and covered into the Treasury of the United States.

This case was before the Senate Committee on Claims in the Forty-eighth and Forty-ninth Congresses and reported favorably by said committees to the Senate, but minority reports signed by two members in the Forty-eighth and one member in the Forty-ninth Congress were also presented.

The record of the claim shows indisputably the following facts:

(1) The Citizens' Bank is a corporation under the laws of Louisiana, doing a general banking business since 1836, the stock being held in nearly every State of the Union and in Europe.

2. In 1861 it, together with all other banks in the Southern States, suspended specie payment, and its business was then transacted in Confederate treasury notes, which had wholly superseded coin in all business transactions.

3. September 16, 1861, the Citizens' Bank made a contract with all depositors, which contract was printed in all books of deposit, which stipulated that thereafter, to wit, after the 16th of September, 1861, all deposits made would be payable in the treasury notes of the Confederate States.

4. Thereafter, and under the terms of said contract, deposits were made by certain officers and agents of the Confederate government as follows:

Confederate States treasurer's account	$219,090.94
Special account	12,465.00
J. M. Huger, Confederate receiver	106,812.00
G. W. Ward, Confederate receiver	72,082.00
J. C. Manning, Confederate receiver	1,120.00
Maj. M. L. Smith	16,026.52
Maj. S. Maclin	6,814.57
Major Reichard	497.30
Total	434,908.33

The said sums were deposited in, and by said contract payable in, Confederate States treasury notes only.

5. The United States fleet under Admiral Farragut captured and occupied New Orleans about the 28th of April, 1862, and on May 1 General Butler, commanding, issued a proclamation to the people of the conquered city, in which he declared that "all the rights of property of whatever kind will be held inviolate, subject only to the laws of the United States."

6. A month afterwards, in June, 1862, General Butler ordered ("General Order No 40") all the New Orleans banks to report and turn over to the United States military authorities all property held by them, either "general or special deposits, bills of exchange, or other evidences of debt belonging to any officer or person serving in any way the Confederate States, the State of Louisiana, or any Confederate State."

7. June 11, 1862, the Citizens' Bank reported as follows:

CITIZENS' BANK OF LOUISIANA,
New Orleans, June 11, 1862.

GENERAL: In obedience to your General Order No. 40, I beg to inform you that on the 1st of May last there was to the credit of the treasurer of the Confederate States in this bank the sum of $219,090.94; and also on special account the further sum of $12,465; and this bank holding a larger amount in the notes of the Confederate treasury, an equivalent amount in said treasury notes has been set aside and is now held by the bank to offset the above-stated amount, and which notes I will return as the property of the Confederate States under your order.

Also, one small tin box, marked "Conf. States district court."

The following-named parties have also to their credit on deposit these sums, namely:

J. M. Huger, Confederate States receiver	$106,812.00
G. W. Ward, Confederate States receiver	72,082.00
J. C. Manning, Confederate States receiver	1,120.00
Maj. M. L. Smith, Confederate States receiver	16,026.52
Major Macklin, Confederate States receiver	6,814.57
Major Reichard, Confederate States receiver	497.30

As the deposits by the receivers were made in this bank by virtue of an order of the Confederate court, in accordance with the act of congress they were to that extent compulsory on the receivers as well as on the banks. To have refused to comply with the mandate of the court might have brought both parties into conflict with the constituted authorities for the time being.

All the above-mentioned deposits were made in the currency of the Confederate government by its appointed officers.

Had the bank resumed specie payment or become bankrupt in the mean time, those depositors would have had no claim to the coin or to a pro rata distribution of the other assets of the bank. They could only have claimed the currency deposited by them, and hence it may be classed as special deposits of Confederate funds, payable in same, in accordance with the contracts and understanding at the time. Under the circumstances the bank appeals to General Butler's sense of equity and justice to allow these deposits to be paid to whom it may concern in the same currency in which they were received.

Some time during the month of November last an order of sequestration was issued to the marshals of the Confederate States to take charge of the assets of the Bank of Kentucky, then held by this bank in the usual course of business.

The assets have never been removed from the bank, yet still are nominally beyond its control.

I therefore respectfully request from the commanding general an order to refund to the Kentucky bank, the owners of said assets, that the accounts may be made out accordingly and a due return forwarded to them.

The banks were informed on the seizure of their assets at the time, and one of them, the Bank of Kentucky, had a resident agent here at that time.

With great respect, your obedient servant,

JAMES D. DENEGRE, *President.*

Maj. Gen. B. F. BUTLER,
Commanding at New Orleans.

(8) To this showing General Butler replied in a characteristic letter, which closes as follows:

"Therefore, I must direct all the items but the first to be paid to my order for the United States in gold, silver, or United States Treasury notes, at once. The first item of $219,090.94 I will refer to the home government for adjudication; and, in the mean time, the bank must hold as a special deposit the amount of Confederate notes above mentioned, and a like amount of bullion to await the decision.

"BENJAMIN F. BUTLER,
"*Major-General, Commanding.*"

(9) General Butler then sold, through Jacob Barker, the first item, to wit, $219,090.94 in Confederate treasury notes, and realized about 33⅓ cents on the dollar, amounting to $73,030.31 in United States currency, which was covered into the Treasury. This proceeding was perfectly right and proper under the laws of war, and had General Butler proceeded in the same way with the deposits of the Confederate officers and receivers the Citizens' Bank would have had no claim against the Government. But he did not.

(10) On the contrary, he obliged the bank to pay over the whole of the balance of said deposits standing in the name of the Confederate receivers and agents, and which were undoubtedly the public moneys of the Confederate government, and which amounted to $215,820.89 in gold, silver, or United States currency. This was done by the bank on the 19th of June, 1862, in a check on the Bank of America of New York, and was covered into the Treasury of the United States.

Such are the facts.

As applicable thereto the following is submitted as embodying the law that must govern the case:

First. The order of General Butler obliging the Citizens' Bank to pay $215,820.89 in good and lawful money, was wholly illegal and without any authority in law, civil or military, because—

(1) Said order was a violation of his own proclamation of May 1, 1862, in which he declared that "all the rights of property, of whatever kind, will be held inviolate, subject only to the laws of the United States."

In the case of the Venice (2 Wall., 258), the Chief Justice said:

"Hence the proclamation of the commanding general at New Orleans must not be interpreted by such rules as govern the case of the ships taken at Genoa. Vessels and their cargoes belonging to citizens of New Orleans * * * after the publication of that proclamation must be regarded as protected by its terms."

In the case of the Planters' Bank *vs.* The Union Bank (16 Wall., 483), the court held that—

"A military commander commanding the department in which New Orleans was situated had not the right on the 17th of August, 1863, after the occupation of that city by General Butler, and after his proclamation of May 1, 1862, announcing that 'all the rights of property of whatever kind will be held inviolate, subject only to the laws of the United States,' to seize private property as booty of war, or, in face of the acts of Congress of 6th of August, 1861, and July 17, 1862, make any order confiscating it."

(2) Said order was a violation of a contract between the Citizens' Bank and its depositors. The deposits of the Confederate receivers were made in Confederate money, and they had agreed to take Confederate money in payment. This contract General Butler had no power to alter or derogate from. The Supreme Court (16 Wall., 483) has expressly declared that such a contract was legal and could be enforced. As such it formed an important right of property which General Butler was without authority to violate or change.

3. General Butler could only take whatever rights the Confederate government or its agents or officers had to any deposits or property in the Citizens' Bank. He did take the first item of deposit standing in the name of the Confederate States treasurer, namely, $219,090.94 in Confederate treasury notes and caused it to be sold and realized $73,030.31 in United States currency. The other deposits standing to the credit of the Confederate agents and receivers were equally the public moneys of the Confederate government, and as such were lawful booty of war. But he did not take the last-mentioned amount. On the contrary, he left the $215,820.89 in Confederate treasury notes in the vaults of the bank and compelled the bank to pay over $215,820.89 in "gold, silver, or United States Treasury notes." In other words, he failed to take from the bank's custody what he might have lawfully taken as booty of war and unlawfully seized and took away the property of the bank which he was without the slightest authority to take, and turned it over to the Treasury of the United States, where it now is and has been for twenty-four years.

The Supreme Court in the cases cited above has decided such a seizure to have been unlawful. And if the seizure was unlawful there would seem to remain on the part of the Government the plain duty of righting the wrong. How to do this best and most safely to the interests of all concerned is the question. The bill under consideration provides that the amount thus unlawfully seized be restored directly to the bank. But here arise the questions which it would seem were clearly within the province of the courts rather than the Legislature to determine.

First. What amount shall be returned to the bank? True, General Butler took the sum of $215,820.89 from the bank unlawfully. But he left in the hands of the bank a like sum in Confederate currency, which had some commercial value at the time. Whether the bank realized on it or not or whether it was left by the bank to become valueless by the result of the war, and, if so, whether the bank is not guilty of laches, are questions which enter into the case and which should be decided by the courts.

Second. General Butler declares that the deposit of $215,820.89 was made in gold, silver, or its equivalent. The proof is strong that it was made in Confederate currency. General Butler was not in New Orleans in 1861 when the deposit was made. He had no means of knowing in what kind of currency the deposit was made, nor does he give his authority for his assertion. But little weight is therefore to be attached to his declaration in this regard. Still it is a question in the case which the courts should determine, for if said deposits were in lawful money it would seem that the bank only gave up what it received.

Third. Whether the printed notice in the depositors' bank books, that "thereafter all depositors should be paid in Confederate currency," did not constitute a contract between the bank and the depositors which could not be impaired is yet another question for the decision of the courts rather than for Congress.

Finally. Whether, if General Butler did unlawfully seize the funds of the bank, interest is not justly due by the Government, which has had the use of the money since the seizure, is yet another question which the courts, and not Congress, should determine.

Your committee is therefore of the opinion that this claim should be referred to the Court of Claims, with right of appeal by either party, and that, considering the great length of time that has elapsed since the seizure, trial by preference should be awarded.

We therefore report a substitute for H. R. 3717, and recommend that the original bill be laid on the table and the substitute be passed.

Mr. BLANCHARD. Will the Chair be kind enough to state how much time I have remaining?

The CHAIRMAN. The gentleman has seventeen minutes.

Mr. BLANCHARD. Mr. Chairman, this bill, as will be noticed by the House, merely refers to the Court of Claims the claim of the Citizens' Bank of Louisiana against the Government of the United States, in order to ascertain the facts and the law governing the case. It makes no appropriation out of the Treasury at this time to meet any liability or supposed liability on the part of the Government to the bank.

This case is an old one, in the sense that it has been pending in Congress for some years, and it is a fact worthy of consideration that every committee, whether of the Senate or of the House, which has been called upon to consider it, has reported in its favor. In the Forty-eighth Congress, in the Senate of the United States, the appropriate committee considered the case of the Citizens' Bank, and reported in its favor; and in the following Congress, the Forty-ninth, the case was likewise reported favorably from the committee of the Senate to which it had been referred.

Mr. HAUGEN. Let me ask the gentleman if there was not a minority report in the Forty-eighth Congress.

Mr. BLANCHARD. Mr. Chairman, there is no such thing as "a minority report."

Mr. HAUGEN. Well, call it by whatever name you please.

Mr. BLANCHARD. There was submitted with the report of the committee the "views of the minority." In the Forty-eighth Congress two Senators only signed what is called the minority report, and in the Forty-ninth Congress one only, I believe.

Mr. HAUGEN. In opposition to the claim.

Mr. BLANCHARD. This case was considered by the War Claims Committee in this House in the Fiftieth Congress, and was reported favorably; and I know of no minority report or minority views submitted from that committee in opposition to it. In the present Congress the Committee on War Claims also considered the case and have reported it favorably through the gentleman from North Carolina [Mr. BROWER].

Mr. TAYLOR, of Illinois. What is the aggregate amount of the claim?

Mr. BLANCHARD. I will state it. In 1861 the Citizens' Bank of Louisiana was doing business in the city of New Orleans. On and after September 16, 1861, it stipulated with its depositors, and that stipulation was printed in all of the books of deposit which were issued to its depositors, that the moneys deposited in the bank after that date should be paid to the depositors in Confederate money. After that date deposits made in the bank were of Confederate money, and the bank stipulated with its depositors that they should receive from the bank the same money that they deposited with the bank.

Subsequent to September 16, 1861, there was deposited in the Citizens' Bank to the credit of the Confederate States treasurer's account $219,000 in Confederate notes, and later there were deposited to the credit of various agents of the Confederate treasury department other sums aggregating a little more than $215,000, making a total sum of $434,908 deposited in the Citizens' Bank of Louisiana in Confederate notes for account of the Confederacy. In April, 1862, Admiral Farragut occupied the city of New Orleans, and in May, 1862, General Butler assumed command of that department. Shortly thereafter he issued an order to all the banks of the city of New Orleans, directing them to turn over to him all notes, moneys, bills of exchange, etc., held by them for account of the Confederate States government.

The Citizens' Bank of Louisiana promptly reported that it held funds that would come within the scope of his order to the amount of $434,-908, which had been deposited in that bank in Confederate money. They expressed their intention to comply with the order of General Butler to turn over that money to him for account of the United States, but they called his attention to their contract with their depositors to pay all deposits in the same money in which the deposits were made, and claimed the right to turn over in Confederate money the amount their books showed was held for account of the Confederate government and which they had received in Confederate money.

General Butler took under consideration this contention of the bank and finally decided that the first amount, $219,000, should be referred to the authorities at Washington for decision whether it could be paid in Confederate money, as claimed by the bank; but pending the reference of that matter to Washington he took charge of the $219,000 in Confederate notes and instructed Mr. Jacob Barker, a business man of the city of New Orleans, to sell it for gold or silver, or legal-tender notes of the United States, and in obedience to that order of General Butler Mr. Barker sold that $219,000 of Confederate notes for 33½ cents on the dollar and realized $73,030.30, which was received by General Butler and turned over to the Treasury of the United States, where it has since remained.

Mr. TAYLOR, of Illinois. There is no claim for that.

Mr. BLANCHARD. There is no claim for that. Now, as to the balance of the fund, $215,000, General Butler, strange to say, took a contrary course. He ordered the bank to hold that $215,000 in the bank in Confederate money, but he said, "You must pay over to me in gold, silver, or legal-tender notes of the United States its equivalent." And under that order the bank was compelled to pay over to General Butler, not the $215,000 in Confederate notes which the bank had received and which it held, but that much in gold, which was received by General Butler and accounted for into the Treasury of the United States, where it has since remained.

Now, then, mark the governing principle of this case. General Butler did not receive or exact from the Citizens' Bank of Louisiana the property belonging to the Confederate States, to wit, the $215,000 in Confederate notes, but took the private funds of the bank, to wit, $215,000 in gold, leaving the Confederate notes belonging to the Confederate government still intact in the bank. It surely will not be claimed by any one——

Mr. TAYLOR, of Illinois. Not belonging to the Confederate government, but belonging to individuals.

Mr. BLANCHARD. The Confederate government had no money in gold, silver, or United States Treasury notes in that bank. It only had $215,000 in Confederate notes and General Butler could exact that. By virtue of his occupation of that country in time of war, whatever he found there belonging to the Confederate government the United States Government succeded to by right of conquest, but it only succeded by right of conquest to what the Confederate government had there, which, in this case, was $215,000 in Confederate notes. And when General Butler exacted from the Citizens' Bank the payment of this $215,000 in gold, he put his hands into the private funds of the bank and despoiled it. He did not take from the bank what belonged to the Confederate States, but he took from the bank its own private funds to pay an indebtedness arising from the deposit by the Confederate government of Confederate notes in the bank.

And General Butler did this, notwithstanding he made use of this language in replying to the letter of the Citizens' Bank, requesting to be permitted, on his demand, to turn over to the United States Government just what it had in its possession belonging to the Confederate government:

Only the notes—

Says General Butler—

of the Confederate States were deposited by the treasurer in the bank, and by the order of the ruling authorities then there the bank was obliged to receive them. In equity and good conscience, the Confederate States could call for nothing more than they had compelled the bank to receive.

And yet, after using that equitable and just language, he compelled this bank to pay over in gold and silver nearly one-half of the entire amount of Confederate money it held for the account of the Confederate government in its bank.

Mr. Chairman, the United States could have no greater claim against the bank, on account of this money, than the Confederate government itself had. Whatever claim the United States had to it arose from conquest, and by no possibility of right or reason could that claim be greater in extent and scope than was the right of the conquered. The United States merely succeeded to whatever rights the Confederacy had; neither more nor less.

Mr. ROWELL. Was not the amount deposited in gold and silver?

Mr. BLANCHARD. It was not.

Mr. ROWELL. Did not General Butler say so?

Mr. BLANCHARD. General Butler says in a letter written in 1884 it was, but the evidence is that it was not.

Mr. ROWELL. Was it not confiscated accounts?

Mr. BLANCHARD. It was deposited in the bank in the name of various Confederate States receivers under orders of court.

Mr. BOATNER. If my colleague will permit me, I will state to the gentleman from Illinois that the very question which he has asked is one of the reasons why the committee recommended that this claim be referred to the Court of Claims.

Mr. ROWELL. I understood the gentleman from Louisiana [Mr. BLANCHARD] to deny that it was received by the bank in gold and silver.

Mr. BLANCHARD. I do deny it.

Mr. ROWELL. Was it really deposited or was it money that had belonged to other parties and was confiscated by the Confederate government and held in the bank?

Mr. BLANCHARD. It was money deposited in the bank by receivers, holding the capacity of agents of the Confederate treasury or government.

Mr. THOMAS. Will the gentleman permit me?

Mr. BLANCHARD. The very purpose of this bill, should it be passed, referring this case to the Court of Claims, is to ascertain the facts. If it be true, as General Butler believes, that this money was deposited in gold and silver, which is denied emphatically by the bank, then the fact will be established in the Court of Claims, and the bank will take nothing under the judgment of the court.

Mr. ROWELL. Now, I understand you——

Mr. BLANCHARD. In a moment. But if, on the other hand, it be established in the court, as the bank contends, that this money was deposited in Confederate notes and held by it in Confederate notes under a contract with its depositor to pay in Confederate notes, why, the judgment of the court, under well-recognized principles of law and justice, must be in favor of the bank. Now I yield to the gentleman from Illinois for a question.

Mr. ROWELL. I understand the gentleman to say that this money was deposited by receivers. Is it true that they were simply parties appointed as receivers for confiscated funds found and continued in the bank and never taken out by the receivers?

Mr. BLANCHARD. My information about this case does not extend to the sources whence came this money which was deposited in the bank; but I can not see what difference it would make, so far as the bank is concerned, where the money came from or how obtained by the Confederate States.

Mr. ROWELL. It would only make this difference; it would be an attempt to substitute Confederate money for gold and silver by means of the receivers giving a technical transfer.

Mr. BLANCHARD. If it be true that this money was deposited in the bank in gold and silver, the court would ascertain that fact and would decree judgment against the bank; and all that the bank asks is to be permitted to go to the Court of Claims and there meet the Government in its own tribunal and establish the facts in the case.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. BLANCHARD. Mr. Chairman, I ask unanimous consent to proceed for ten minutes more.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent that he be permitted to proceed for a further ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BLANCHARD. These sums going to make up this aggregate of $215,000 were special accounts, and were as follows:

J. M. Huger, Confederate States receiver	$106,812.00
G. W. Ward, Confederate States receiver	72,082.00
J. C. Manning, Confederate States receiver	1,120.00
Maj. M. L. Smith, Confederate States receiver	16,026.52
Major Macklin, Confederate States receiver	6,814.57
Major Reichard, Confederate States receiver	497.30

Mr. TAYLOR, of Illinois. Has the bank ever been called upon to pay any of these accounts?

Mr. BLANCHARD. This money, the bank admitted, was funds or assets of the Confederate States, and the principle upon which this claim is based is (admitting that the Federal Army, by virtue of its occupation of that territory in time of war, by virtue of conquest, succeeded to whatever there was there belonging to the Confederate States government) that in the exercise of the right of the Federal Government to succeed to the ownership of whatever the Confederate government had there in virtue of conquest, they could only take from the bank what it held for the Confederate government, which in this case was $215,000 in Confederate notes, and not in gold and silver; and that General Butler, in exacting the payment of the amount in gold and silver, committed an act of spoliation on the bank.

Mr. ROWELL. Has it not been claimed that these deposits were made in the bank prior to the war?

Mr. BLANCHARD. Surely not.

Mr. ROWELL. I understand that the deposits were made before the war and that they were confiscated.

Mr. BLANCHARD. How could they have been made prior to the war when the accounts show that they were deposited in the bank for the account of the Confederate States receivers?

Mr. TAYLOR, of Illinois. My understanding is that they were deposits made prior to the war and were confiscated by the Confederate government. Were they not accounts made by individuals prior to the war and then confiscated by the Confederate government?

Mr. BLANCHARD. That is not my understanding of the case at all. If it be true that this money was received by the bank in gold and silver the Court of Claims will ascertain that fact and decree against the bank. If, as the bank contends and insists, it is proved in the court that the money was received in Confederate notes the judgment of the court would be in favor of the claimant.

That is all that there is in this case.

Mr. MILLS. Will the gentleman allow me to ask the gentleman from Illinois [Mr. TAYLOR] a question? On what ground was this property confiscated by the Confederate States? On the ground that it belonged to Union men?

Mr. TAYLOR, of Illinois. So I understand.

Mr. MILLS. Then on what ground can the United States claim this money, when it belonged to its own citizens who were loyal to the Government?

Mr. THOMAS. I will answer all those questions if I can get an opportunity. I have examined the facts in this case and am prepared to answer.

Mr. TAYLOR, of Illinois. I understand that it is not the citizens who are applying for this money, but the bank.

Mr. BLANCHARD. The fact is that the bank received that deposit, whatever gentlemen may aver to the contrary, after the 16th day of September, 1861, and received it in Confederate money.

Mr. GROSVENOR. Will the gentleman allow me a question?

Mr. BLANCHARD. In a moment. The bank received that deposit in Confederate money, and received it under a contract to pay the money back to the parties entitled to it in the very money in which it was received, namely, Confederate notes. Now I yield to the gentleman from Ohio.

Mr. GROSVENOR. What was the source from which the receivers obtained that money?

Mr. BLANCHARD. I will state to the gentleman from Ohio that my own information about this bill is limited. My colleague, Mr. WILKINSON, is absent. He introduced the bill, and the Citizens' Bank, or the people connected with it, are his constituents. I only take charge of the bill in his absence, and my knowledge does not enable me to answer the gentleman's question.

Mr. GROSVENOR. Is there not sufficient upon the record to show that the source from which they drew that money was the sequestration of the debts of Northern creditors, payable in lawful money, but sequestrated by the Confederate States, and the Citizens' Bank, as a depository, became a party to the act of the Confederate States in seizing that property?

Mr. BLANCHARD. The Citizens' Bank did not become a party to it at all, for the very good reason that the Citizens' Bank received these deposits under an order of the court, which was then being held in that country. These moneys, it seems, were under the jurisdiction of a court which had jurisdiction of the Citizens' Bank and of the receivers, and the court required the receivers to deposit the moneys in the Citizens' Bank and also required the Citizens' Bank to receive the deposits. So that the Citizens' Bank was in no sense a party to any proceeding antedating its reception of the money. It can make no difference, so far as this case is concerned, what was the source of this fund.

As to that source I personally am in ignorance. But the fact remains, and it is the salient fact in the case, that the Citizens' Bank received this money in Confederate States notes. It received the money pursuant to an order of court which it was obliged to obey. Having received the money in Confederate notes and holding it for account of parties who were Confederate States treasury agents, General Butler could legally exact from the bank the payment to him of that money only in the currency in which the bank received it.

Mr. HAUGEN. Will the gentleman state how much money was paid into the bank under the order of the court?

Mr. BLANCHARD. It is stated in the report $215,000, I think.

Mr. HAUGEN. Something over $200,000. Now, I have before me a report which contains a letter from General Butler on this subject. In that letter he speaks of this special deposit as $12,465, money paid into the bank under the order of the court. Then he goes on to say:

> The remaining deposits were deposits by the Confederate States receivers and their assistants. That is to say, the Confederate government confiscated Northern debts at par—*i. e.*, those due Northern creditors at par—and required the Confederate debtors to pay those over to the receivers at par, and they were paid into the bank in its own bank bills at par.

Mr. BLANCHARD. I will say to the gentleman that I did not yield for a speech, but simply for a question.

Mr. HAUGEN. I only wanted to read that much of General Butler's statement.

Mr. BLANCHARD. Well, there is a wide difference between the bank and General Butler as to the fact to which the statement the gentleman has just read relates; and on the facts of the case four committees of Congress appear to agree with the bank and disagree with the general.

Mr. HAUGEN. Well, I take these statements as I find them made by General Butler. He was there and ought to know something about the matter.

Mr. BLANCHARD. As I have said, there is a wide difference between the bank and General Butler as to the facts, and that only emphasizes the wisdom of the committee which reported this bill, that the matter should be referred to the Court of Claims to ascertain the facts. If it be true, I repeat again, as General Butler believes, that this money was received in gold and silver, then the bank would have no claim. But if, on the other hand, as this claimant contends for, the money was received by the bank in Confederate notes and General Butler forced them to pay it in gold, then the judgment of the court must necessarily be in favor of the claimants.

Mr. THOMAS. Mr. Chairman, the facts in this case are very easily ascertainable from the testimony. I want to say, in the first place, that this is a very broad bill; and under it the court would unquestionably have jurisdiction not only to inquire respecting the $215,000, but also in regard to the $1,200,000 claimed to have been taken from the bank in the form of bonds and other securities. The bill involves a very large sum, and it is proposed to have the Court of Claims decide certain questions upon testimony against which, in the nature of the case, it would be very hard to make defense. Since 1862 many persons connected with these transactions have died. Testimony of record can not be found. And I want to say that the only evidence that there was that this sum of $215,000 deposited in this bank in Confederate money, which General Butler required to be paid in gold and silver or Treasury notes of the United States—the only evidence of the fact is that of some persons connected with this bank, who will be the beneficiaries of any judgment that may be rendered in favor of the bank.

Mr. STOCKDALE. If these claimants go into the Court of Claims and the evidence has been lost, how can that fact prejudice the Government? On the contrary, will not the loss of evidence operate to the prejudice of the claimants?

Mr. THOMAS. If gentlemen will listen a moment to the propositions I am going to submit, I think I can show that this loss of evidence may make a great deal of difference to the interests of the Government.

How did this sum of $215,000 get into that bank and in what kind of money was it paid to the bank at that time? This becomes a very important question. General Butler claims upon the very best of authority, as he believes, and I have never heard his statement disputed (it has been made upon this floor many times by him and also made in the form of affidavits), that this $215,000 was money sequestered or confiscated by the Confederate government as the property of persons who were indebted to Northern creditors; and this money was paid to the Citizens' Bank of Louisiana in bank notes of that institution, which were then as good as gold, which were in circulation all over the country, redeemable in gold, and which continued to be so redeemed long after General Butler left the city of New Orleans and after the war ceased.

There were other moneys, $219,000 and larger sums, which it was demonstrated went into the bank as Confederate money, which was

actually received by the bank in Confederate money. General Butler did not seek to make the bank pay this money in gold or silver or Treasury notes of the United States; but he had the Confederate notes sold and turned into gold and silver, not requiring the bank to be accountable in good money for what it had received in Confederate notes, though in justice and right the bank should have been made thus to pay. That institution used every dollar of the $219,000 as banking capital; it compelled the people of New Orleans and the State of Louisiana to receive every dollar of that Confederate money on a par with gold. It used the money as banking capital. Besides, at the time it was seized it had depreciated for the reason that New Orleans had been taken, Union victories had been won, the Confederacy was tottering, and the money upon which it based its financial affairs was going down. The bank ever since the rebellion commenced had had the use of this money at par. But General Butler was not desirous of making the bank redeem this money at par, but only required it to pay such amount of gold and silver as would equal the value of the Confederate notes at that time.

Mr. STOCKDALE. I presume the gentleman does not want to make an incorrect statement. He will therefore allow me to ask him who compelled the people of New Orleans to take Confederate money at par and when.

Mr. THOMAS. Well, that question is very easily answered.

Mr. STOCKDALE. I would like to have an answer.

Mr. THOMAS. The bank was under the Confederate government, and it was receiving the money of that government in the same way that we received the greenbacks.

Mr. STOCKDALE. But we did not receive it at par.

Mr. THOMAS. You gentlemen who served in the Confederate army received your pay in Confederate money at par, did you not?

Mr. STOCKDALE. We did not receive that money as being as good as gold. In fact, we were never compelled to receive it at par; it was always at a discount.

Mr. GROSVENOR. It discharged your claims, however.

Mr. STOCKDALE. If we wanted to take it. But it never was at par.

Mr. THOMAS. Now, it is beyond question that the $215,000 now in contention was taken from persons who owed Northern creditors, was paid in money of the Citizens' Bank of Louisiana or in gold and silver, and afterward deposited by the receivers appointed by the Confederate government to the credit of the Confederate government in the bank.

Mr. FORNEY. What sort of money was paid over by the receivers? That is what I want to know.

Mr. THOMAS. The money of the Citizens' Bank of Louisiana, mostly.

Mr. MILLS. I would like to know how the Government of the United States gets any claim to this money. I want to ask the gentleman's attention to that question, because if he is right I am going to vote with him, and if not I am going to vote the other way.

Mr. THOMAS. I think it will be easy to answer the gentleman's question.

Mr. MILLS. If the Confederacy had succeeded, this property might have gone into her treasury vaults and become public property; but as she did not succeed, did not the people in the South as well as the North retain the property rights that they previously had, and consequently would not this money belong either to the people who owed it to Northern creditors or to those Northern creditors?

Mr. THOMAS. Now, let me go a little further with the evidence and it will answer, itself, the question.

Mr. MILLS. It is very important that it should be known.

Mr. THOMAS. The gentleman from Texas, who asks the question, will see that the facts answer.

This, I repeat, being good money of the United States and of the same value as gold and silver, taken from persons who owed Northern men, and paid into the bank to the credit of the Confederate government——

Mr. BLANCHARD (interrupting). Paid in what?

Mr. THOMAS. Paid in bank bills of the Citizens' Bank of Louisiana, current money, dollar for dollar, then in circulation. This money was deposited in the bank to the credit of the Confederate government. So far as the acts of the Confederate government and of the courts of that government could make it, it was the property of the Confederacy. When General Butler found the money there he took it. He compelled the banks to pay as good money as they had received, and that is to-day in the Treasury of the United States. In answer to the gentleman from Texas, let me say again that money is to-day in the Treasury of the United States; and if it belongs to the Northern creditors, as I think it does, Congress can give it to them; the courts may do so; but under no circumstances conceivable can the Citizens' Bank of Louisiana claim it, for it never belonged to them. It either belonged to the Confederacy or to the Northern creditors, and it is in the Treasury of the United States subject to the action of Congress in relation to the matter. It seems to me that that is a plain, fair, and complete answer.

Mr. MILLS. Hardly.

Mr. THOMAS. Why?

Mr. MILLS. For the reason that the citizens whose property was confiscated may after the war have been compelled to pay their notes. If so, it belongs to them.

Mr. THOMAS. Of course. I am not contending to the contrary. It belongs as a matter of right to those people who have a legal claim to it; but what I am contending for is that under no circumstances could this bank have a legal claim.

Mr. FORNEY. What proof have you that that kind of money, good money, was paid over to the bank instead of Confederate money?

Mr. THOMAS. Well, I want to say that it was universally conceded at the time to be so. Nobody disputed it.

Mr. FORNEY. Have you proof of that fact before your committee?

Mr. THOMAS. Proof of that fact exists, and I am going to have it read.

Mr. FORNEY. I hope you will.

Mr. BLANCHARD. Will the gentleman yield to me for a moment?

Mr. THOMAS. I must beg not to be interrupted.

Mr. BLANCHARD. I yielded to the gentleman.

Mr. THOMAS. Yes; but I only had about a half minute.

Mr. BLANCHARD. And I yielded to various other gentlemen on that side of the House.

Mr. THOMAS. Very well; I will yield for a question.

Mr. BLANCHARD. Now, this bank received this money after September 16, 1861, did it not?

Mr. THOMAS. Yes.

Mr. BLANCHARD. And is it not a fact, as shown by the evidence in the case, that at the time that General Butler received it the bank by a contract with its stockholders, including these very depositors, had a right to pay them back in the same money the bank had received on deposit?

Mr. THOMAS. Oh, I know that the bank issued books of deposit with a little printed slip so specifying; but there is no evidence that any depositor agreed to it, or any creditor. On the contrary, as I am informed, the records of the courts of Louisiana, and particularly of New Orleans, are filled with suits commenced to recover the value of money deposited on the ground that the depositor had not agreed to such condition. It was a one-sided agreement altogether. The putting of the printed notice in the book of deposit and signed by the bank after a man had deposited his money——

Mr. BLANCHARD. No; before the deposit.

Mr. THOMAS. After the money was deposited.

Mr. BLANCHARD. Well, we differ on that fact.

Mr. THOMAS. Yes, we do.

Mr. BLANCHARD. Now, let me go on with the question. This money you said belonged to others; to Northern creditors.

Mr. THOMAS. Yes.

Mr. BLANCHARD. It was received by the bank, according to the position taken by the claimant, in Confederate notes.

Mr. THOMAS. No; I do not so admit.

Mr. BLANCHARD. Well, I say that is the position of the bank.

Mr. THOMAS. But we deny that.

Mr. BLANCHARD. And that is a fact to be ascertained by the investigation of the Court of Claims. Now, then, it was held by the bank subject to the credit of the Confederate States treasury agents, was it not?

Mr. THOMAS. Yes.

Mr. BLANCHARD. That is in evidence?

Mr. THOMAS. Yes; by receivers of the Confederacy.

Mr. BLANCHARD. Very good. Then, when General Butler, under the Order No. 40, required the bank to pay, not what it held, which you say belonged to the Northern creditors, only Confederate notes, but compelled the bank to pay its own funds——

Mr. THOMAS. Well, I did not yield to the gentleman for a speech.

Mr. BLANCHARD. I am getting to the question. Is it not a fact that the bank was compelled to pay its own notes?

Mr. THOMAS. I have been trying to make it clearly understood that on the facts as I understand them the evidence shows beyond all question that the money so paid into the bank by the receivers or Confederate agents were bank notes mostly of the Citizens' Bank of Louisiana.

Mr. COOPER, of Ohio. And equivalent to gold.

Mr. THOMAS. Yes, equivalent to gold, and were so after the war closed, even.

They suspended specie payment by order of General Butler, and petitioned him time and time again to resume specie payment; they were finally granted the privilege, and never failed to pay their notes until after the war closed, when they got into some financial difficulty and failed. Now, I think the evidence further shows that the original claimants, the owners of this Citizens' Bank, have no interest in this matter at all, but that some assignee of a bankrupt sale has got it to make a great speculation out of it.

Mr. BOATNER. Have you any authority for that statement?

Mr. THOMAS. I have this authority, that it is the statement of General Butler, who investigated the facts.

Mr. BOATNER. Have you the authority upon which General Butler made his statement?

Mr. THOMAS. I am stating what I understand the facts to be, from all the information I can get. Why, if this kind of a claim is to be allowed, we might as well commence at once to pay the Confederate debt. If this money belonged to anybody at all except these Northern men or the men from whom it was taken, it belonged to the Confederacy. And the idea of submitting to a court the question whether these men shall have what never belonged to them, or which they received in good money and were required to pay in good money, is contrary to my notions of justice and right. I do not believe the Congress of the United States ought to be asked to do that, and that is what it means.

Now, before I take up any more time in this manner I wish to have the views of the minority read, as contained in the report which the gentleman from Louisiana [Mr. BLANCHARD] caused to be read first, and which I know has been copied after thorough investigation, in several reports, and which I thought it was unnecessary to repeat, because I supposed that every man who was in Congress knew the facts.

In this report it will be shown that there was no contention at the time as to this $215,000 and odd. Everybody, except the bank, admitted, and they had to admit virtually, that they received this in good money and were only required to pay it back in the same money they got. Now they come in and say as a ground for this claim that it was received by them in Confederate money, and that the money was good for nothing, and that they were obliged to pay it back in good money, and they want the court to repay them for paying something for nothing, which, in my judgment, under the testimony, is a false pretense, without any foundation whatever. In other words, they want in this way to get hold of a quarter of a million nearly of the funds which were a part of the Confederate property in the hands of this bank, and which were properly confiscated, and as to which there was no pretense to the contrary.

Nobody pretends to say but what this belonged to the United States; at least that it did not belong to the Confederate government; for when that was overthrown all its property belonged to the Government of the United States. When it was taken the Government became the heir and inherited its property; and if this failed it does not go back to the bank. It goes to the men from whom it was violently and wrongfully taken by a usurping power, claiming to call itself the Confederate States of America.

Mr. HILL. Before the gentleman from Wisconsin closes, will he yield for a question?

Mr. THOMAS. Certainly.

Mr. HILL. I would like to know whether or not this Citizens' Bank that is referred to there is still in existence as a banking institution.

Mr. THOMAS. Not at all. It failed, as I am informed, either through proceedings in the State courts or in some other way. Either by assignee's or bankrupt sale it was all sold out, as I am told, and of course at a great discount, as I understand it; and the fact is, as I am credibly informed and believe, that not a man connected with that bank will receive a dollar.

Mr. HILL. Does the gentleman know whether or not the Bank of Louisiana, as it is called, is the successor in any way to this Citizens' Bank?

Mr. THOMAS. I do not know.

Mr. BOATNER. I will state to the gentleman from Illinois [Mr. HILL] that I think the gentleman from Wisconsin is totally and absolutely and entirely mistaken in his statement about the Citizens' Bank of Louisiana. The Citizens' Bank of Louisiana as a corporation never failed. That is my understanding. There was a mortgage department of the Citizens' Bank of Louisiana, which was created for the purpose of advancing money on plantations many years ago. It negotiated its bonds in Europe for a very large amount of money, which the State of Louisiana indorsed. The Citizens' Bank of Louisiana was unable, in its mortgage department, to meet the interest upon these bonds, and some act of the Legislature was enacted by which the mortgage department of the bank was reorganized; but the banking department of the Citizens' Bank has continued in operation from that day to this and has never been into court to my knowledge. It has never been into bankruptcy, of that I am certain, and it is to-day an existing, living institution in the city of New Orleans.

Mr. BLANCHARD. And owns this claim.

Mr. HILL. Is it doing business there?

Mr. BOATNER. Doing business at this time.

Mr. THOMAS. If that is the fact, the argument against paying this back is all the stronger. The bank has no claim here on the ground of sympathy.

Mr. BOATNER. We are not asking it on the ground of sympathy. It is a cold question of law and justice.

Mr. THOMAS. The claim of sympathy is the only claim that you have, it seems to me, because there is not a word of testimony to show the statement made by General Butler to be false, that this bank received this money in its own bills.

Mr. BOATNER. There is his own statement, made at the time, to the contrary.

Mr. THOMAS. And the further statement that these bills were at par with gold and silver at the time; and if they are to-day at par I have been misinformed.

I want to say in relation to this other branch of the case that there is $1,250,000 claimed by this bank, or by its representatives, for these bonds and mortgages that were taken away, and this bill is large enough to cover that, and it seems to me that it is intended to cover it. But I have not gone into that, for the reason that the committee itself says that they can find but little evidence upon which to found that claim, although they evidently leaned very far toward it.

I think that the committee has copied the report that was first made in this case. There has been no new light thrown upon it for a half dozen or more Congresses. It is about the same report. These facts which I have stated have been shown up year after year. This claim is old enough to be gray-headed, and undoubtedly will come up here for action in Congresses after we are all dead, and the claimants will insist, as they insist now, that it is only a question of evidence and of going to the courts, and will look at our successors in astonishment if they are not willing to have the courts decide it. Every court must be governed by only such evidence as is brought before it.

Mr. BUCHANAN, of New Jersey. And twenty-eight years have elapsed.

Mr. THOMAS. Twenty-eight years have elapsed and much of this testimony has been lost; much that General Butler alleges, and of what he said upon this floor, would be hard now to find; and I hope the committee will not permit this bill to pass. I ask to have the report of the minority read, which will clearly show the facts that I have stated.

The Clerk read as follows:

The undersigned is unable to agree with the majority of the committee. A bill similar in character to the one under consideration was reported favorably to the first session of the Forty-eighth Congress by a majority of the Committee on Claims. The undersigned and the then chairman of the committee submitted a minority report at that time, which fully expresses the views of the undersigned, and is as follows:

[Senate report 403, part 2, Forty-eighth Congress, first session.]

The undersigned, members of the Committee on Claims, being unable to agree with the majority of the committee in the views expressed in Report No. 403, respectfully submit their views as follows:

The Citizens' Bank of Louisiana was, during the years 1861 and 1862, a banking corporation incorporated and organized under the laws of the State of Louisiana and doing business at the city of New Orleans. It had a large specie reserve and issued its own bills as currency. Some time during the fall of 1861 it suspended specie payments, but at the time of the capture of the city of New Orleans by the Federal troops, in April, 1862, its bills were passing current as money at par, and it applied to General Butler, after the capture, for leave to redeem its bills in coin. This application General Butler refused, as the circulation of the bank was needed for the commercial purposes of the city. The proclamation of General Butler, of May 1, 1862, after the capture of the city, contained the following:

"The circulation of Confederate bonds, evidences of debt (except notes in the similitude of bank notes) issued by the Confederate States, or scrip, or any trade in the same is forbidden. It has been represented to the commanding general by the civil authorities that these Confederate notes, in the form of bank notes in a great measure, are the only substitutes for money which the people have been allowed to have, and that great distress would ensue among the poorer classes if the circulation of such notes should be suppressed. Such circulation, therefore, will be permitted so long as any one will be inconsiderate enough to receive them, until further orders."

On the 16th of the same month General Butler issued the following order:

"NEW ORLEANS, *May* 16, 1862.

"I. It is hereby ordered that neither the city of New Orleans nor the banks thereof exchange their notes, bills, or obligations for Confederate notes, bills, or bonds, nor issue any bill, note, or obligation payable in Confederate notes.

"II. On the 27th day of May instant all circulation of, or trade in, Confederate notes or bills will cease within this department; and all sales or transfers of property made on or after that day, in consideration of such notes or bills, directly or indirectly, will be void, and the property confiscated to the United States, one-fourth thereof to go to the informer."

Thereupon the several banks of the city gave notice through the newspapers that all persons having deposits of Confederate notes with them should withdraw such deposits before the 27th of the month, and that if such balances were not withdrawn before that date they would be at the risk of the owners. The banks sought by this means to throw the depreciated Confederate currency, held by them, upon the already impoverished people, and General Butler thereupon issued an order which explains itself, and was as follows:

"NEW ORLEANS, *May* 19, 1862.

"It is represented to the commanding general that great distress, privation, suffering, hunger, and even starvation have been brought upon the people of New Orleans and vicinage by the course taken by the banks and dealers in currency.

"He has been urged to take measures to provide, as far as may be, for the relief of the citizens, so that the loss may fall, in part at least, on those who have caused and ought to bear it.

"The general sees with regret that the banks and bankers causelessly suspended specie payments in September last, in contravention of the laws of the State and of the United States. Having done so, they introduced Confederate notes as currency, which they bought at a discount, in place of their own bills, receiving them on deposit, paying them out for their discounts, and collecting their customers' notes and drafts in them as money, sometimes even against their will, thus giving these notes credit and a wide general circulation, so that they were substituted in the hands of the middlemen, the poor and unwary, as currency in place of that provided by the Constitution and laws of the country, or of any valuable equivalent.

"The banks and bankers now endeavor to take advantage of the re-establishment of the authority of the United States here to throw the depreciation and loss from this worthless stuff of their creation and foisting it upon their creditors, depositors, and billholders.

"They refuse to receive these bills, while they pay them over their counters.

"They require their depositors to take them.

"They change the obligation of contracts by stamping their bills, 'redeemable in Confederate notes.'

"They have invested the savings of labor and the pittance of the widow in this paper.

"They sent away or hid their specie, so that the people could have nothing but these notes, which they now depreciate, with which to buy bread.

"All other property has become nearly valueless from the calamities of this iniquitous and unjust war, begun by rebellious guns turned on the flag of our prosperous and happy country floating over Fort Sumter. Saved from the general ruin by the system of financiering, bank stocks alone are now selling at great premiums in the market, while the stockholders have received large dividends.

"To equalize, as far as may be, this general loss; to have it fall, at least in part, where it ought to lie; to enable the people of this city and vicinage to have a currency which shall at least be a semblance to that which the wisdom of the Constitution provides for all citizens of the United States, it is therefore ordered—

"(1) That the several incorporated banks pay out no more Confederate notes to their depositors or creditors, but that all deposits be paid in the bills of the bank, United States Treasury notes, gold, or silver.

"(2) That all private bankers receiving deposits pay out to their depositors only the current bills of city banks, or United States Treasury notes, gold, or silver.

"(3) That the savings banks pay to their depositors or creditors on gold, silver, or United States Treasury notes, current bills of city banks, or their own bills, to an amount not exceeding one-third of their deposits, and of denominations not less than $1, which they are authorized to issue, and for the redemption of which their assets shall be held liable.

"(4) The incorporated banks are authorized to issue bills of a less denomination than $5, but not less than $1, anything in their charters to the contrary notwithstanding, and are authorized to receive Confederate notes for any of their bills until the 27th instant.

"(5) That all persons and firms having issued small notes, or 'shinplasters,' so called, are required to redeem them on presentation at their places of business, between the hours of 9 a.m. and 3 p.m., either in gold, silver, United States Treasury notes, or current bills of city banks, under penalty of confiscation of their property and sale thereof, for the purpose of redemption of the notes so issued, or imprisonment for a term at hard labor.

"(6) Private bankers may issue notes of denominations not less than $1 nor more than $10 to two-thirds of the amount of specie which they show to a commissioner appointed from these headquarters in their vaults, actually kept there for the purpose of redemption of such notes."

A Mr. Durand had deposited in the Bank of Louisiania Confederate notes when they were passing current. After the above order was issued he demanded the amount in money then. The bank refused payment, and Mr. Durand brought suit in the provost court against the bank to recover the amount of his deposit. Major Bell, provost marshal, decided against the bank, and ordered it to pay Mr. Durand in money. The bank appealed to General Butler. General Butler, in a lengthy decision, affirmed the decision of Major Bell. We quote from the closing portion of the opinion:

"The other objection, as to the merits of the decision, can, it seems to me, be disposed of in a word. If the order is a proper one, it must be obeyed. Its propriety can not be discussed by me. It is admitted that Durand is a depositor in the bank of what the bank chose to take as money, treated as money, credited to him as money, nay, forced upon the community as money. He has not been paid his deposit. The bank should pay him in specie. The decision following the letter of the order is that the bank may give him their own bills instead of money. Of that decision the bank has no cause to complain. Durand is now the creditor of the bank as a depositor. The decision makes him their creditor as a billholder. In equity they have nothing to complain of; he may have, because he does not get his gold, to which, by the laws of banking, laws of the State and the United States, he is entitled.

"He does not seek to reverse the decision. Let it stand."

It will thus be seen that by the law as administered by General Butler at that time in the city of New Orleans the banks were required to pay their depositors in their own bills or in specie, notwithstanding deposits had been made in whole or in part in Confederate notes.

On June 6, 1862, General Butler issued the following order:

"NEW ORLEANS, *June* 6, 1862.

"Any person who has in his possession or subject to his control any property, of any kind or description whatever, of the so-called Confederate States, or who has secreted or concealed or aided in the concealment of such property, who shall not, within three days from the publication of this order, give full information of the same, in writing, at the headquarters of the military commandant, in the customhouse, to the assistant military commandant, Godfrey Weitzel, shall be liable to imprisonment and to have his property confiscated."

In response to which the Citizens' Bank of Louisiana made the following return:

"CITIZENS' BANK OF LOUISIANA,
"*New Orleans, June* 11, 1862.

"GENERAL: In obedience to your General Order No. 40, I beg to inform you that on the 1st of May last there was to the credit of the treasurer of the Confederate States in this bank the sum of $219,090.94; and also on special account the further sum of $12,465; and this bank holding a large amount in the notes of the Confederate treasury, an equivalent amount in said treasury notes has been set aside, and is now held by the bank, to offset the above stated amount, and which notes I will return as the property of the Confederate States under your order.

"Also, one small tin box, marked 'Conf. States district court.'

"The following-named parties have also to their credit on deposit these sums, namely:

J. M. Huger, Confederate States receiver	$106,812.00
G. W. Ward, Confederate States receiver	72,082.00
J. C. Manning, Confederate States receiver	1,120.00
Maj. M. L. Smith, Confederate States receiver	16,026.52
Major Macklin, Confederate States receiver	6,814.57
Major Reichard, Confederate States receiver	497.30

"As the deposits by the receivers were made in this bank by virtue of an order of the Confederate court, in accordance with the act of Congress, they were to that extent compulsory on the receivers as well as on the banks. To have refused to comply with the mandate of the court might have brought both parties into conflict with the constituted authorities for the time being.

"All the above-mentioned deposits were made in the currency of the Confederate government by its appointed officers.

"Had the bank resumed specie payment or become bankrupt in the mean time, those depositors would have had no claim to the coin or to a pro rata distribution of the other assets of the bank. They could only have claimed the currency deposited by them, and hence it may be classed in reality as special deposits of Confederate funds, payable in same, in accordance with the contracts and understanding at the time. Under the circumstances, the bank appeals to General Butler's sense of equity and justice to allow these deposits to be paid to whom it may concern in the same currency in which they were received.

"Some time during the month of November last an order of sequestration was issued to the marshals of the Confederate States to take charge of the assets of the Bank of Kentucky, then held by this bank in the usual course of business.

"The assets have never been removed from the bank, yet still are nominally beyond its control.

"I therefore respectfully request from the commanding general an order to refund to the Kentucky bank, the owners of said assets, that the accounts may be made out accordingly and a due return forwarded to them.

"The banks were informed of the seizure of their assets at the time, and one of them, the Bank of Kentucky, had a resident agent here at that time.

"With great respect, your obedient servant,
"JAMES D. DENEGRE, *President*.

"Maj. Gen. B. F. BUTLER,
Commanding at New Orleans."

Upon the receipt of which General Butler addressed the bank the following communication:

"HEADQUARTERS, DEPARTMENT OF THE GULF,
"*New Orleans, June* 13, 1862.

"The return of the Citizens' Bank of New Orleans to General Order No. 40 has been carefully examined, and the various claims set up by the bank to the funds in its hands weighed.

"The report finds that there is to the credit of the Confederate States $219,090.94.

"This of course is due *in præsenti* from the bank. The bank claims that it holds an equal amount of Confederate treasury notes, and desires to set off these notes against the amount so due and payable.

"This can not be permitted. Many answers might be suggested to the claim. One or two are sufficient.

"Confederate States treasury notes are not due till six months after the conclusion of a treaty of peace between the Confederate States and the United States. When that time comes it will be in season to set off such claims. Again, the United States being entitled to the credits due the Confederate States in the bank, that amount must be paid in money or valuable property.

"I can not recognize the Confederate notes as either money or property. The bank having done so by receiving them, issuing them, banking upon them, loaning upon them, thus giving them credit to the injury of the United States, is estopped to deny their value.

"The 'tin box' belonging to an officer of the supposed Confederate States, being a special deposit, will be handed over (to me) in bulk, whether its contents are more or less valuable.

"The bank is responsible only for safe custody. The several deposits of the officers of the supposed Confederate States were received in the usual course of business; were, doubtless, some of them, perhaps largely, received in Confederate notes; but, for the reason above stated, can only be paid to the United States in its own constitutional currency. These are in no sense of language 'special deposits.'

"They were held in general account, went into the funds of the bank, were paid out in the discounts of the bank, and if called upon to-day for the identical notes put into the bank, which is the only idea of a special deposit, the bank would be utterly unable to produce them.

"As well might my private banker, with whom I have deposited my neighbor's check or draft as money, which has been received as money, and paid out as money months afterward, when my neighbor has become bankrupt, buy up other of his checks and drafts at discount, and pay them to me instead of money, upon the ground that I had made a special deposit.

"The respectability of the source from which the claim of the bank proceeds alone saves it from ridicule.

"The United States can in no form recognize any of the sequestrations or confiscations of the supposed Confederate States; therefore, the accounts with the Bank of Kentucky will be made up and all its property will be paid over and delivered as if such attempted confiscation had never been made.

"The result is, therefore, upon the showing of the bank by its return that there is due and payable to the Confederate States, and therefore now to be paid to the United States, the sums following:

Confederate States treasurer's account	$219,090.94
Confederate States special accounts	12,465.00
Deposits by officers:	
J. M. Huger, receiver	106,812.00
G. M. Ward, receiver	72,082.00
J. C. Manning, receiver	1,120.00
	411,573.44
M. L. Smith, receiver	16,026.52
S. Macklin, receiver	6,814.57
Reichard, receiver	497.30
Total	434,908.33

"This is the legal result to which the mind must arrive in this discussion.

"But there are other considerations which may apply to the first item of the account. Only the notes of the Confederate States were deposited by the treasurer in the bank, and, by the order of the ruling authority then here, the bank was obliged to receive them. In equity and good conscience the Confederate States could call for nothing more than they had compelled the bank to take. The United States succeed to the rights of the Confederate States, and should only take that which the Confederate States ought to take. But the United States, not taking or recognizing Confederate notes, can only leave them with the bank, to be held by it hereafter in special deposit as so much worthless paper.

"Therefore, I must direct all the items but the first to be paid to my order for the United States in gold, silver, or United States Treasury notes, at once. The first item of $219,090.94 I will refer to the home government for adjudication; and in the mean time the bank must hold, as a special deposit, the amount of Confederate treasury notes above mentioned, and a like amount of bullion, to await the decision.

"BENJAMIN F. BUTLER,
"*Major General, Commanding*."

A few days afterwards the sum $215,820.89, the aggregate amount of the deposits standing to the credit of the Confederate receivers and officers in the Citizens' Bank, was paid by the bank to General Butler and covered into the Treasury of the United States.

It appears that in some instances there was pasted in the bank books of the depositors with the Citizens' Bank, about September 16, 1861, a printed slip in words and figures as follows, to wit:

"On the resumption of specie payment by this bank your balance on the 16th of September, 1861, or any portion thereof not drawn for, will be paid to you in coin. Deposits since that date are payable in Confederate notes of the Confederacy."

But we do not find that there was at any time any contract between the Citizens' Bank and its depositors by which the latter agreed to receive Confederate notes in payment for their deposits, unless such printed notice constituted such a contract, and we have not been able to ascertain whether such notice was ever brought to the attention of the Confederate States receivers and Confederate officers mentioned in the said return of the bank to General Butler's order. Neither is the testimony sufficient to satisfy the undersigned that the several deposits were made in Confederate notes.

The item of $12,465 was for money paid into the bank from the registry of the

court when Confederate notes were at par. The items of deposits by the Confederate States receivers were mainly, if not wholly, composed of debts due Northern creditors, which were confiscated by the Confederate government. The Confederate debtors were compelled to pay these debts at par to the receivers, and the amounts were deposited by the receivers in the bank in current funds in the State of Louisiana at the time—notes of the State banks, and probably in part Confederate notes, then current at par.

At the first session of the Forty-fifth Congress, Senator HOAR, from the Senate Committee on Claims, made an adverse report upon the claim of the New Orleans Gaslight Company to be reimbursed certain moneys which had been paid over by the company to G. W. Ward, Confederate receiver, and which constituted a portion of the deposit included in the return of the Citizens' Bank above set forth. The gaslight company having been afterward compelled to pay the amount to its Northern creditor, claimed to be entitled to be repaid the amount which had been paid over to General Butler by the Citizens' Bank. We quote from the report to show the character of the deposit by the said Ward as Confederate States receiver in the Citizens' Bank, as follows:

"First, in regard to the identity of the fund. The checks drawn by the petitioners in favor of Ward upon the Mechanics' Bank were doubtless paid by that bank to the Citizens' Bank, in which he deposited them. Whether they were paid in Confederate money, balancing credits between the banks, or in their own bills, or otherwise, does not appear. The sum so paid was mingled with a large sum standing in the name of Ward, receiver, and in an amount nearly equal to that paid by the petitioners to Ward, and drawn out by him in small sums."

It seems probable that all of the deposits by the receivers were of a similar character, and made in current funds, which were the bills of the State banks and Confederate notes. But, whether the deposits in the Citizens' Bank were made in Confederate notes or not, we are of the opinion that the claim of the bank should be disallowed:

First. For the reasons stated in the communication of General Butler to the bank, the collection from the bank of such deposits in current funds was, in the judgment of the undersigned, just and right and in accordance with the law as then being administered by competent authority within the city of New Orleans.

Second. The money of the bank standing to the credit of said Confederate receivers and officers became the property of the United States upon the capture of the city.

General Butler, at the time he required the bank to pay over such deposits, had undoubted authority to determine that they were payable in coin or in United States notes, and his decision upon that question should be treated as final and conclusive.

It may be considered unnecessary, inasmuch as the majority of the committee have recommended the disallowance of the second item of the claim, that the undersigned should present their views upon it. But as claims of the character of this one never become too stale to be pressed upon the attention of Congress, we are not willing, in any future investigation, to stand committed to the statements contained in the majority report in relation to this item. When General Butler took possession of New Orleans he found the city nearly on the verge of starvation. He at first made an arrangement with the city government to furnish employment to the starving poor of the city by which the city was to pay each man employed from its revenues 50 cents per day, and a larger sum for skilled labor, for each day's labor of ten hours, towards the support of their families, and the United States was to issue to each laborer so employed for each day's work a full ration for a soldier of wholesome food. But he soon found, as he said, "that the very distribution of food was a means faithlessly used to encourage the rebellion," and was compelled to take the whole matter into his own hands. He thereupon issued the following order:

"NEW ORLEANS, *August* 4, 1862.

"It appears that need of relief to the destitute poor of the city requires more extended measures and greater outlay than have yet been made.

"It becomes a question, in justice, upon whom should this burden fall.

"Clearly, upon those who have brought this great calamity upon their fellow-citizens.

"It should not be borne by taxation of the whole municipality, because the middling and working men have never been heard at the ballot box, unawed by threats and unmenaced by 'thugs' and paid assassins of conspirators against peace and good order. Besides, more than the vote that was claimed for secession have taken the oath of allegiance to the United States.

"The United States Government does its share when it protects, defends, and preserves the people in the enjoyment of law, order, and calm quiet.

"Those who have brought upon the city this stagnation of business, this desolation of the hearthstones, this starvation of the poor and helpless, should, as far as they may be able, relieve these distresses.

"There are two classes whom it would seem peculiarly fit should at first contribute to this end. First, those individuals and corporations who have aided the rebellion with their means and, second, those who have endeavored to destroy the commercial prosperity of the city, upon which the welfare of its inhabitants depends.

"It is brought to the knowledge of the commanding general that a subscription of $1,250,000 was made by the corporate bodies, business firms, and persons whose names are set forth in Schedule A annexed to this order, and that sum placed in the hands of an illegal body known as the "committee of public safety," for the treasonable purpose of defending the city against the Government of the United States, under whose humane rule the city of New Orleans had enjoyed such unexampled prosperity that her warehouses were filled with trade of all nations who came to share her freedom, to take part in the benefits of her commercial superiority, and thus she was made the representative mart of the world.

"The stupidity and wastefulness with which this immense sum was spent was only equaled by the folly which led to its being raised at all. The subscribers to this fund, by this very act, betray their treasonable designs and their ability to pay at least a much smaller tax for the relief of their destitute and starving neighbors.

"Schedule B is a list of cotton-brokers who, claiming to control that great interest in New Orleans to which she is so much indebted for her wealth, published in the newspapers, in October, 1861, a manifesto, deliberately advising the planters not to bring their produce to the city, a measure which brought ruin at the same time upon the producer and the city.

"This act sufficiently testifies the malignity of these traitors, as well as to the Government as their neighbors, and it is to be regretted that their ability to relieve their fellow-citizens is not equal to their facilities for injuring them.

"In taxing both these classes to relieve the suffering poor of New Orleans, yea, even though the needy be the starving wives and children of those in arms at Richmond and elsewhere against the United States, it will be impossible to make a mistake save in having the assessment too easy and the burden too light.

"It is therefore ordered—

"First. That the sums in schedules annexed, marked A and B, set against the names of the several persons, business firms, and corporations herein described be, and hereby are, assessed upon each respectively.

"Second. That said sums be paid to Lieut. David C. G. Field, financial clerk, at his office in the customhouse, on or before Monday, the 11th instant, or that the property of the delinquent be forthwith seized and sold at public auction to pay the amount, with all necessary charges and expenses, or the party imprisoned till paid.

"Third. The money raised by this assessment to be a fund for the purpose of providing employment and food for the deserving poor people of New Orleans."

By this order the assessment was made against the Citizens' Bank, which constitutes the second item of this claim.

General Butler, in a communication dated October, 1862, to Hon. E. M. Stanton, Secretary of War, said with reference to said Order No. 55:

"With these convictions I issued General Order No. 55, which will explain itself, and have raised nearly the amount of the tax therein set forth.

"But for what purpose? Not a dollar has gone in any way to the use of the United States. I am now employing one thousand poor laborers, as matter of charity, upon the streets and wharves of the city from this fund. I am distributing food to preserve from starvation nine thousand seven hundred and seven families, containing thirty-two thousand four hundred and fifty souls, daily, and this done at an expense of $2,000 per month. I am sustaining, at an expense of $2,000 per month, five asylums for widows and orphans. I am aiding the Charity Hospital to the extent of $5,000 per month."

And in the same communication he said, referring to the French and Prussian ministers, who had made complaints against the Government on account of this order:

"They will find that out of 10,490 families who have been fed from the fund, with the raising of which they find fault, less than one-tenth (1,010) are Americans; 9,480 are foreigners."

And in a communication to General Halleck, of September 1 of the same year, General Butler wrote:

"I am distributing, in various ways, about $50,000 per month in food, and more is needed. This is to the whites. My commissary is issuing rations to the amount of nearly double the amount required by the troops. This is to the blacks."

It will be seen from the above that during General Butler's administration at New Orleans the colored poor were fed from other funds; that the tax was not levied upon the basis of the amount of the city defense bonds held at the time of the levy by the bank, but upon the basis of its original subscription, and that, therefore, the subsequent order of General Butler, by which the city was made to contribute to the payment of the tax assessed against the bank on account of certain bonds having been surrendered and canceled, gives the claimant no right to relief.

The question as to whether the tax was "equal and uniform" ought not to be reviewed by Congress. It is evident, also, that the Citizens' Bank, in subscribing the amount of $356,800 to the city defense bonds, instead of being actuated by a purely business and prudential motive—*i. e.*, the exchange of Confederate notes for the city bonds, as intimated in the majority report—was claiming to be actuated by a patriotic devotion to the Confederate cause; that the assessment levied by General Butler was not a penalty, but a tax levied for a humane and necessary purpose; that the fund thus raised, instead of having been expended as stated by the majority report—mainly "in supporting and providing employment for the poor of New Orleans, consisting largely of the colored population which crowded into the city after the Federal occupation of the same"—was expended for the support of white Confederate women and children who would otherwise have starved, while their husbands, fathers, and brothers were fighting in the Confederate armies.

It appearing, therefore, that the fund derived from this tax was expended wholly for the support of the starving poor of the city of New Orleans, and that no portion of it ever reached the Treasury of the United States or was expended in any manner for the benefit of the United States, neither the Citizens' Bank nor any other corporation or person upon whom the said tax was levied can have any claim against the United States on account of the same.

We find it unnecessary to discuss the legal questions relating to the branch of this claim embracing payments made to the military authorities of the United States under and in pursuance to Special Order No. 202, dated August, 1863, issued by Major General Banks, as the report of the majority of the committee is in favor only of repayment to the Citizens' Bank of the $8,000 which the Ocoe Bank of Tennessee had to its credit in the Citizens' Bank, and which was turned over to the military authorities under said Order No. 202.

It clearly appears from the evidence accompanying this claim that said sum was turned over to the military authorities in Confederate notes, the circulation of which, as money, more than a year previously had been prohibited by order of the commanding general of New Orleans, and which were at the time neither current funds nor of any considerable value, and from which it does not appear that the United States ever received any benefit.

We are therefore clearly of the opinion that the claim should be wholly disallowed.

We append hereto, as a part hereof, a letter recently received from General Butler relating to this claim.

J. N. DOLPH.
ANGUS CAMERON.

[Law offices of Benjamin F. Butler, Washburn & Webster, No. 16 Pemberton Square, Rooms 1, 2, and 3. Frank L. Washburn. Prentiss Webster.]

BOSTON, *April* 24, 1884.

MY DEAR MR. SENATOR: You will find most of the facts which I state to you here in Parton's Butler in New Orleans, which you will find in the Congressional Library, but I will state the matter succinctly so far as I know.

It is true that the Citizens' Bank was an ordinary chartered bank, doing a banking business in New Orleans and issuing bills as currency. It is also true that it had suspended specie payments at some time during the reign of the Confederacy there, *i. e.*, somewhere about the 1st of October, as I remember, 1861; but when I came to New Orleans its bills were passing current as money at par, and it applied to me for leave to withdraw its bills and pay them up in gold, but I refused to give them that leave for the obvious reason that then I should have no currency, the entire currency of New Orleans being, when I got there, bank bills of the several banks of New Orleans, which had just before that $13,000,000 of specie, quite equal to their bills in circulation. But just before I arrived there the banks sent away into the Confederacy between five and six millions of specie, and hid in various places the rest, among others in places of sepulcher, all of which being done by blacks, as they did all the work, was of course told to me as soon as I got there, and I sent to Mr. Denegre, who was then president of the Citizens' Bank, saying that I should go and take the specie and take charge of it unless he put it back where it belonged, in the vaults of the bank; that I wanted it there for the basis of a currency. You will remember that at that time the greenback had not come to New Orleans. Confederate notes were worth about 62 cents on the dollar.

I believe it to be true that the banks entered into a combination in September, 1861, by which they made a condition with their depositors that after that date all their deposits should be made payable in treasury notes of the Confederacy, a very shrewd and unconscionable bargain, as I thought, because men deposited the notes of the banks which were amply solvent, and agreed to take the notes of the Confederacy, which were as amply insolvent, in payment of their deposits.

I now come to the point where the majority report is entirely one side of the fact. It says that—

Subsequently and under the terms of this agreement, the Confederate States treasurer and other officers and agents of the Confederacy made deposits in said bank of Confederate notes, and at the date of the capture of New Orleans by the Federal forces their accounts with said bank by reason of such deposits stood as follows:

Confederate States treasurer's account	$219,090.91
Special account	12,465.00
Deposits by officers:	
J. M. Huger, Confederate receiver	106,812.00
G. W. Ward, Confederate receiver	72,082.00
J. C. Manning, Confederate receiver	1,120.00
Maj. M. L. Smith	16,026.52
Maj. S. Maclin	6,814.57
Major Reichard	497.30
	434,908.33

Now, the majority report makes that account appear as though it was composed of one and the same class of items; that is, cash deposited in treasury notes of the Confederacy. That is true only of the first item of $219,090.84, that being an item of deposit by the Confederate States treasurer, and was deposited in their notes.

Will you permit me to finish with that account?

First, the report of the majority says:

"General Butler recognizing, as he states, that 'in equity and good conscience the Confederate States could call for nothing more than they had compelled the bank to take,' directed the bank to hold the first item of $219,090.94, standing to the credit of the Confederate treasurer, as a special Confederate-money deposit, subject to further order. He subsequently directed Jacob Barker, a prominent banker and business man of New Orleans, who seems to have acted as an intermediary between General Butler and the bank, to sell this $219,090.94 of Confederate notes, which he did at 33½ cents on the dollar, realizing the sum of $73,030.31 in United States Treasury notes, which was paid over by the bank to John W. McClure, assistant quartermaster, by the order of General Banks, August 31, 1863. This worked no wrong or injury to the bank. But the other deposits, standing to the credit of the Confederate receivers and officers of the Confederate States, amounting to $215,820.89, General Butler directed and required the bank to pay to his order, for the United States, in gold, silver, or United States Treasury notes, at once.

"Against this the bank earnestly protested, but without avail, and on the 19th June, 1862, it paid said amount to General Butler by check on the Bank of America, of New York, five days' sight, and the amount was subsequently covered into the Treasury of the United States. The bank claims that this money should be refunded by the Government, into whose use and Treasury it went. It is difficult to understand upon what principle the commanding general acted in making this distinction and discrimination between deposits made by the Confederate treasurer and by the other agents and officers of the Confederacy. Both classes of deposits were made in Confederate notes and under the same agreement, that they were to be 'payable in the treasury notes of the Confederacy.' They were each the property of the Confederate States, standing precisely on the same footing, and imposing upon the bank the same contract obligation."

Upon this statement of facts it is no wonder that the majority report says: "It is difficult to understand upon what principle the commanding general acted in making this distinction and discrimination between deposits made by the Confederate treasurer and by the other agents and officers of the Confederacy. Both classes of deposits were made in Confederate notes and under the same agreement, that they were to be 'payable in the treasury notes of the Confederacy.'"

It would have been a very remarkable proceeding upon the state of facts above detailed, and one of which General Butler would have been ashamed; but the facts were exactly different.

The commanding general ordered the Confederate States treasurer's account of $219,090.94 to be sold, having been paid into the bank in Confederate notes, and to be accounted for to him as the bank would have accounted to the Confederate treasurer, by paying over what it received, because, as he said in his order quoted in the majority report, that would be equity and good conscience, and, therefore, he required the bank to pay only that which they had received. Why the difference with the other deposits?

First, because the "special account" of $12,465 was for money paid into the bank from the registry of the court long before the Confederate notes were below par. The bank got full value. Why should not the bank pay out full value?

Again, the remaining deposits were the deposits by the Confederate States receivers and their assistants. That is to say, the Confederate government confiscated Northern debts at par—*i. e.*, those due Northern creditors, at par—and required the Confederate debtor to pay those over to the receivers at par, and they were paid into the bank in its own bank bills at par, which were good at par long after General Butler got to New Orleans, for he made his own deposits in the Citizens' Bank in its own bank bills.

Now, then, General Butler sent these amounts confiscated from Northern creditors to the Treasury of the United States, with a recommendation that they be paid over to the same Northern creditors, which recommendation has never been followed by the United States; but the money has been covered into the Treasury. I agree that the United States has no right to it, and ought to pay it over to somebody, and these somebodies are the Northern creditors who lost it, and when General Butler was in Congress he introduced bill after bill and resolution after resolution to have the money paid over to the Northern creditors; but there were always rabid Democratic Congressmen in Congress at that time who would not agree to any proposition General Butler made in behalf of Northern men, and equally rabid Republicans who would not agree to any proposition General Butler made, which, with the natural delays of business prevented anything being done. I wish the honorable First Comptroller of the Treasury would overhaul his own vote in that behalf and make a record when found. But there is not the slightest reason why the Citizens' Bank should have it. It does not belong to them; it never did belong to them; it was a deposit with them, and they have paid out what was deposited, and what earthly claim can the Citizens' Bank have upon this money? This sum is substantially and exactly none of theirs, and it is none of their business what becomes of it. The United States now holds it in trust for the Northern creditors, and the Court of Claims would so decide if Congress would pass a law giving them jurisdiction to hear it.

Afterwards, in June, I did issue a circular order to the banks of New Orleans requiring them to report and turn over to the military authorities all property in their banks, "whether of the character of general or special deposits, bills of exchange, or other evidence of debt belonging to any officer or person serving in any way the Confederate States, the State of Louisiana, or any Confederate State," and many sums were brought out by this order over and above the sums above mentioned, but they have nothing to do with this controversy. They are paid over to the military authorities, as I understand it, so that the case stands thus: General Butler made the Citizens' Bank pay over whatever money or property they would acknowledge they held on deposit which did not belong to the bank, but did belong to the enemies of his country, and wherever the bank had received par either in their own bills, or in gold and silver, or treasury notes when they were at par. That is, he required to be paid over to his order at par, so that they should pay out exactly what they had received. But in the cases where they received only Confederate treasury notes he only required them to account for Confederate treasury notes at the discount that they were when the account was made. It is admitted by the majority report that this last action was eminently just and proper; that is, that the bank should be made to account for what it had received. Why was not the other action just as proper which made them account for what they actually received?

The majority report states that "The next item of the claim grows out of the following state of facts: The Citizens' Bank, early in 1862, during the period of Confederate occupation and control, became a subscriber to the amount of $306,400 for that amount of certain bonds of the city of New Orleans known as 'city defense bonds.'"

Again it says: "In August, 1862, General Butler, by an order known as General Order 55, imposed upon the Citizens' Bank, as a penalty for having aided the rebellion, an assessment equal to the amount of its investment in said 'city defense bonds,' which he required to be paid in installments of 25 per cent. On the 9th of August, 1862, the bank paid the first installment, amounting to $76,600 and received the following receipt, namely:

"'Received of Citizens' National Bank of Louisiana $76,600, being the amount of an assessment upon it for aiding the rebellion, and to be appropriated to the relief of the starving poor of New Orleans, per General Order 55.'"

So far it is true, except that the great fact is steadily cast out of sight that the Citizens' Bank subscribed $306,400 to a Confederate loan for the defense of the city of New Orleans against the United States and her troops under General Butler. That was called a patriotic act at that time and was much praised in the Confederate newspapers. If the majority report is to be believed it was simply a cunning device of the bank to get rid of a lot of Confederate notes held by the bank, which were good for nothing, and get for them bonds of the city of New Orleans, which were then good, and they believed in any event would be good, plus the reputation for patriotism, by the way of interest or "grease money."

Now, they come to the United States and ask that they shall be repaid because General Butler did not allow their speculation to be quite as profitable as they hoped to make it.

The condition of things being that because of that defense the city of New Orleans was brought to a state of starvation, and the city being absolutely unable to take care of its suffering poor, General Butler, exercising the power and right that every commanding general in a captured place has, of making that place support in some way or other, by assessment or otherwise, its poor, ordered all the subscribers to that loan—and there were large numbers of them, amounting to millions—to pay, as he needed it, a tax equal to the amount of the loan, if it was necessary, for the purpose of supporting the starving poor of the city. The reason why General Butler adopted that list to make the assessment upon was that he knew if he taxed any of those parties he would be sure of taxing rebels and not Union men, and not wanting to make any mistakes in that regard he took the list of subscribers to that loan as a sort of directory as to whom he should tax to repair the wrongs that they had done to the poorer classes in New Orleans, to prevent their being starved.

It will be seen that the majority report says that, finding that the city had canceled a quantity of those bonds, General Butler gave the bank credit for that transaction and made an equitable adjustment at the time; and so far as the assessment of the tax, as it was called, is concerned, it was, it is submitted, justly dealt with. But the idea that "this was a Confederate deposit and the effect of the order and transaction was to make the bank pay $76,600 in par funds and get back $38,456.81 in a credit payable in Confederate notes," was simply an equalization of the matter. The "defense loan" was advanced to the city in Confederate notes by the banks, and some of that very money paid to the city was on deposit in the Citizens' Bank, and was paid back by the city to the bank through its check on its own deposit. Where was the injustice there?

What was done afterwards about this assessment I do not know. I have only heard that by some hocus pocus it was not paid after I left, all of it, as it would most certainly have been if I had remained there; and if it was not paid I am sorry for it.

I might stop here, but I prefer to notice a paragraph on page 5, as follows:

"The funds or collections from the bank appear to have been used and appropriated mainly in supporting and providing employment for the poor of New Orleans, consisting largely of the colored population which crowded into the city after the Federal occupation of the same."

As I have just said, I do not know what happened after I left New Orleans, but while I was in command there all this tax was paid out, and some more, in feeding the white Confederate women and children who would otherwise have been starved while their husbands, fathers, and brothers were fighting us in Virginia and elsewhere. I fed the black men in another way and from another fund, because I could feed them cheaper than I could feed the white people. And while I had no objection to the equalization of the poverty in color then, any more than I have now, I thought it was but just that the citizens of New Orleans should take care of their own white poor, and the United States should take care of their black poor which the operation of arms had brought into the city of New Orleans, and I proceeded to act upon that principle through the whole.

From an intimate knowledge of all that was done there in this behalf, I know there is not the slightest honest claim against the United States in this matter. If there were, it ought not to be prosecuted now, because the Citizens' Bank has long since gone into insolvency, although I left it solvent, with more than a hundred dollars in gold for every one hundred dollars of bills it owed, and no sum of money which the United States would give to the Citizens' Bank would ever reach the stockholders or creditors of that bank who were stockholders or creditors at the time it made these supposed losses, but would simply be swallowed up by a lot of sharks and grabbers who foment claims against the United States.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER.

Hon. JOSEPH N. DOLPH,
United States Senate, Washington, D. C.

Respectfully submitted,

J. N. DOLPH.

During the reading of the report,

Mr. THOMAS said: Mr. Chairman, I think the main point upon which I rely in General Butler's statement has been read, and I ask that no more of it be read now.

Mr. DINGLEY. I hope the gentleman will have the whole letter printed.

Mr. THOMAS. I will ask leave that the whole of the report be printed.

It will be noticed that my statement, so far as relates to the fact that this money was received in the bank notes of the Citizens' Bank of Louisiana, is well sustained by General Butler's letter and statement, and there is further evidence that is ample. It seems to me, Mr. Chairman, that this bill has occupied about time enough, and I move that the

bill be reported back to the House with the recommendation that the enacting clause be stricken out.

Mr. BOATNER. Before that motion is put I wish to say that I would like to address the committee a few minutes upon this subject.

Mr. STOCKDALE. And I also would like about five minutes.

Mr. THOMAS. I do not want to press the matter, but I would like to get to the other bills.

Mr. STOCKDALE. The gentleman has occupied a very long time himself.

Mr. THOMAS. Not so long as the other side.

Mr. STOCKDALE. Oh, the gentleman is mistaken about that.

Mr. THOMAS. I have used within six minutes of an hour and the other side occupied an hour and ten minutes.

Mr. STOCKDALE. I may be mistaken, then.

Mr. THOMAS. But I do not wish to cut off the gentleman from Louisiana.

Mr. STOCKDALE. Nor the "gentleman from Mississippi."

Mr. BOATNER. I only desire, Mr. Chairman, to address the committee on this question because the gentleman who has just spoken has made many statements which I think are entirely unsupported by anything which is in the record, and he has declined to give his authority for those statements other than General Butler. Now, the committee in this report admits that General Butler has declined to furnish his authorities, and they have been unable to ascertain upon what authority he has made his statements. The statements which are made here by the gentleman from Wisconsin [Mr. THOMAS] upon the authority of General Butler—and they are repeated in the letter which has just been read—are absolutely contradicted by a letter which General Butler wrote at the time this subject was under consideration and at the time when he made his decision confiscating this money.

I want to call attention to a statement made on the second page of the report of the House committee, which contains the adoption of the report made in the Fiftieth Congress upon this same subject, in which Mr. James D. Denegre, the president of the Citizens' Bank of Louisiana, replying to the order issued by General Butler requiring him to furnish a statement of all moneys in that bank belonging to the Confederate States government, makes this assertion:

> All the above-mentioned deposits were made in the currency of the Confederate government by its appointed officers.

This statement was made by Mr. James D. Denegre with reference to the particular items which are now under consideration, under date of June 11, 1862. On June 13, 1862, General Butler answers this communication, and he declines to receive this money in Confederate notes, not because it had been deposited in the Citizens' Bank in currency; not because it was the money of loyal citizens which had been confiscated by the Confederate government, or on the ground that it was private funds placed in the vaults of the Citizens' Bank, but because he said that the Citizens' Bank, by accepting that money as Confederate funds, had treated Confederate funds as money and was estopped to deny it, while the General Government could not recognize a transaction in Confederate money; and he declared that inasmuch as the bank had received and receipted for it in money, he would require the bank to pay it in bullion, in coin, or Treasury notes of the United States.

Mr. SWENEY. Will the gentleman permit me to ask him a question?

Mr. BOATNER. Yes, sir.

Mr. SWENEY. I would inquire if he does not concede that in law the position of General Butler was well taken in respect to this matter?

Mr. BOATNER. No, sir; I do not. The Citizens' Bank was an institution which was under the jurisdiction of the Confederate States government, and it was compelled to recognize the Confederate States government as a *de facto* government. The Supreme Court of the United States has made the same recognition.

The bank was compelled to act as a depository of Confederate funds, because the Confederate States government, through its officers, saw fit to deposit them there, and it made a contract with the Confederate States government by which those funds, so deposited, were to be paid out in the same money in which they were received.

Mr. SWENEY. Is the United States Government bound by the contract of the bank with the Confederate States government? Please answer that.

Mr. BOATNER. I will answer that. I was proceeding to answer that. This money was deposited there in Confederate States currency. From your standpoint, from the standpoint of the argument which you now see fit to make, that not only was not currency, but it was waste paper; it was nothing. The bank in receipting for it receipted for nothing of value. The only value which it had was the value given by the stamp which the Confederate States government had put upon it, and that stamp, you admit and I admit, gave it no intrinsic value.

Now, according to your argument, if the officers of that bank by receiving such deposits made the bank liable in coin or bullion for whatever funds were deposited there by the Confederate States government, the secretary of the treasury could have ruined that bank by simply depositing ten millions, or any other number of millions, of money in Confederate currency, because then, upon the occupation of the city by General Butler, the bank would have been compelled to make good that money in coin, notwithstanding the fact that it had received the deposit in Confederate money only, because it was compelled to receive it, and notwithstanding it had stipulated that it would repay the deposit only in the kind of currency in which it was made! No committee has ever taken the position which you have taken or which General Butler took at the time, that the bank had recognized this money as having value and was therefore bound to account for it in coin.

But I desire now to call attention to the most significant fact, and that is that the sole ground upon which gentlemen are here to-day opposing allowing these claimants to go into court is the assertion of a certain state of facts based upon a statement made by General Butler more than twenty years after the transaction occurred, and diametrically contrary to the statement made by him at the time as to the causes and motives which induced him to confiscate this money and to require it to be paid in money of the United States.

It is said now that this money was confiscated because it belonged to loyal citizens and had been sequestered by the Confederate government and paid into the bank in par funds; that it was confiscated because the bank was bound to pay the money back to the parties from whom it had been taken and to whom it belonged. That is the claim that is now made, and it rests solely upon the statement of General Butler, and is not supported by any facts. Now, the facts, as shown by General Butler's own answer to the application of the Citizens' Bank, were very different. I read from General Butler's answers to the claim of the Citizens' Bank under date June 13, 1862. He says:

> I can not recognize the Confederate notes as either money or property. The bank having done so by receiving them, issuing them, banking upon them, loaning upon them, thus giving them credit to the injury of the United States, is estopped to deny their value. * * * The bank is responsible only for safe custody. The several deposits of the officers of the supposed Confederate States were received in the usual course of business; were, doubtless, some of them, perhaps largely, received in Confederate notes; but, for the reason above stated, can only be paid to the United States in its own constitutional currency. These are in no sense of language "special deposits."

And then he goes on to say:

> The result is therefore, upon the showing of the bank by its return, that there is due and payable to the Confederate States, and therefore now to be paid to the United States, the following sums.

And then he goes on to state the exact sums mentioned in this case. Again he says:

> But there are other considerations which may apply to the first item of the account.

He states those considerations, and then concludes that he will refer that item to Washington for adjudication, he acting upon the balance.

It will be seen that there is here no suggestion or insinuation that there is any difference in the kind of money of which these deposits are made up. There is no suggestion or insinuation that he confiscates this money because it was the money of loyal citizens and was paid into the bank in par funds; but he says that he confiscates it because it was the property of the Confederate government, and he requires its payment in lawful money because the bank, having received it as lawful money, was estopped from denying it that character.

Now, I ask the gentleman what becomes of his proposition, in the face of the contemporaneous testimony, the declaration of Mr. Denegre, a gentleman of the highest standing, made at the time; made under the sense of penal responsibility I might say, if he stated a falsehood; made to the commanding general of the United States forces under his direct order, in which declaration is the statement that the money had been paid in Confederate notes. If such was not the fact it could have been disputed and disproved by the books of the bank. If there had been a mere transfer of credit, if the money which was due to Northern creditors had been paid merely by a transfer on the books of the bank, that fact would have been shown by those books. The books of the bank ought to show, did show, and I am not afraid to state will show to-day the exact nature of these transactions and the exact sources from which these funds which passed to the credit of these receivers were received.

Therefore, Mr. Denegre making this statement, General Butler accepting the statement, not denying it, it is a perfectly clear proposition to my mind, and I think must be to the mind of any candid gentleman, that these parties should be permitted to go into court for the purpose of having the question decided as to whether the General Government is bound to repay this money or not.

It has been stated by the gentleman from Wisconsin [Mr. THOMAS] that this bank had failed and that this claim belongs to a speculator. I believe there is absolutely no authority whatever for this statement.

I do not believe the statement is true. I have been living in the State of Louisiana ever since the war—all my life, in fact; and if the Citizens' Bank of Louisiana has ever failed I have never heard of it.

I am satisfied the bank has never been in insolvency or bankruptcy. I am satisfied the banking department is going on now just as it was in 1862. The bank was, of course, immensely crippled by the confiscation of this money and by the withdrawal of these securities; but so far as I know it has met all its obligations except the interest upon the bonds which were guarantied by the State of Louisiana, and which were held in Europe, the mortgage department of the bank having

been separated by an act of the Legislature from the banking department.

I believe, then, Mr. Chairman, when it is shown that the statement which General Butler made in his letter and which is repeated by the gentleman from Wisconsin is absolutely contrary to the statement made by General Butler January 13, 1862, and when it is considered that each one of these committees by a majority report has found in favor of this claim, there can be no question that the claim should be sent to the Court of Claims. If the facts be as stated, if the defenses be as they are urged, if it be the fact that the Citizens' Bank did receive this money in par funds, that it was the property of loyal citizens which had been confiscated, and that the bank lost nothing by the payment, then as a matter of course that defense would prevail in the Court of Claims and the claim would be rejected.

It must be recollected that under the terms of this bill the bank must prove the facts upon which the claim is based. It must prove that these were Confederate funds, funds belonging to the Confederate government. It must prove that they were deposited in Confederate money, and that General Butler required payment of them in specie, and when such proof has been made I think there is a state of facts which certainly would entitle this bank to be repaid by the Government the amount of money which, under such circumstances it must be admitted by everyone, was unlawfully taken possession of by General Butler and turned into the Treasury of the United States.

Mr. GROSVENOR. Mr. Chairman, it is a thankless task to stand in this House year after year to resist an endless repetition of this sort of war claims. And it seems to me a startling circumstance that there could be brought into the House of Representatives of this country a majority report in favor of the passage of a bill like this.

I put my opposition to this bill on the ground asserted by the gentleman from Wisconsin [Mr. THOMAS], and I put it upon still stronger grounds. This is a claim substantially in equity. The gentleman from Louisiana [Mr. BOATNER] says that it stands upon legal grounds. Why, sir, if he bases this claim upon legal grounds, he has no claim upon the face of his best showing.

Mr. BOATNER. That is where there is a difference of opinion.

Mr. GROSVENOR. No, it is a difference of law.

Mr. BOATNER. If the defendant were a private individual instead of a General Government, the legal force of the claim would be established beyond question.

Mr. GROSVENOR. If a man in this country has a legal claim—a claim founded upon any law—he goes into a court to assert it, does he not?

Mr. BOATNER. Certainly.

Mr. GROSVENOR. Then why do you not go into court in this case?

Mr. BOATNER. Because we have to sue the sovereign and can only do so with the permission of the sovereign. According to the gentleman's position no man could ever have a just claim against the Government, because no man can sue the Government except by its own permission.

Mr. GROSVENOR. Another difficulty stands in your way; that is, a statute founded in the very highest principles of justice, although sometimes abused, the statute of limitations.

Mr. BOATNER. In reply to that I will say to the gentleman, it is a principle of law as old, I think, as the law itself that the statute of limitations never runs against a person who is unable to act. These people have been trying to act all these years; they never could act except by the permission of the Government. Therefore it seems to me it would be little short of turpitude for the Government to plead the statute of limitations against parties who have had no opportunity to present and establish their claim.

Mr. GROSVENOR. What was to hinder the claimant in this case from bringing suit in the Court of Claims twenty years ago?

Mr. BOATNER. Because there was no law under which the suit could have been instituted.

Mr. GROSVENOR. Why not?

Mr. BOATNER. Because Congress had not enacted any such provision of law.

Mr. GROSVENOR. If the claim is such a claim as the gentleman from Louisiana believes it to be, the claimant had a right to go into the Court of Claims and sue for it.

Mr. BOATNER. I do not know of any statute of the United States under which a suit could have been instituted on this claim.

Mr. GROSVENOR. But, Mr. Chairman, I want to be heard for a few minutes on this question. I am not going to occupy very much time.

Stripped of every matter of detail that is doubtful and coming directly to the salient facts, here is what took place exactly. There was organized in the southern portion of the country a confederacy or a rebellion against the United States and certain acts or qualities of sovereignty were attempted to be exercised or executed and enforced by the the so-called Confederate States government. Among other things attempted by them they attempted to confiscate the property of loyal citizens of this Government, being aliens to that government, which property was found in the possession of citizens of that government. They appointed certain agencies, enacted certain laws, moved forward upon certain lines of procedure to seize upon and take possession of the property of people of the Northern States and to turn it over to the so-called Confederate government.

Acting upon that authority and proceeding upon that line of policy, they seized certain property, credits—and I beg that the gentleman from Louisiana will follow me on this point—$215,000 of credits due, by people residing within the Confederate lines, to the people of the North, and transferred these credits over to the Confederate States government. What was the process by which this was done? They did not take the money of the man of the North, but they undertook to wipe out his claim on persons residing within the Confederacy. They said to the man of the South, the debtor, "We will stand between you and the creditor. Pay this money over to the Confederacy and we will give you a receipt in full."

Mr. BOATNER. Mr. Chairman——

Mr. GROSVENOR. And having done that—does the gentleman from Louisiana desire to ask a question?

Mr. BOATNER. I rose for the purpose of calling the attention of the gentleman from Ohio to this fact in connection with the point he is now discussing; that is, that the only sufferers by that transaction were the unfortunate Southern debtors themselves who paid the money twice over. The debt was confiscated by the Confederate government and paid, and after the war he was compelled to pay it again. That is the reason that the Northern creditor has never been to Congress for relief, because he was not a sufferer by the transaction.

Mr. GROSVENOR. Well, I suppose that I am as ignorant on that subject as my friend from Louisiana himself. I do not know whether they paid it or not.

Mr. BOATNER. I do know of certain of these claims being paid, because I know the defense that it had been paid was set up; the fact had been interposed in court, and was overruled on the ground that it was no bar to the prosecution of the claim.

Mr. GROSVENOR. Certainly; because such a defense ought not to be made. The man who starts into such a proceeding ought to stand his chances of success or failure as he does when he participates in any other crime. If it is successful it is a revolution; if it is non-successful it is a rebellion.

Mr. BOATNER. If the gentleman will permit me, I want to say that he is doing the parties injustice, for this reason: That any debtor who resided South, whether he was a foreigner or a citizen of the State, was compelled to make this payment. It was not a question of choice with him. It was a matter of compulsion. If he had been going around through the Confederacy hunting up somebody to pay over this money to, it would have presented a different case; but it was not his fault that he was forced to pay it to the Confederate government.

Mr. GROSVENOR. It was not his fault probably, but it was his misfortune.

Mr. BOATNER. And he suffered from it.

Mr. GROSVENOR. He suffered from it; and the taking of that money is one of the acts recognized by all writers upon the subject as a portion of the ravages of war. He has aided to build up the government, or the government has risen over his head and has despoiled him of his goods. That is his misfortune, if it was not his fault.

Mr. BOATNER. If the gentleman will permit me, I think he is laboring under a misapprehension. I want to call his attention to the fact that it was not the confiscated money which was taken by General Butler, but he compelled the Citizens' Bank of Louisiana to make good in legal-tender gold and silver the money deposited there by the Confederate government in Confederate currency. Therefore the principle the gentleman refers to has no application.

Mr. GROSVENOR. I am aware of the fact that this statement has been made over and over again; the gentleman is only repeating what has been said already in the debate. But it seems that there is a misapprehension upon this point. The facts do not altogether agree in reference to that. The Confederate government said to the debtor, "You are a citizen and you owe certain allegiance to this government." Let it be an enforced allegiance, if you please. If it was by his consent, well and good; he should suffer. If by force, it was his misfortune. The government said, "We will put an end to these claims of Northern creditors against you. We will give you a receipt which will bar the right of the Northern creditor to take this money from you."

The Confederacy took the money, and I do not care, for the purpose of this argument, whether it was taken in gold or silver, or lawful money of the United States, or in Confederate money; it was an act of war; it was the despoiling of a citizen of Louisiana by an act of war, which this Government is by no means responsible for and for which the Northern creditor surely ought not to be punished.

Now, what happened? They find a banking institution in Louisiana which received this money on deposit. I know of no principle of law or no rule of any court that compels a bank to receive money on deposit that it does not desire to receive. So it makes, to my mind, no difference whether it was received by the bank in the money stated

by the gentleman from Wisconsin [Mr. THOMAS], equal in fact to gold and silver, or whether they took it on deposit as money of the Southern Confederacy in depreciated currency.

It is enough for me to know that they undertook to carry out the decree of the Confederate government. They undertook to aid in the despoiling of the Northern creditor. They undertook to stand between the Southern debtor and the Northern creditor, and they were as much a party to the wrong done by the Confederate government as was the marshal who executed the process, the receiver who took the money, or the unlawful government which stood with its bayonets behind the civil process which he had issued. Now, what did they do? They took the money at their own hazard. If I am wrong about this position I am right about the next one. They took the money and it became their money.

My friend from Louisiana [Mr. BLANCHARD] is mistaken as to the legal effect of what was done. They took the money on deposit, but it was not a special deposit. It was not a deposit of so many pieces of paper representing the promise of the Confederate government. It was a credit passed upon their books. They had transferred by their act the credit itself to the Northern creditor and turned it over and made it a credit of the Confederate government.

Mr. BLANCHARD. Will the gentleman allow me to interrupt him right there?

Mr. GROSVENOR. Certainly.

Mr. BLANCHARD. Perhaps the gentleman overlooks the fact that the bank in receiving this money, in entering the deposit in the deposit book of the depositor, specially stipulated that it was to be returned in the identical money deposited.

Mr. GROSVENOR. That was a question between the bank and the Confederate government; but it did not bind the Northern creditor and did not bind the United States Government. That is the important point in answer to that. That was a part of their contract, if you please, with the Confederate government, which was not a lawful government, and a government which they undertook to contract with at their peril. Now, what happened? Why, they said to this government, "We will take it in gold and silver, but we are ready to pay it out to you in whatever you may demand."

Mr. BLANCHARD. To pay it out in Confederate notes.

Mr. GROSVENOR. Very well; to pay it out in Confederate notes, if you please. That bank took the money and undertook to contract with an unlawful contractor, a party who had no right to make such a contract as that, that they would pay out Confederate notes to the Confederate government, because the Confederate government could not well afford to go in there and depreciate it own currency and its own credit by refusing to take its own notes in payment of a debt due to itself; but when the time came for them to pay it the Confederate government was not there to draw the check. There was somebody else there to draw the check.

A MEMBER. General Butler was there.

Mr. LIND. Will the gentleman permit me a question right there? Is he familiar with any decision by which any court of the United States has recognized a contract between the Confederate government and any citizens?

Mr. GROSVENOR. No, and if I was familiar with it it would be bad for the court.

Mr. LIND. Then there was no contract?

Mr. GROSVENOR. I am talking about it from the standpoint that is urged on the other side. I say there was no more validity to the contract, no more binding force in that contract upon the Government of the United States or any citizen of the United States than there was in the proclamation of the president of the Southern Confederacy declaring it an independent nation. We are not bound to recognize it. We never have recognized it. The courts of Louisiana stand just as solidly upon that question as do the courts of Ohio and of New York. So that when the time came to pay that money what was the legal status? It was the money of certain Northern creditors.

The Government of the United States had a right to capture the property of the Southern Confederacy wherever it found it. It was booty of war. It was money to the credit of the Southern Confederacy, and was seized by the Government of the United States. It is said that it was seized in violation of a contract, but a contract that was totally invalid. The Government of the United States went into that bank and took that money out, placed it in its own treasury in trust and became a trustee—for whom? For those who had undertaken to be a party to the despoiling of the Northern creditor? What a monstrous proposition! They undertook to be a trustee for the man to whom that money was coming, the man to whom that money belonged. The man who had paid it once and may be compelled to pay it twice was despoiled by the acts of war. It was one of the ravages of war which we have never undertaken to compensate him for. The man to whom that money was due has a claim against this Government; if he has never received his money and now can not get it through the courts he has a right to come to Congress and ask that he may be compensated, inasmuch as the Government got that money, $215,000, and it did not cost the Government anything whatever.

Mr. BUCHANAN, of New Jersey. It cost them blood and treasure.

Mr. GROSVENOR. Now, Mr. Chairman, it strikes me that this is the legal status, and I hope I may never speak again on a claim which ought to be characterized simply as a war claim. I have made myself unpleasant toward gentlemen who have honestly asserted these claims during the last six years. I appealed to a Democrat on the other side of the House to-day and said to him, "I do not want to be heard any more on this subject. This attempt to open the doors to the Treasury of the United States is being made in so many different ways that I have got utterly tired of constituting myself as a sort of watch-dog against these claims." I admit that this claim is not exactly in line and keeping with the claims I have opposed so often, for the despoiling of the farms and the houses and the roads and the bridges of the South and the North alike.

But I say this claim stands without a shadow of legal foundation, and the fact that it has stood here for twenty-seven years is evidence against it. I have not undertaken to consider the question of what sort of money it must have been. The gentleman from Louisiana talks about Confederate notes as being the money in which these original deposits were made. I do not know when the first Confederate notes were issued. I am not aware whether as early as September, 1861, there was any such thing as Confederate government notes. If there were I would know more about it than I do now.

It was not my impression that the Confederate government had issued money that early. If it did, I assume that it had not gotten widely into circulation. I presume this money was the lawful money of the State of Louisiana, that was taken possession of, and this party became the custodians of it without any equitable interest in it, without any legal title to it, except as custodians, and when it was taken from them they were involved simply in the responsibility that they had as bailees of that money in a condition of war, when the party who had deposited it was exposed to the penalties of capture and confiscation afterwards.

Mr. THOMAS. Mr. Chairman, I now move that all general debate on this bill be limited to ten minutes.

Mr. STOCKDALE. Upon what reasoning or justice can the gentleman speak an hour and a half and then undertake to limit another gentleman to ten minutes? I wanted to say this: I was on the Committee on War Claims when a bill similar to this was considered in the last Congress, I have some knowledge of the subject, had an opinion on it then, and have now, and desire to express it.

Mr. THOMAS. I never desire to cut off debate at all until I am fully satisfied that the House is well informed on the subject; and hence it is that I have moved that debate shall be limited to ten minutes, and that will give the gentleman ten minutes. I do not desire to cut off debate.

Mr. STOCKDALE. I want to take the floor in my own right.

Mr. BLANCHARD. Mr. Chairman, I wish to make this remark. The gentleman from North Carolina [Mr. BROWER], who reported this bill, was not here to-day, and in his absence, at the request of my absent colleague, I took charge of the bill. The gentleman from Wisconsin [Mr. THOMAS], chairman of the Committee on War Claims, is the minority of the committee on this bill. It does not come altogether, I think, with good grace for him to attempt to take charge of this bill on the floor of the House when he is the minority of his own committee on that bill.

Mr. THOMAS. In reply, I wish to say that there are other bills that are entitled to consideration, and I do not think that only one bill ought to occupy all the day.

Mr. BLANCHARD. Well, all general debate is not legitimately through on this bill.

The CHAIRMAN. The committee will decide that question for itself. The Chair will put the question on the motion of the gentleman from Wisconsin, that all general debate on this bill be limited to ten minutes.

Mr. BURROWS. Mr. Chairman, I desire to call the attention of the Chair to the fact that general debate has not been limited and can not be limited in committee, but that the House will have to limit general debate. The rules only provide for the limitation of debate on paragraphs in committee.

The CHAIRMAN. But there is only one section in this bill.

Mr. BURROWS. That is true, but general debate has not been limited on the bill.

The CHAIRMAN. The Chair had in mind that the gentleman from Wisconsin asked for unanimous consent, which could be done in committee. Otherwise the limitation of general debate must be done in the House. The gentleman from Mississippi [Mr. STOCKDALE] is recognized.

Mr. GROSVENOR. I would suggest to the gentleman from Wisconsin to let the debate go on until it is through with.

Mr. STOCKDALE. Mr. Chairman, I desire to say in connection with this bill that, if the claim is based upon the ground that the gentleman from Ohio [Mr. GROSVENOR] states it is or upon the ground which the gentleman from Wisconsin [Mr. THOMAS] puts it upon—if they are correct as to the ground upon which it rests, I will vote against it. I was on the War Claims Committee of the Fiftieth Congress, by which this claim was considered, and gave it some attention, and un-

derstood it then and understand it now to rest upon a different basis entirely.

I want to present briefly to the House the view I took of this bill, or a similar bill, in the Fiftieth Congress, and the view I take of it now. I do not believe that the bill has been argued upon the basis that the claim puts itself upon or upon which it is put by the claimants and the majority of the War Claims Committee.

I do not presume that any gentleman upon this floor will claim that any custodian of confiscated money or property confiscated by the Confederate States government had any title to it, for the reason that when the Confederate government failed all the decrees of its courts were held to be void and of no effect; and I do not believe, further, that any gentleman will contend that the United States Government, having captured such money or property, got any title to it as against the original owner unless he in some way consented. Now, then, if these Northern creditors whose property was attempted to be confiscated had gone into the United States courts or the State courts of Louisiana before this money went into the hands of the military authorities of the United States, and they had filed their bills in the court to recover this money they would have succeeded in that suit, for, the decree of confiscation being void, the Confederate government had no title to it, and the creditor had two remedies, one against the original debtor and one against the bank for what it got if the debtors were insolvent.

Money improperly appropriated by an agent or invested by an agent, even in his own name, can not escape equity jurisdiction of a court at the instance of the owner of that money. When General Butler found that money deposited in the Citizens' Bank to the credit of the Confederate States government and took possession of it, he did it solely upon the ground that it belonged to that government, or at least he had no other right to take possession. If it did not belong to the Confederate government, his act of seizure could not make it so; and, unless we hold that the acts of the Confederate government were legal and the decree of confiscation diverted the title from the real owner, General Butler could do no more than take possession of it and hold it subject to the real owner. In succeeding to the rights of the Confederate government, the United States Government got no more right than the Confederate government had. Certainly, an heir can not inherit what the ancestor did not own.

The money stood there to the credit of the Confederate government so far as the books of the bank showed. If the decree of confiscation was void, the entry became erroneous and was, in equity, the credit of the original Northern creditor, who was the real owner. The right to take possession of it and hold it did not exist in General Butler nor anyone else, to the detriment of the real owner of the original debt. General Butler by his seizure, or the United States Government through him, acquired no more or better title than the Confederate government had, and that was none unless we hold the acts of the Confederate government to have been legal and the decrees of its courts valid. Now, if that had been Confederate property contributed by the citizens of a Confederate State, as the cotton which it purchased from its citizens and issued its bonds for was, why, then the Government of the United States would have gotten title, because the owner of the cotton had by his own act parted with his title and the title was in the Confederate government, or at least the citizen could not be heard to dispute it.

But it is not to be presumed that these Northern creditors willingly contributed that amount of money to the Confederate government. Now, I do not believe there is an authority on the face of the earth that goes so far as was announced by the gentleman from Ohio [Mr. GROSVENOR]. No civilized government has ever claimed that where money was deposited after being confiscated illegally, so that the act amounted to no confiscation, it was the despoilment of war. The authorities, I say, do not go so far as that. That would be to say that an illegal proceeding could be ripened into legality without any act of acquiescence of the owner. The gentleman can not show any such decision as that, nor can he show any such declaration in writers on international law.

Now, the question that I conceive to be presented by this bill is this: The bank claimed that they received a depreciated currency to the credit of the Confederate States. If you are going to punish this man or these parties for their wrongdoing, why, it is in the power of the Government of the United States to do what it pleases; but I want to argue this question, as I have always argued questions in Congress, upon the ground that the United States Government is going to treat this case and all cases upon an honest, equitable basis, regardless of the condition of the citizen or what he may have done heretofore.

We are not now determining the rights of property by the conduct of men who were in rebellion. That belongs to the court, if the case goes there, because these people will have to rebut every presumption that has been indulged in here by the gentleman from Ohio [Mr. GROSVENOR] and the gentleman from Wisconsin [Mr. THOMAS] as to their disloyalty before they can recover in court. This is a bill to provide for settling a naked legal right. Now, if that be true, is it possible that nobody can appeal to the Congress of the United States to settle a naked legal right or to be permitted to go into the courts for that purpose, without being met with the assertion that they were at one time in rebellion. It is true that the people were in rebellion in the Confederate States, but this man was not and this bank was not in rebellion.

It has been stated here by so good a lawyer as the gentleman from Ohio [Mr. GROSVENOR] that, no matter whether they yielded a forced obedience to the Confederacy or a willing obedience, the result is the same. Now the courts of the United States differ with the gentleman on that point. Why do you pay loyal citizens for property and refuse to pay disloyal ones? You do it upon the ground that the obedience of the loyal citizen to the Confederate government was an enforced obedience; that it was not his fault, but was the fault of the Government of the United States, which failed to protect him. This, I say, is purely a legal question, and it is not to be decided here by the past conduct of the claimant. When the case gets into court, there the claimant will be required to prove that he was free from these acts of wrongdoing which are charged against him in the past, and unless he can so prove he will not be allowed to recover.

Now, these claimants set up the fact that they received not $215,000, in fact, but that they received a nominal face value of money worth less than that amount; that in point of fact they never had in their possession $215,000; that they never received any legal money at all, but did receive certain Confederate notes, or purporting to be notes, not recognized as money, but worth a less sum than $215,000, and claim that they ought not to be held to answer for more than they received.

It is claimed by the opponents of this bill that the amount was deposited in Louisiana money, and they assert that that money was equal to gold. The claimants assert that the deposit was made in Confederate notes, not worth as much as gold; and this simple question of fact is all that is asked to be investigated by the Court of Claims.

How stands the case? One Senator and General Butler oppose this claim, and all the balance of the Committee on Claims of the Senate report in its favor; the majority of the Committee on War Claims of this House also report in its favor, and the report is made by as sound a Republican as there is in this body. Here is a claim on the one hand made and on the other hand denied. Now, what does this bill propose? It simply proposes to let these people go into the Court of Claims to have this question fully investigated and decided.

What is the objection to doing that? It is said by the gentleman from Wisconsin [Mr. THOMAS] that this money was received in bank notes at par. If that be true these parties ought not to recover anything, but if it be not true then they ought to recover. That question the court will decide. According to the position of gentlemen on the other side, if this bank had received on deposit a thousand-dollar diamond, General Butler could have decided that it was worth $2,000, and could have made the bank pay him that amount on account of it, and there would be no remedy because the property was spoils of war.

Such a thing is no more spoils of war than would be the drawing of money out of a man's pocket by force, and of course the Government does not recognize that as conferring nor divesting. Suppose it should turn out that the truth is that this bank received no money at all and that General Butler's action was based upon allegations that were not true, then this money would be in the same condition as money arising from the captured and abandoned property, which the Supreme Court of the United States holds does not belong to anybody except the people from whom the property was taken. That is as much spoils of war as this.

But I will take the doctrine of the gentleman from Ohio [Mr. GROSVENOR] in answer to the question of the gentleman from Minnesota [Mr. LIND] in which he said he never knew the courts of the United States to recognize a contract made with the Confederate government by any party. What was the Confederate money? It was a promise by the Confederate government to pay. Then, if this money was deposited in Confederate notes, there was no actual deposit of money, because the promises of the Confederate government never were recognized by the United States, it being a contract to pay money, and the bank could not in any event be required to pay more than such commodity was worth in the market.

Now I will ask the gentleman from Wisconsin how the present War Claims Committee of the House are divided on this question. How many members join in the minority report?

Mr. THOMAS. I do not remember.

Mr. STOCKDALE. Is there any other dissenting member of the committee besides the gentleman?

Mr. THOMAS. I believe I am the only one who made any opposition.

Mr. STOCKDALE. Now, then, we have this state of facts, Mr. Chairman: The Committee on Claims of the Senate makes a favorable report on this bill, in which all the members except one join, and the Committee of War Claims in the House, in a report joined in by every member except one, recommend the passage of this bill.

Mr. THOMAS. I do not understand that the Committee on Claims in the Senate has made any report in this Congress.

Mr. STOCKDALE. You introduced that report here.

Mr. THOMAS. That was a report made in the Forty-ninth Congress. The gentleman from Louisiana [Mr. BLANCHARD] caused a

majority report made in that Congress to be read, and I asked that the minority report of the same committee be read.

Mr. STOCKDALE. The minority report was made by one member of the committee and all the other members of that committee in the Senate were in favor of the bill. All of the War Claims Committee of this House report in favor of this bill except one gentleman, who brings in here the minority report of the Senate, representing the view of but one member of the Senate committee. The whole of that committee, except one member, recommend that this claim be referred to the Court of Claims. I say that the very nervousness of the gentlemen to get rid of this bill shows that they do not want it to have a fair hearing before the House, and they undertake to arouse a war sentiment against the measure instead of appealing to the law and the facts.

Mr. THOMAS. Allow me to say that I have exhibited no "nervousness" and I have been willing that there should be fair discussion on the bill.

Mr. STOCKDALE. You tried to confine me to ten minutes.

Mr. THOMAS. What I objected to was occupying all day with this claim. Permit me to say that in a very large majority of cases like this, where the report covers a great many facts and a great deal of testimony, the report of the committee is merely *pro forma*, the circumstances not being investigated thoroughly by the committee. I think that if the members of the Committee on War Claims had personally given careful investigation to this case they would think the same as I do in regard to it.

Mr. STOCKDALE. The gentleman reminds me very much of a man named Caruth, whom I knew and who was once on a jury. There were eleven men in favor of a certain verdict and he was against it. He said those eleven men were "the most stubborn men he ever knew." The gentleman from Wisconsin finds himself opposed to all the rest of the committee and also to the whole Senate committee except one member; and now he says the report of the majority is "simply *pro forma*." What, then, is the minority report? Why, sir, on that basis it has not even the respectability of a "*pro forma*" document.

Mr. GROSVENOR. Is the gentleman from Mississippi quite sure that every member of the Committee on War Claims except the chairman is in favor of this bill?

Mr. STOCKDALE. I base my position upon the statement of the gentleman from Wisconsin himself. He said he did not know of any member of the committee except himself who opposed the bill.

Mr. GROSVENOR. I am not called upon to disclose names and would not do so at any rate, but I have heard one member of the War Claims Committee say that he never heard of this claim in his life until it was brought up here to-day.

Mr. STOCKDALE. Well, he is not very strong on either side. I suppose the chairman of the committee counted a quorum—counted the man's hat, as is sometimes done here in the House.

Mr. BUCHANAN, of New Jersey. Sometimes the hat is worth more than the man.

Mr. STOCKDALE. Now, I say that a majority of both these committees hold that in the existing state of facts this matter ought to go to the Court of Claims, that the facts may be ascertained and determined, while one gentleman of the War Claims Committee in this House and one gentleman of the Committee on Claims in the Senate say they do not want the matter to take this course. Now, in good conscience and equity which opinion ought to prevail? Do you distrust the Court of Claims? That tribunal has never been swift to allow Southern claims that were not just or war claims of any sort.

But I was going on to say, if the amount here in question was deposited in Confederate money and General Butler converted the Confederate money and made it greenbacks, you will prove General Butler disloyal before you get through, for dealing in Confederate money contrary to law.

Now, if the statement of the majority report, made by as sound a Republican as there is in this House, be true, then I say the Government of the United States ought not to indorse General Butler in taking money to which he had no title and to which the Government has no title to-day.

When we come before the Congress of the United States and ask you simply to let these parties go into the Court of Claims, a court of the Government, and allow that tribunal to determine whether this Citizens' Bank of Louisiana ever received this money at all, some gentlemen here undertake to influence the question by appealing to the old feelings connected with the war, because these people were in the Confederacy, and the gentleman from Ohio goes so far as to say that, no matter whether the obedience to the Confederate government was enforced or voluntary, it is all the same, because it was the spoils of war. In that case the Northern creditor could not claim the money. I say there is no authority for the opinion.

Talk about the spoils of war. No man ever pretended that you could throw a man down, take the money out of his pocket, put it in the United States Treasury, and call that the "spoils of war." You can take property in time of war and use it for the purposes of the Government, and it is admitted the Government is liable for that. The reason the Government of the United States is not responsible for property destroyed as part of the spoils or ravages of war is because those who commit such ravages are not acting in their legitimate sphere in the service of the Government.

Mr. GROSVENOR. Does the gentleman say there are no "ravages of war" except those committed by soldiers or officers of the Government in the line of duty? The gentleman does not claim that?

Mr. STOCKDALE. I have had too much experience to say that.

Mr. GROSVENOR. Are not acts done outside of the line of duty by soldiers or Government officers just as properly classed as "ravages of war" as though they had been done on the battlefield by military command?

Mr. STOCKDALE. Certainly; and I say further that the reason the Government is not responsible and does not hold itself responsible for any such depredations is because they are not committed in the line of duty, but as wanton destruction.

Mr. GROSVENOR. Not at all. It is because the Government is not powerful enough at the time to protect the citizen and he takes the chances.

Mr. STOCKDALE. But that is not the doctrine at all here, where the war was within our own Government. That is true where a foreign power invades a country. The country invaded does not reimburse its citizens for the ravages of war; but this is not a case where Confederates inflicted the injury, that the United States Government could not avert, but injuries inflicted by itself on its own citizens, and the doctrine does not apply to it; it is entirely outside of the question of the ravages of war.

How can it be said that the deliberate act of a commanding general of the United States Army, taking property that the Army did not need and putting it into the United States Treasury, is ravages of war?

The United States Government can not afford to say it has money in its Treasury the fruits of ravages of war. No European government does that even with a foreign foe.

But now suppose, Mr. Chairman, that not a dollar of that money was in the Citizens' Bank and that General Butler had information which was satisfactory to him and which induced him to believe that there was such a condition of things, and ordered the bank to pay over the $215,000 into his hands first, and into the Treasury of the United States. Would these gentlemen under such circumstances call that the ravages of war and say that these men would have no remedy? I think not. I think they would hardly have assumed such a position. And yet that is just what they do say here to a certain extent. General Butler found an entry on the books of this bank, which they say was a deposit of Confederate money and which the depositors agreed to receive back in Confederate money. The gentleman from Wisconsin [Mr. THOMAS] says it was deposited in Louisiana money. We say, let it go to court to decide that point. How can you object with good grace?

Now, say that the contract with the Confederate government was void, as gentlemen contend, and I admit that it was utterly void, then where do you go? Why, you take the property in the bank that belonged to a Northern man supposed to be loyal to the Northern creditors. When General Butler did that he made himself the agent of the Northern creditor. The United States Government received the money and becomes the agent of the Northern creditor.

Mr. GROSVENOR. Then how does the bank interfere as to the agency established between the Government and the creditor, as the gentleman suggests?

Mr. STOCKDALE. That is exactly the point. On your assumed state of facts it can not. On ours it can.

Now, I said, if this was the fact as you understand it, that I would myself vote against the bill, and so I will. But is it the fact? It has been asserted as a fact that it was not received in Louisiana money. That is what the majority report alleges, that it was not received in Louisiana money, but in Confederate money. General Butler denies that statement. It is a question of fact to be ascertained by the court, and if General Butler took from the bank more money than it got from the commissioners, took the money belonging to the bank, then it has the right to interfere to get its own money back.

Mr. THOMAS. Will you yield for a question?

Mr. STOCKDALE. Yes.

Mr. THOMAS. You were a member of the War Claims Committee in the last Congress, I believe?

Mr. STOCKDALE. I was.

Mr. THOMAS. Had you this case under consideration?

Mr. STOCKDALE. Yes, it was considered by the committee.

Mr. THOMAS. What testimony did you hear, or your committee find, that this money was received by the bank in Confederate money?

Mr. STOCKDALE. Let me answer the question in this way: The papers were before the committee and there was testimony to that effect——

Mr. THOMAS. Who so testified?

Mr. STOCKDALE. But you are begging the question when you argue on that ground.

Mr. THOMAS. But that is a plain question. Did you find testimony of that character?

Mr. STOCKDALE. Yes, sir.

Mr. THOMAS. Whose testimony?

Mr. STOCKDALE. I have not the time to go over the testimony taken by the committee.

Mr. THOMAS. But you can state who so testified.

Mr. STOCKDALE. I repeat, the gentleman begs the question when he argues that way, for the reason that there is testimony on both sides.

Mr. THOMAS. I could not find any.

Mr. STOCKDALE. Well, it seems that the majority of the committee were more successful.

Mr. THOMAS. Did you look at any of the testimony yourself?

Mr. STOCKDALE. Yes; and the whole of the committee, except its chairman, seems to have found it. The committee has reported the facts here to the House; but the chairman did not succeed in finding any, and the reason is because he did not look for it. The testimony is there.

But, Mr. Chairman, that is not the question now. Suppose that two persons of equal credibility get up and say there is such testimony; it does not affect the issue here. We are dealing with the report of the committee. The majority of the committee say that such a state of facts exists. The gentleman from Wisconsin sets up his judgment in opposition to the committee.

Mr. BOATNER. The committee says there is no doubt about it.

Mr. STOCKDALE. Certainly; the committee report that there is no doubt on that point. The gentleman from Wisconsin gets up, however, and introduces a letter of General Butler, who was interested, who says that there was doubt about it, and that it must not go to the Court of Claims. Now, all I have asked for, and all the friends of this measure ask, is that it shall go to the Court of Claims; let the man prove up his loyalty, present all the facts to the court, and if the court be convinced that they are true, let them so hold. And let us ascertain the true value of the property then that General Butler forced the bank to pay $215,000 for. If these parties have no right, turn them out of court. Who suffers by that? They will have to pay costs.

There is nothing in the defense against the passage of this bill except a mere matter of feeling, because we have the privilege here to crowd them out; because of the condition of those people, who can not have a hearing before the courts of the United States organized to decide on just such claims unless we give them this authority. They are absolutely helpless. Are you afraid of your own courts?

Mr. BUCHANAN, of New Jersey. Why did not you pass this in the last Congress?

Mr. STOCKDALE. Why did not you pass it?

Mr. BUCHANAN, of New Jersey. I had no charge of it.

Mr. STOCKDALE. The gentleman asks why we did not pass it, when he knows that when one of these claims got up there were ten men on their feet all the time on that side raising objections.

Mr. BLANCHARD. We could not get it up for consideration.

Mr. BUCHANAN, of New Jersey. You had a Democratic majority.

Mr. STOCKDALE. And if the gentleman from New Jersey would follow the Democrats in other things he would be better off.

Mr. MILLIKEN. Well, you will have it all your own way next time.

Mr. STOCKDALE. May I ask, Mr. Chairman, how much time I have consumed?

The CHAIRMAN. Twenty-five minutes.

Mr. STOCKDALE. Then I will say this much more and yield the floor. We ask that this conflict of facts may be decided by the Court of Claims of the United States.

Now, General Butler established this very doctrine that we are claiming when he came to confiscate the bonds of the Confederacy; for he put them up and sold them for what they would bring on the market and took that money; but according to the gentleman from Ohio [Mr. GROSVENOR] and the gentleman from Wisconsin [Mr. THOMAS] he had a perfect right to take the bonds at their par value; and the same answer could be made in that case as here, that the bonds were promises to pay and he had no right to deny the full value of the promises that they held as money. If he received Confederate money he was only chargeable with the value of Confederate money.

There is not a court in the United States that has ever decided otherwise. The Confederate money never was at par. I do not care when it was deposited, it never was at par. The bonds never sold at par. The fifteen millions of cotton received at the commencement of the rebellion represented so much money, but the promises to pay by the Confederate government never were at par. They were always at a discount, and this money could not have been justly deposited at par. So the question now resolves itself into this and this alone: Is the Congress of the United States willing that these men shall go in and establish the fact that certain money was taken from them, which they never received, and wrongfully taken?

Now, Mr. Chairman, I yield whatever time I may have left to the gentleman from Louisiana [Mr. BLANCHARD].

The CHAIRMAN. The gentleman from Louisiana [Mr. BLANCHARD] is recognized for the balance of the time of the gentleman from Mississippi [Mr. STOCKDALE].

Mr. BLANCHARD. Mr. Chairman, it is but proper, perhaps, that I should close the debate upon this bill——

Mr. ROWELL. Before you close the debate I wish to make a few remarks against the bill. If you will yield to me a few minutes I will say what I have to say, and then if the gentleman wishes to close the debate he can do so.

Mr. BLANCHARD. I reserve my time, then, for the twenty-five minutes which I have.

The CHAIRMAN. The gentleman has twenty-five minutes.

Mr. BLANCHARD. I understand the gentleman from Illinois [Mr. ROWELL] desires to speak.

Mr. ROWELL. I only desire to occupy a few minutes.

Mr. BLANCHARD. I will reserve my time if I can have that understanding with the Chair, and yield the floor to the gentleman from Illinois.

Mr. THOMAS. Mr. Chairman, my only anxiety about this matter is to get at some other business, if possible, and therefore I am anxious to abridge the debate in this case as much as I can; and for that reason I make the inquiry whether or not the gentleman from Louisiana has already occupied more than an hour on this bill to-day.

The CHAIRMAN. The gentleman from Louisiana [Mr. BLANCHARD] had an hour and ten minutes. He is now speaking in the time of the gentleman from Mississippi [Mr. STOCKDALE].

Mr. THOMAS. Can that be done, according to the rules of the House?

The CHAIRMAN. The gentleman from Mississippi yielded the floor to the gentleman from Louisiana.

Mr. THOMAS. But, Mr. Chairman, I do not understand that that can be done under the rules of the House.

Mr. BLANCHARD. The gentleman from Mississippi [Mr. STOCKDALE] had an hour in his own right, but he only occupied thirty-five minutes of it.

Mr. THOMAS. But can he transfer that to the gentleman from Louisiana under the rules?

Mr. BLANCHARD. He yielded the remainder of his time to me.

Mr. THOMAS. Can he do that?

Mr. BLANCHARD. Unquestionably; that has been the course here from time immemorial.

Mr. THOMAS. I do not understand the rule to be as stated by the gentleman from Louisiana.

The CHAIRMAN. The gentleman from Louisiana [Mr. BLANCHARD] reserves his time and yields to the gentleman from Illinois.

Mr. BLANCHARD. If I have that understanding with the Chair, I reserve my time and the gentleman from Illinois [Mr. ROWELL] can take the floor.

Mr. ROWELL. I only want a few minutes.

Mr. LAIDLAW. Then reserve the balance of your time and give it to some one else.

Mr. ROWELL. Mr. Chairman, in the few minutes that I shall occupy, I only wish to say that if I understand the facts in this case there was, when General Butler took possession of the city of New Orleans, a credit to the Confederate government of something over $400,000 in this bank. Being on the ground, with all the witnesses living, he investigated the case and he found that some $218,000 of that sum had been deposited by the Confederate government in Confederate money; that some $250,000 of that deposit was made up of funds collected by Confederate receivers from people who owed Northern creditors, and that in September, 1861, the moneys so collected, and placed in the bank, were transferred into the account of the Confederate government.

Now, I have made diligent effort to find out when the first issue of Confederate money was provided for. I have not been able to find out accurately, but I have some recollection, and at the time at which this money was so deposited and thus collected there was no such thing as Confederate bills. The money was therefore deposited in the bank in other form than Confederate bills; that is, in lawful currency then in circulation. The only claim that this bank has, when you come to state it in a few words, is that subsequently to that time the bank made a contract with the Confederate government by which they were to be responsible to that government in Confederate money.

Therefore, they claim that by virtue of that contract they had transferred the deposit of lawful money into Confederate money, and that General Butler, representing the United States, was bound to recognize that contract, and that, inasmuch as he did not recognize it, they have a right to come to Congress and claim the difference between the value of Confederate money and of coin, upon no other ground in the world than they had so contracted with the Confederacy after Confederate money had gone into circulation, though the money that they received was not Confederate money, and though it was received before Confederate money was in existence.

Now, then, if this Committee on War Claims have overlooked that act and this Congress now finds it, if this Congress is willing to make a precedent of recognizing these contracts, thereby reimbursing this bank because of that contract, we ought to know it, and we ought to vote intelligently. The object of referring this question to the Court of Claims is to enforce a contract by which a certain kind of money deposited was changed into a certain other kind of currency, and to enforce it a quarter of a century after the occurrence; to enforce it when largely the witnesses are dead, when it is presumed that the bank or

its books shall have the advantage. Yet we are told that we are only asked the privilege of going into court.

Mr. STOCKDALE. Will the gentleman permit me to make a suggestion?

Mr. ROWELL. Certainly.

Mr. STOCKDALE. This report states that the amount was deposited in Confederate notes, and they could not have overlooked the fact. They may have been mistaken, but they did not overlook it.

Mr. ROWELL. This report is made up by the carelessness of the committee in overlooking the fact that there was no such thing as Confederate money at that time; and if you do put it upon the theory of the bank, that they had at a certain time issued bank books in which they contracted with their depositors to pay them in Confederate money, and the contract of the bank with the Confederate government was to honor its orders in Confederate money——

Mr. McKENNA. Will the gentleman permit me to make a suggestion?

Mr. ROWELL. Certainly.

Mr. McKENNA. Will it obviate the objection of the gentleman to this bill to add to the bill the proviso?

Provided, however, If the funds forming the basis of the said claim were deposited in the said bank in gold and silver or United States Treasury notes, no recovery shall be had.

Mr. ROWELL. It would not.

Mr. GROSVENOR. It was stated that it was paid in notes of the Citizens' Bank of Louisiana, which were worth par.

Mr. McKENNA. Let that addition, too, be made. Will that obviate the objection of the gentleman from Illinois?

Mr. ROWELL. I would ask the gentleman, who is to settle that fact after thirty years have expired since the deposits were made?

Mr. McKENNA. If the kind of money suggested by the gentleman from Ohio be added to the kinds of money I have alluded to, will that obviate the gentleman's objection?

Mr. ROWELL. It will not, because it is now a quarter of a century since the matter occurred. The facts were investigated by representatives of the United States Government when all the witnesses were accessible, and after the investigation they separated these two funds and announced this as the fact. Now, I do not know whether a single receiver of this confiscated money is living to-day. I do not know whether there is any evidence by which you can prove the affirmative fact anywhere in existence.

Mr. McKENNA. I suppose you make the bank prove it.

Mr. BLANCHARD. The onus is on the bank.

Mr. McKENNA. Certainly it is.

Mr. ROWELL. To my mind it is setting a bad precedent to go back to these confiscated moneys and overturn the action of officers acting in the light of knowledge then obtainable and thereby rendering the Government liable; for I know what it means. If the Court of Claims finds the facts and the law in favor of these claimants it means an appropriation. There ought to be a time when litigation depending upon facts should have an end. A quarter of a century is a long time to go back over and hunt all the facts upon which General Butler based his findings. But this bill is presented here and urged upon the false theory that because of the contract between the bank and the Confederate government the Government of the United States ought to recognize that contract and pay the difference between coin and Confederate money.

Mr. BLANCHARD. Mr. Chairman, I feel convinced that the fair-minded gentlemen on the other side of the House are disposed to give to this bank claimant a day in court if a *prima facie* case only can be made out in its favor here. There have been some wild statements made here to-day in regard to this case which have no foundation whatever except in the imagination of the gentlemen making them. The gentleman who last addressed the committee, the gentleman from Illinois [Mr. ROWELL], has made the statement that he recollects no order of the Confederate States government authorizing the issuance of money as early as September, 1861, and then presumes from this lack of recollection that there was no money issued prior to that time by the Confederate States.

Now, Mr. Chairman, upon this faulty recollection of his he bases a statement and an argument that the money received by the bank, which this claim is intended to cover, was not Confederate States money, but was either gold or silver or notes of the bank itself, money worth par in gold and silver.

Now, in the minority report, signed by the Senator from Oregon [Mr. DOLPH] in the Senate, is quoted what the bank wrote or printed in the deposit book of every depositor from and after the date of 16th of September 1861. It is as follows:

On the resumption of specie payment—

Mind you, Mr. Chairman, that is the statement in the minority report of Senator DOLPH, in 1884, in the Senate—

On the resumption of specie payment by this bank your balance on the 16th of September, 1861, or any portion thereof not drawn for, will be paid to you in coin. Deposits since that date are payable in Confederate notes of the Confederacy.

And yet the gentleman from Illinois [Mr. ROWELL] makes the statement that there was no Confederate money issued prior to September 16, 1861. Now, if there had not been, this statement in the bank books of the depositors would have been an absurdity.

I have not before me the Confederate States statutes, nor have I time to refer to them if I had them here, but the fact that the bank on the 16th day of September, 1861, placed in the deposit books of its depositors a statement that after that date deposits would only be paid in Confederate notes issued by the Confederacy, would seem to be evidence enough, at least for this House to act upon in this case, of the fact that prior to that time Confederate notes had been issued by the Confederate government. The gentleman from Wisconsin [Mr. THOMAS], who is usually a fair man, but who has had his judgment sadly warped in this case, has actually stated to this committee that there is no evidence in this record that the deposits which make up the aggregate of the amount in this case were in Confederate notes.

Mr. STOCKDALE. Will the gentleman yield to me for a moment?

Mr. BLANCHARD. I will yield to the gentleman.

Mr. STOCKDALE. Mr. Chairman, I find that the first Confederate bonds were issued in February, 1861. Those were not put in circulation, failing to find customers, but Confederate notes were issued in May, 1861, and did go into circulation, and here is a facsimile of a ten-dollar bill Confederate money, series B, issued July 25, 1861.

Mr. BLANCHARD. Then that disposes of the remarkable statement of the gentleman from Illinois [Mr. ROWELL] that prior to September, 1861, there was no issue of Confederate notes. Now, Mr. Chairman, I was going on to say that the gentleman from Wisconsin [Mr. THOMAS] had made the statement on this floor that there was no evidence in this record that these deposits were in Confederate notes, yet the gentleman himself sent up to the Clerk's desk and had read the minority report of Senator DOLPH in the Senate, which concedes that fact. I call the gentleman's attention to this language, which is found on page 6 of the report:

It seems probable that all of the deposits by the receivers were of a similar character and made in current funds, which were the bills of the State banks and Confederate notes.

Mr. THOMAS. Will the gentleman permit me to say a word?

Mr. BLANCHARD. I have only a few minutes in which to end this debate.

Mr. THOMAS. I think you ought to let me say a word here; I will give you a minute of my time.

Mr. BLANCHARD. You have not any time.

Mr. THOMAS. Yes, I have six minutes left.

Mr. BLANCHARD. Well, if you will give it all to me I will yield to you. [Laughter.]

Mr. THOMAS. I only want to say that I think it is a very unfair thing to attack me in this way and then to read here a statement about what "seems probable" and to call that evidence.

Mr. BLANCHARD. Mr. Chairman, I said that the minority report of the committee of the Senate, which the gentleman himself sent to the desk to have read, conceded the fact.

Mr. THOMAS. In the same report General Butler says that it was in notes of the Citizens' Bank of Louisiana.

Mr. BLANCHARD. I am glad the gentleman has referred to the statement of General Butler. I have it before me now. General Butler wrote that statement in a letter to Hon. JOSEPH N. DOLPH, of the Senate of the United States. It was written from his law office in Boston, and on what date? Was it written at the time when these transactions occurred?

No. The letter in which General Butler makes this statement was written on the 24th of April, 1884. Speaking presumably from recollection merely, General Butler said that these deposits were not made in Confederate money. Now, sir, General Butler, speaking only from memory in 1884, certainly is not so good authority in regard to the facts of this case as this bank, whose books show the kind of money that was deposited in its vaults and that is covered by this claim. The idea of General Butler, sitting in his law office in Boston in 1884, and, merely from recollection, writing a statement which the gentleman from Wisconsin wishes to have accepted as the evidence upon which he ventures to say that this money was not Confederate money! It is preposterous.

Mr. GROSVENOR. Does not the gentleman think that General Butler's memory has been occasionally jogged during the intervening period about his transactions in New Orleans? [Laughter.]

Mr. BLANCHARD. Very likely.

Now, Mr. Chairman, having disposed of these two arguments against the bill, I wish to come to a point made by the gentleman from Ohio on my right [Mr. GROSVENOR]. He wants to know why this claim has not been presented before this. Mr. Chairman, my friend from Ohio, when he made that inquiry, perhaps was not aware of the fact that for ten years this claimant has been knocking at the doors of Congress and knocking in vain.

Perhaps, too, it was partly the gentleman's [Mr. GROSVENOR'S] own fault or owing to his opposition in previous Congresses that this claim and other similar claims have not been acted upon sooner. This claim was introduced first in the Forty-seventh Congress, nearly ten years ago, and the fact that it has not been acted upon is not imputable as a

fault to the claimant. I will answer further the gentleman's objection to this claim, on that ground, in the language of the report made in 1884 by the Senator from Tennessee, Mr. Jackson, a gentleman who now occupies a position upon the Federal bench as circuit judge, a man whose judicial fairness is recognized wherever he is known.

I read his language:

It is doubtful whether this claim—

The bank's claim—

could ever have been enforced by a suit in the Court of Claims for want of jurisdiction in the court.

One of the pleas of the gentleman from Ohio was that the Court of Claims had jurisdiction and therefore this suit ought to have been brought there. But here is a Senate committee, composed of as good lawyers as the gentleman from Ohio, who state that—

It is doubtful whether its claim could ever have been enforced by suit in the Court of Claims for want of jurisdiction in the court; and until December, 1872, when the Supreme Court of the United States decided (in Planters' Bank *vs.* Union Bank, 16 Wallace, 495) that after General Butler's proclamation of May 1, 1862, "private property in New Orleans was not subject to military seizure; that the military commanders of the Department of the Gulf had no authority to enforce by military orders the confiscation acts of 1861 and 1862, and that such orders were invalid"—

Then the report goes on to say—

It was supposed by the bank and its legal advisers that the acts of the commanding officers, under which its funds and assets were seized and appropriated by the Government, were within the scope of their authority, and if valid no recovery or restoration could be obtained. Under this belief it delayed application for redress till after that decision was rendered, and followed the next year by the State courts of Louisiana in the suit of the assignees of the Ocoe Bank against the Citizens' Bank above mentioned. These decisions having declared the military orders under which its funds were taken and appropriated by the Government invalid, the Citizens' Bank was then advised that it had a valid claim against the Government for reimbursement.

It was then that the bank went aifead and prosecuted its claim in Congress; and from the time that it began to do so in 1882 until now it has had no day in this House except this day.

Mr. Chairman, the gentleman from Wisconsin [Mr. THOMAS] made a most remarkable statement that this bill would cover in its provisions perhaps as much as a million of dollars. Such a statement as that is absolutely reckless. There is no foundation whatever for it on the part of the gentleman. Why, sir, the whole amount of money the payment of which was enforced from this bank by General Butler in 1862 was only $434,000; and it is conceded in the report on this case that as to $219,000 of that amount there is no claim whatever on the part of the bank, nor does the bank assert any, because that much of the $434,000 was taken out of the bank by General Butler in Confederate notes.

Mr. BUCHANAN, of New Jersey. But the bill is broad enough to cover the whole.

Mr. BLANCHARD. Not at all.

Mr. BUCHANAN, of New Jersey. Certainly it is.

Mr. BLANCHARD. Not at all. It covers only money which was taken out of the bank and covered into the United States Treasury. The Confederate notes taken by General Butler were not covered into the Treasury of the United States.

There is no pretense on the part of the bank that it has any claim whatever except for the $215,000.

Mr. BUCHANAN, of New Jersey. Then limit the terms of your bill.

Mr. BLANCHARD. And, Mr. Chairman, in the report made in the Senate by Senator Jackson, even that amount is reduced in this way: General Butler, when he exacted the $215,000 in gold from the bank, left there the $215,000 in Confederate notes which the bank had received as a deposit from the Confederate treasury agents. Now, Senator Jackson thinks that, inasmuch as it is proven that Confederate money at that date was worth 33⅓ cents on the dollar, there must be deducted from the claim of the bank the difference between the value of the $215,000 in Confederate notes, at 33⅓ cents on the dollar, and the amount in gold which General Butler required the bank to pay; and this he shows would reduce this claim to $143,880.60.

Then he adds that since then the Ocoe Bank of Tennessee recovered from the Citizens' Bank of Louisiana by suit $8,000, and that this amount ought to be added to the $143,880.60, which would make this claim $151,880.60. Yet in the face of these reports the very reckless statement is made here by the gentleman from Wisconsin that this bill is broad enough in scope to cover $1,000,000.

Now, Mr. Chairman, let me call the attention of the House to the fact that every committee, whether of the Senate or of the House, that has sat in judgment on this claim, with all the evidence before it (and there have been four such committees) has deliberately come to the conclusion that the claim is a just one, and that it ought either to be paid by the Government of the United States or else it should be referred to the Court of Claims for an ascertainment of the legal rights of the claimants.

Upon the judgment of these four committees this House may safely assume that at least a *prima facie* case has been made out, and under these circumstances does any gentleman here fear to refer a claim of this sort to a tribunal of the United States, that the respective rights of the claimant and the Government may there be tested? Is any gentleman afraid that a tribunal of the United States will not view with the closest scrutiny every claim against the Government, its own creator? Surely there could be no wrong done to anybody by referring this claim to the Court of Claims. On the other hand, if it be not so referred, a gross wrong and injustice will in all probability be done to this claimant.

Mr. Chairman, I move that the committee rise and report this bill favorably to the House.

Mr. THOMAS. Mr. Chairman, I certainly hope that motion will not prevail. I have some further remarks to make. A portion of my hour remains and I am anxious to reply to the gentleman from Louisiana [Mr. BLANCHARD]. I wish he would withdraw his motion. I have a motion pending.

Mr. BLANCHARD. Mr. Chairman, I thought it was understood that the friends of this measure had the right to close the general debate upon it.

The CHAIRMAN. The gentleman from Wisconsin [Mr. THOMAS] when he had the floor moved that the committee report the bill back to the House with a recommendation that the enacting clause be struck out. That motion is now pending and has precedence over the motion of the gentleman from Louisiana.

Mr. THOMAS. Now, Mr. Chairman, upon that I wish to address the committee for a few minutes.

It is a very remarkable thing, sir, that this case has been pending so long in Congress and has attracted the attention of the learned and able gentleman from Louisiana [Mr. BLANCHARD], as well as the gentleman from Mississippi [Mr. STOCKDALE] in such a manner as to make them perfectly familiar with all the details of the case, and yet when they are asked where the evidence is which shows or demonstrates in any manner that this $215,000 was paid to the bank in Confederate money, they are not able to turn to the report and show the testimony or name a single man or give the title of a single document which can prove that fact or that attempts to do so.

Mr. BOATNER. If the gentleman will allow me——

Mr. THOMAS. I decline to be interrupted.

Mr. BOATNER. I only want to refer you to some testimony on that point.

Mr. THOMAS. Well, gentlemen on that side have had all of their time. Their attention was called to the matter and they have not given us that information. I decline now to yield the few moments that I have remaining for such information. I have myself asked the question and gentlemen have not responded. I undertake to say that they have not produced any testimony—and there is a large bundle of papers accompanying the case, and if the testimony had been there I have no doubt they would have found it—that any man has sworn before any committee of Congress, before any court or anywhere else in this world, that the money was paid to the bank in Confederate notes.

Mr. McKENNA. Will the gentleman yield to me for a question?

Mr. THOMAS. Yes, sir.

Mr. McKENNA. If that proposition is referred distinctly to the court for a decision does that not obviate your objection and your argument?

Mr. THOMAS. Now, it seems to me, Mr. Chairman, that the learned gentleman from California, with his great experience in this House, must know that what transpired thirty years ago—for this was in 1861, thirty years ago—will be very difficult to prove to a court. The Court of Claims has been censured on this floor for not passing upon or determining certain facts. The court has to take testimony in all of these cases. No court in the world can be found fault with for deciding upon the testimony brought before it. But how is the United States Government to defend itself against that claim? Suppose, I will ask the gentleman from California, that one of the directors of this bank should come in and testify that this money was actually paid in Confederate notes, how is the United States Government, after thirty years have elapsed, to disprove that fact?

Mr. STOCKDALE. By General Butler's testimony.

Mr. THOMAS. Why should the Government be placed at this disadvantage? You impose a duty on the court to decide on a state of facts that existed thirty years ago and try to prove it now after everybody is dead.

Mr. BLANCHARD. Is General Butler dead?

Mr. THOMAS. Ah, but you impeach General Butler's statement. You say he was not present when these deposits were made. Do not gentlemen here see how keenly they argue the question? They would come before the court and say General Butler may have investigated the matter through an agent; he may have had his military commander, his financial agents, examine into the matter and then had them report to him the facts of the case. They will say that he was satisfied at the time that the money was paid in the currency of the Bank of Louisiana; but General Butler does not personally know. He can not testify from personal knowledge. All he could testify to would be the information he had received from his subordinates. You can see how keenly gentlemen argue the point. If the gentleman from Louisiana was the attorney for the Citizens' Bank in the court, he would make that objection at once—although it is technical—although everybody knows

that General Butler was aware of the fact, although he could not testify of his own knowledge.

Mr. BLANCHARD. Let me ask the gentleman if it is not a well-recognized principle of all courts of justice, and of law, that the party holding the affirmative, to wit, the plaintiff, must prove his case? The burden of proof is on him. The Government of the United States is to prove nothing. The plaintiff is to prove his case.

Mr. THOMAS. I am sorry I am compelled to answer the gentleman from Louisiana in the way I do, but I have had experience in the House in regard to such matters. I find three hundred and odd claims, involving a half million dollars, passed by the House, in which the court has certified in each case that the claimant was loyal, and in many of these cases, when I went down to the Confederate archives, I found the records there that I think will convince any man of ordinary intelligence that the claimants were not loyal.

Mr. BLANCHARD. How do you know that these records were not before the court?

Mr. THOMAS. Because the court certified they were not before it. That is the way I know it.

Now, Mr. Chairman, thirty years after this transaction occurred I am not willing to place the United States Government at the disadvantage it would be placed in by passing a bill to submit this to the Court of Claims. General Butler, a major general of the Army of the United States, in command in the city of New Orleans at that time, investigated these facts, and you have heard his letter read from the desk to-day.

Why, if he wished to be dishonest, if he wished to be oppressive, would he not have made them pay the money for the $219,000 deposit? There they were, Confederate notes placed in the bank, and the bank had not banked upon them or used them as capital, but kept the amount as a special deposit.

Mr. BLANCHARD. Not at all; there is no such statement in the record.

Mr. THOMAS. The gentleman may be, and I think he is, right about that. The bank used this Confederate deposit of $219,000 to bank on. But General Butler said, "This money was received in Confederate notes, and I think it but right and just, it being the property of the Confederate States, that in confiscating it and taking it for the Government of the United States the banks should only pay what the money is worth." It was worth 33⅓ cents on the dollar and sold for that, and the money paid into the bank by the receivers of the Confederate government, who had taken it from persons who were indebted to Northern men under an act of congress of the Confederate States, by decree of court, I presume. Under that act this money was paid into that bank and held there by these receivers to the credit of the Confederate government. Now, General Butler investigated these facts and he found that this money was paid in bank notes of the Citizens' Bank of Louisiana, and he certifies, and everybody corroborates that fact, that these notes were as good as gold.

Mr. BUCHANAN, of New Jersey. Independent of the currency that was actually paid into the bank, is it not a fact that these credits that were seized were as good as gold?

Mr. THOMAS. Certainly.

Mr. BLANCHARD. Then the bank would have no case in the Court of Claims if that is so.

Mr. BUCHANAN, of New Jersey. That does not follow at all.

Mr. THOMAS. There is another fact I wish to speak about. It seems to me upon the merits of the case that it would be unjust, unfair, and dishonest to put this case now into the Court of Claims. General Butler could not be a witness, because the testimony he had is second hand, although obtained from reliable sources and unquestionably true. If these parties had then brought the case into court, or if they could have been brought into court, they would have had no case, and they would not have wanted to get there either. But now, after thirty years, when the receivers are probably dead, when the men who investigated the facts for General Butler are dead, and the United States is without testimony, these claimants come here and demand that the Government shall pay upon what will be in fact only *ex parte* testimony.

But there is another view of this case under the law. The Citizens' Bank of Louisiana has no just right to any of that property at all. The laws of Congress of 1861 and 1862, if enforced, if this bank could have been brought before a court of the United States, such court would have confiscated every dollar they had. They were the confessed active financial agents of the Confederacy. This Citizens' Bank of Louisiana and other banks like it were what enabled the Confederacy to exist, to buy arms, to clothe its troops, and to make war upon the United States. Every dollar that they had, if legal justice had been done them, would have been taken from them. But by a technical construction the Supreme Court have decided that a military commander could not do this, but that they must have been brought before a court.

But that is only a technicality. If General Butler had put them into court and presented the claim of the Government against them and enforced this law of Congress there is no question that they would have lost every dollar of their property. Instead of that, all they have been required to do—and it shows the leniency of the Government and the leniency of General Butler—is to pay to the Government of the United States what they received; and it was nobody's money except the Confederacy's. Their own money is intact.

This statute which the Supreme Court has decided upon and to which this committee have referred in their report and which the gentleman argues upon relates only to private property. Private property was protected, but the property of the Confederacy was not. It was liable to seizure by law and was the property of the Government of the United States. And we say that after thirty years, when that course of conduct has been pursued, it is too late to come here and ask Congress to place the case before the Court of Claims.

Mr. STRUBLE. Very late, indeed.

Mr. THOMAS. The gentleman from Louisiana says I am mistaken about this bill and that I have made a very unfair and uncandid statement as to its effect. I notice this committee are very anxious to parade before this House the fact that there were $1,242,000 worth of bonds, notes, and securities taken from this bank by somebody. They say that they have not quite the evidence that it was taken; but I contend that this bill is drawn so as to cover an investigation of that subject, too.

Mr. BLANCHARD. Will the gentleman allow me to quote from the bill?

Mr. THOMAS. I presume that every member has read this bill, and I can not allow my time to be taken up in reading a bill that has been discussed here all day.

Mr. BLANCHARD. It says nothing about notes or mortgages. It refers to money.

Mr. THOMAS. Of course the words "notes, bonds, and mortgages" are not there; but it is a bill very carefully and very shrewdly drawn, and I think the court would take cognizance of this whole matter.

Mr. BLANCHARD. That is ridiculous.

Mr. THOMAS. But I do not wish to have that authority given to the court.

Mr. Chairman, it has been said that only one of the committee has dissented from the majority report. Still I do not find any member of that committee standing up here to-day and defending that report. I do not find that in the Senate any of the members of that committee, except the gentleman who reported it, stood up and defended the majority report or ever did.

I have challenged the evidence in this case. I rather expect this report has been passed without much thought on the part of the committee. It may be that they thought this thing might be settled by the final action of the House. I believe the House ought to kill this bill.

Mr. PAYSON. It will.

Mr. THOMAS. It ought to have done so years ago, and with that view I renew my motion and ask that the bill be reported back to the House with the recommendation that the enacting clause be stricken out.

Mr. McKENNA. A preliminary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. McKENNA. Is an amendment to the bill now in order?

Mr. BLANCHARD. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLANCHARD. My point of order is that the bill must first be read by sections for amendment before any motion can be made either to strike out the enacting clause or to report the bill back to the House with a favorable or unfavorable recommendation.

The CHAIRMAN. The bill has been read. There is only one section to the bill.

Mr. BLANCHARD. The motion of the gentleman from Wisconsin can only be in order after the bill has been completed by action on the amendments proposed by the committee.

The CHAIRMAN. The motion to strike out the enacting clause takes precedence over any other motion, because, if that motion carries, it will defeat the bill entirely.

Mr. McKENNA. I ask unanimous consent to offer an amendment. Let it be read.

The CHAIRMAN. The gentleman from California asks unanimous consent to offer an amendment, which he sends to the Clerk's desk.

Mr. PAYSON. Let it be read, subject to the right of objection.

The CHAIRMAN. It will be read, subject to the right of objection.

The Clerk read as follows:

Insert after the word "cause," in line 16, page 2, the following:

Provided, however, If the funds forming the basis of the said claim were deposited in the said bank in gold or silver coin or United States Treasury notes, or other legal money, or securities, then no recovery shall be had by said bank, and the burden of proof of establishing that the deposits of said funds were made in Confederate notes shall be on the bank.

Mr. THOMAS. I object.

The CHAIRMAN. Objection is made and the question is on the motion of the gentleman from Wisconsin.

Mr. ANDERSON, of Kansas. Will the Chair please state what the motion is?

The CHAIRMAN. The question is on the motion of the gentleman from Wisconsin that the bill be reported to the House with the recommendation that the enacting clause be stricken out.

Mr. BLANCHARD. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. BLANCHARD. If that be voted down, will not the gentleman from California have the right to offer his amendment?

The CHAIRMAN. If that be voted down, the bill will be before the committee for completion by amendment.

Mr. BLANCHARD. Give us a vote, then.

The question was taken, and the Chairman announced that the "ayes" seemed tc have it.

Mr. BLANCHARD. Division, Mr. Chairman.

The committee divided; and there were—ayes 59, noes 60.

Mr. GROSVENOR. Tellers.

Mr. ANDERSON, of Kansas. Pending that I move that the committee rise.

Mr. PAYSON. Oh, no; let us keep it up until 5 o'clock; then we will have to take a recess anyhow.

Mr. ANDERSON, of Kansas. I withdraw that motion.

Tellers were ordered; and Mr. GROSVENOR and Mr. BLANCHARD were appointed.

The committee again divided; and the tellers reported—ayes 59, noes 68.

So the motion to strike out the enacting clause was not agreed to.

The CHAIRMAN. The question is on the amendments offered by the committee, which the Clerk will report.

The Clerk read as follows:

In line 5 strike out the words "with interest thereon" and in line 7 strike out the words "alleged unlawful."

Also in lines 11, 12, 13, and 14 strike out the following words: "and said cause shall be advanced on the docket and tried without delay by any court which may become invested with the jurisdiction thereof by virtue of the provisions of this act."

Mr. BLANCHARD. These are all committee amendments.

The CHAIRMAN. The Chair will state that the question now is on the amendments offered by the committee.

Mr. BUCHANAN, of New Jersey. Precisely so; and I desire to speak on one of the amendments. Now, here, Mr. Chairman, is one of these amendments, that strikes out the words "alleged unlawful." I would like some member of the committee who is in favor of this bill to tell me the reason for striking out these words. If the seizure was lawful that is all there is of it, and there is no necessity for the passage of the bill, as there will be no equities to ascertain, no wrongs to be righted. I would like to have some member of the committee tell me the reason for striking out these words. There is a substantial reason why they should not be stricken out, and I will state it. There was a seizure of a twofold character of the funds of this bank by General Butler. One was of money deposited there by the Confederate government, amounting to $219,000; the other was of money deposited there by receivers of the Confederate government, amounting in the aggregate to $215,000.

Now, while the report says that there is no claim made for the former sum of $219,000, the bill if amended in the way that the committee indicate would allow claims for both of those amounts to go to the Court of Claims. I am not satisfied but what it would even if the amendment were not concurred in. But certainly, if we strike out these words "alleged unlawful," and refer simply to the seizure made from that day of all those funds without in terms sending the whole of that seizure to the Court of Claims for adjudication the claim could be considered. I think, Mr. Chairman, that a moment's reflection will convince any member of this committee that if this bill is intended simply to cover the $215,000 any amendment made to the bill by the committee should be made specifically in terms limiting it to the $215,000, and excluding by express terms from the consideration of that court any possible claim for the $219,000; because we must remember that it is the law that goes to the court to be administered, and not the report of the committee.

The CHAIRMAN. Does the gentleman desire a separate vote upon this amendment?

Mr. BUCHANAN, of New Jersey. Certainly.

The CHAIRMAN. Then without objection the vote will be taken upon the other amendments together.

Mr. ANDERSON, of Kansas. I desire a separate vote upon each.

Mr. BLANCHARD. Mr. Chairman, I wish to say that these amendments of the committee are simply verbal, agreed to in the committee as perfecting the bill, and against the amendments so recommended by the committee no member of the committee has risen to object. I ask a vote.

Mr. GROSVENOR. Mr. Chairman——

The CHAIRMAN. The gentleman from Louisiana [Mr. BLANCHARD] has the floor.

Mr. BLANCHARD. I move the adoption of the amendments recommended by the committee.

The CHAIRMAN. That is the pending motion.

Mr. GROSVENOR. That is the pending motion, and I want to be heard upon that motion when the gentleman from Louisiana yields the floor.

The CHAIRMAN. The gentleman from New Jersey [Mr. BUCHANAN] demands a separate vote on this amendment, and the gentleman from Kansas [Mr. ANDERSON] demands a separate vote upon each of the other amendments.

Mr. ANDERSON, of Kansas. And I would like to have the amendments submitted to the House in the order in which they are presented.

Mr. BLANCHARD. I have no objection to that. Gentlemen evidently want to consume the time until 5 o'clock anyhow. [Laughter.]

The CHAIRMAN. The Clerk will read the amendments.

The Clerk read as follows:

In lines 5 and 6 strike out the words "with interest thereon."

The CHAIRMAN. The question is upon the adoption of the amendment.

Mr. GROSVENOR. I suppose that question is debatable, Mr. Chairman.

The CHAIRMAN. It is debatable if anyone has anything to say upon it.

Mr. GROSVENOR. Mr. Chairman, I want to put in a very few concise words exactly what this question is. The Citizens' Bank of Louisiana was just as much an agency of the rebellion, just as much a party to the destruction of the Union, just as significantly an adjunct of the Southern Confederacy at the date of the seizure of this money, as was the army under General Beauregard or the Confederate Congress assembled at Richmond; and there is no refinement of logic or splitting of hairs about the relations of the parties that can change that status. With its eyes wide open the Citizens' Bank of Louisiana undertook to facilitate the destruction of one government and the promotion of the other by collecting money and holding it subject to the order of the Southern Confederacy. It would have paid that money out on a check, drawn by the proper authority, to pay for cannon, to pay for muskets, to pay for munitions of war, just as readily as it paid it out upon the order of General Butler, and a great deal more so.

It is not claimed here upon the part of these claimants that when they took that money they did not know it was money which was being used for the treasonable purposes of the Southern Confederacy. They entered upon the books of their banking house the statement that this was the money of an armed rebellion against the Government of the United States. It was as decidedly forfeited to the Government of the United States as though it had been munitions of war found in the hands of an insurgent foe.

Now, then, what did the Government of the United States do? There is just as much warrant in law, gentlemen of the committee—and when you write your names down in favor of the payment of this money you have committed yourselves fully to the doctrine—there is, I say, just as much warrant in law, just as much authority to pay a soldier of the Southern Confederacy whose horse was killed under him upon the battlefield of Bull Run as there is to pay this agent of the Southern Confederacy the money that was found in his hands stained with the crime of treason, and which the Government of the United States took out of his hands.

Suppose a soldier of the Southern Confederacy should come here and say, "I took from the rebel government a poor old horse worth not more than $15 and I traded him into a valuable horse worth $150, and the United States Government captured my valuable horse while I was at war against that Government, and now I want you to make good to me the difference between the value of the worthless horse that the Confederacy asked me to handle in its interest and the good horse that I had obtained by the trading"—suppose a Confederate soldier should say that, what sort of a claim would it be?

That is a fair illustration of this case; yet we find men here willing to put themselves in the attitude of paying a claim that stands on all fours with this or with the claim which might be made by the rebel cotton agents of the South for the loss of the cotton deposited in their hands by the Southern Confederacy! This claim never will be paid; never, while this Government exists. The principle that would pay this claim would bankrupt this Government ten times over. You may get a majority of the committee to report this bill to the House, but no man with a future ahead of him in politics north of Mason and Dixon's line will ever vote to pay such a claim. No man who was a loyal citizen and who has a recollection of the time of the war will stand here to-day and vote to refund to a rebel agent the money that he was unfortunate enough to lose as this was lost.

Mr. THOMAS. Mr. Chairman, this being pension night, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. ALLEN, of Michigan, reported that the Committee of the Whole on the Private Calendar, having had under consideration the bill (H. R. 3209) to authorize the Court of Claims to hear and determine the claim of the Citizens' Bank of Louisiana, etc., had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 4476) directing the issue of a duplicate of a lost check drawn

by A. W. Beard, collector of customs at the port of Boston, Mass., in favor of De Blois & Co.;

A bill (S. 4547) for the relief of the inhabitants of the town of Gallup, Bernalillo County, Territory of New Mexico;

A bill (H. R. 178) to provide for enlarging the proposed public building at Savannah, Ga., the purchase of another site, if practicable, and for the sale of the present site;

A bill (H. R. 1460) to authorize the Secretary of the Treasury to issue certain duplicate bonds to James E. Andrews, to replace same destroyed by fire; and

A bill (H. R. 7630) to increase the limit of cost of the public building at Charleston, S. C.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, informed the House that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 2309) for the relief of Stubbs and Lackey;

A bill (H. R. 7082) for the relief of Maj. Joseph W. Wham, paymaster United States Army; and

A bill (H. R. 9919) to authorize the Treasurer of the United States to receive and keep on deposit funds of the Soldiers' Home in the District of Columbia.

The message also announced that the Senate had passed a bill (H. R. 6975) to provide for an additional associate justice of the supreme court of Arizona with an amendment, asked a conference on the bill and amendment, and had appointed as conferees on the part of the Senate Mr. WILSON of Iowa, Mr. EVARTS, and Mr. VEST.

The message further announced that the Senate had agreed to the reports of the committees of conference on bills of the following titles:

A bill (S. 507) to provide for the erection of a public building in the city of Youngstown, Ohio;

A bill (S. 593) for the erection of a public building at Fort Dodge, Iowa;

A bill (S. 2405) to provide for the purchase of a site and the erection of a public building thereon at Lewiston, in the State of Maine; and

A bill (S. 3417) to provide for the purchase of a site and the erection of a public building thereon at Haverhill, in the State of Massachusetts.

SIOUX INDIAN RESERVATION.

Mr. PERKINS. I have a conference report which I think it will take only a moment to dispose of.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3271) entitled "An act to enable the Secretary of the Interior to carry out in part the provisions of 'An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes,' approved March 2, 1889, and making appropriations for the same, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, 5, 6, and 7, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment as follows:

Amend by striking out said House amendment; and further, by striking out on page 3 of the bill the first six lines; and the House agree to the same.

B. W. PERKINS,
S. W. PEEL,
Managers on the part of the House.
H. L. DAWES,
CHARLES F. MANDERSON,
JAMES K. JONES,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House report and represent that the effect of the conference agreement is to accept the bill substantially as it passed the House, except that amendment numbered 4 is modified so as to exclude the appropriation of $100,000, as this appropriation is carried by another paragraph in the bill and thus the amount appropriated by the bill is reduced $100,000.

B. W. PERKINS,
S. W. PEEL,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to this report.

Mr. BRECKINRIDGE, of Kentucky. I think we ought to have some fuller explanation than that made in the statement just read. There were several amendments to this bill, on some of which the Senate recedes.

Mr. PERKINS. They recede from their disagreement on all the amendments except one.

Mr. BRECKINRIDGE, of Kentucky. And that one strikes out a part of the bill.

Mr. PERKINS. Yes; it strikes out a portion of the bill which was struck out by a House amendment. The amendment of the House struck out those words and inserted others. The effect of this report is to exclude from the bill those words which were inserted by the House in lieu of the words struck out; because the conferees found that the amount necessary to be appropriated was appropriated in another part of the bill; hence the insertion was unnecessary.

The report was agreed to.

The SPEAKER. The hour of 5 o'clock having arrived, the House now takes a recess until this evening at 8 o'clock. The gentleman from Kansas [Mr. PERKINS] will preside at the evening session.

EVENING SESSION.

The recess having expired, the House resumed its session at 8 o'clock p. m., and was called to order by Mr. PERKINS as Speaker *pro tempore.*

ORDER OF BUSINESS.

Mr. SAWYER. I ask unanimous consent that after devoting one hour to the consideration of pension bills in their order on the Calendar the next hour be spent in the consideration of bills called up by members who may be recognized by the Chair.

The SPEAKER *pro tempore.* As the Chair understands, the proposition of the gentleman is that after devoting one hour to the consideration of pension bills on the Calendar in regular order the Chair shall recognize members (alternating between the two sides of the House) to ask for the consideration of bills by unanimous consent.

Mr. WASHINGTON. Before that is agreed to, I wish to ask what order is to be observed with regard to recognitions.

The SPEAKER *pro tempore.* The order generally observed.

Mr. WASHINGTON. A member's assent to this arrangement might depend upon whether or not his name is on the list of the Chair.

The SPEAKER *pro tempore.* Unless there should be many more members present than there are now, the probability is that all those who are here would be recognized before the expiration of the hour. Is there objection to the proposition of the gentleman from New York [Mr. SAWYER]? The Chair hears none, and it is so ordered. Was it the request of the gentleman that bills on the Calendar be considered in the House as in the Committee of the Whole?

Mr. SAWYER. Yes, sir.

The SPEAKER *pro tempore.* The gentleman from New York asks unanimous consent that the Committee of the Whole be discharged from the consideration of these pension bills, and that they be considered in the House as in Committee of the Whole.

Mr. KILGORE. It is understood that we are to have the same rights and privileges as in Committee of the Whole?

The SPEAKER *pro tempore.* The same, as the Chair understands the request.

Mr. KILGORE. The same rights as to making speeches, offering amendments, having reports read, and everything of that kind?

The SPEAKER *pro tempore.* Bills will be considered in all respects as in Committee of the Whole. Is there objection? The Chair hears none, and it is so ordered.

NANCY POTTER.

The first business on the Private Calendar was the bill (H. R. 10079) for the relief of Nancy Potter.

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 the name of Nancy Potter, widow of Uriah Potter, late surgeon of the board of enrollment for the Eighteenth Congressional district of New York, and pay her a widow's pension, subject to the provisions and limitations of the pension laws.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10079) granting a widow's pension to Nancy Potter, submit the following report:

The claimant is the widow of Uriah Potter, who was assistant surgeon to the board of enrollment for the Eighteenth Congressional district of New York, located at Schenectady, N. Y. The War Department records show that Uriah Potter entered the service April 17, 1863; resigned January 30, 1865, and his resignation was accepted February 6, 1865. He died December 16, 1869.

The affidavit of Dr. Livingston Elwood, who was Dr. Potter's superior on the board of enrollment, alleges that he was in sound health when he entered the service, and that about six months thereafter he began to suffer from stomach and heart troubles and that he frequently prescribed for him until his resignation, and at intervals thereafter until his death. The immediate cause of death was, he alleges, "mitral regurgitation from insufficiency of the valves, and gastric ulcer at the lesser curvature of the stomach, which perforated just before death and discharged its contents into the peritoneal cavity." He further deposes that "in his opinion the main, original, and producing causes of said diseases were overcrowed and illy ventilated offices, close confinement, poor sanitary surroundings, and excessive and constant strain on a naturally sensitive, nervous organization, made doubly more so by the great cares and responsibilities connected with said office and by the frequent riotous demonstrations made upon said office during the time of draft."

Affidavits of two other physicians of standing in their community are submitted corroborative of Dr. Elwood's opinion, that the fatal illness of Dr. Potter was due to his service on the board of enrollment.

Affidavits are also submitted by the claimant and by four neighbors identifying the claimant as the widow of Uriah Potter, and that she has not remarried since his death.

This claim has been rejected by the Pension Bureau on the ground that there is no law allowing pension on account of disease, or death resulting therefrom, contracted while serving as surgeon to board of enrollment, such service being pensionable only in case of wounds or injuries and death resulting therefrom.

Mr. KILGORE. I wish to inquire of the gentleman who has this bill in charge whether the beneficiary in this case would not be entitled to a pension under the existing law without any special act of Congress.

Mr. SAWYER. I understand not; that is the theory upon which I drew this report. I have no personal knowledge of the parties, and

the case had passed out of my mind until recalled by hearing the report read.

Mr. KILGORE. I think that all cases where the applicant would be entitled to a pension under the existing law ought to be excluded from consideration by the House; there ought to be no special acts in such cases, and I would be inclined to antagonize any bill of that character.

Mr. SAWYER. As I have stated, under the existing law, according to my understanding, this lady could not obtain a pension. The committee thought that the facts showed a very meritorious case.

Mr. KILGORE. The bill does not name the amount of the pension.

Mr. SAWYER. It could not exceed $12 a month.

Mr. KILGORE. I make no objection.

Mr. CHEADLE. I see the bill provides that this pension shall be paid subject to the provisions and limitations of the pension laws. I wish to inquire whether the rate is to be determined by the act of June, 1890, or by the old law?

Mr. SAWYER. It would be, according to the prior law, the giving of $12 a month.

Mr. CHEADLE. I suggest to the gentleman that he had better move an amendment to that effect so that there can be no doubt.

Mr. SAWYER. Then I move to amend the bill by fixing the pension at $12 a month.

The SPEAKER *pro tempore*. The Clerk will report the amendment of the gentleman from New York.

The Clerk read as follows:

Strike out the word "widows" where it occurs before "pension," in the seventh line, and insert after the word "pension" the words "at the rate of $12 per month."

The amendment was adopted.

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

JEANIE BRENT DAVENPORT.

The next business on the Private Calendar was the bill (H. R. 10503) granting an increase of pension to Jeanie Brent Davenport.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension ofJeanie Brent Davenport, widow of Henry K. Davenport, late captain United States Navy, and allow her a pension at the rate of $50 per month from the date of the passage of this act.

Mr. CHEADLE. Mr. Speaker, in the event that that bill is to be passed to-night I will state that there must be a quorum present. I do not wish to raise any objection to pension legislation, but I certainly shall not consent, while I am present, to the enactment of a pension bill into law that makes a distinction of from $12 to $50 per month between the widows of our dead comrades.

Mr. DINGLEY. Mr. Speaker, I ask unanimous consent that the bill be passed over informally, with the understanding that it shall not lose its place upon the Calendar.

The SPEAKER *pro tempore*. In the absence of objection that order will be made.

There was no objection, and it was so ordered.

MARY A. R. MARTIN.

The next business on the Private Calendar was the bill (H. R. 9724) granting a pension to Mary A. R. Martin.

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 Mary A. R. Martin, widow of John Martin, a soldier of the war of 1812, and pay her a pension at the rate of $30 per month from and after the passage of this act.

The report (by Mr. HENDERSON, of North Carolina) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 9724) granting a pension to Mary A. R. Martin, have considered the same, and report as follows:

The claimant's late husband, John Martin, deceased, filed an application for pension in his lifetime, declaring that he rendered service in the war of 1812 as a soldier in Capt. James Willis's company, Col. Ignatius Few's regiment of Georgia Volunteers. He subsequently stated that, being eighty-one years old and blind, his memory was defective, but his recollection was that James or John Willis was his captain. He also remembered one Thomas Glascock, who was an officer in the regiment. The soldier also declared that, in addition to his service in the war of 1812, he served (in 1817) in the Seminole Indian war.

The Third Auditor of the United States Treasury reported that the name of John Martin was not borne on the rolls of Capt. James Willis's company of Col. J. A. Few's regiment Georgia Militia, war of 1812, on file at that office, but that the name of John Martin is borne as a corporal (the rank alleged to have been held by the soldier) on the roll of Capt. Thomas Glascock's company of Col. Ignatius Few's Third Regiment, Georgia Militia, from September 26, 1814, to October 12, 1814.

Glascock's company rendezvoused at Waynesborough, Ga., and it is at that place that the soldier declared he was mustered in.

John Martin's claim was rejected by the Pension Bureau on the ground that as he alleged service in Captain Willis's company he could not be presumed to be the John Martin who served in Captain Glascock's company. The claim of his widow (this claimant) was also rejected on the same ground.

The proof shows that the claimant is a woman of good reputation, but very poor. She is about sixty-eight years old. After a review of all the facts, your committee are of the opinion that the claimant's husband served as a soldier in the war of 1812, and that she should not be deprived of her pension because he in his old age, and of a defective memory, gave as his company the name of an organization which does not bear his name on its rolls.

The bill is returned with a favorable recommendation, amended, however, by striking out the word "thirty," in line 8, and substituting in lieu thereof the word "twenty," so as to allow a pension at $20 per month.

The amendment recommended by the committee was adopted.

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

ELVIRA BROOKS.

The next business on the Private Calendar was the bill (H.R. 10817) granting a pension to Elmira Brooks, widow of Odney D. Brooks, late assistant surgeon Twenty-sixth Michigan Volunteers.

The bill is 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 Elmira Brooks, widow of Odney D. Brooks, late assistant surgeon Twenty-sixth Michigan Volunteers, war of the rebellion.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10817) granting a pension to Elmira Brooks, widow of Odney D. Brooks, assistant surgeon, Twenty-sixth Michigan Volunteers, submit the following report:

The claimant is the widow of Odney D. Brooks, who was mustered into service December 12, 1862, as assistant surgeon, Twenty-sixth Michigan Volunteers, and served until mustered out, April 26, 1864, upon tender of resignation based upon disability by reason of fistula in ano. He died of paralysis of the insane at the Michigan Insane Asylum, July 24, 1874. The widow's claim has been rejected on the ground that, in the opinion of the medical referee, the soldier's death cause is chargeable to intemperance rather than the military service.

That Brooks was a sound and able-bodied man at time of entry into service is beyond dispute. It appears in evidence that at the battle of Gettysburgh, Pa., he was struck on right side of head by a piece of shell or spent ball, from which he suffered a good deal of pain, but which he did not consider a serious matter. Subsequently, while stationed at Staten Island, he was ordered to New York City to procure medical supplies. While there he suffered a sunstroke, which disabled him for some time, and ever thereafter complained of pain in head, accompanied by dizziness. Mental disturbance at discharge is clearly shown by the reports of the special examiner. On October 15, 1868, he was admitted to the above-named asylum. The superintendent of the asylum testifies that Brooks's mental faculties were greatly impaired; his walk was unsteady; was irritable and not inclined to converse. Would become especially irritable when questioned with reference to his condition. During the last year of his life his physical health failed, and he had several attacks of partial unconsciousness, which ultimated in an attack of paralysis.

While Brooks is shown to have used liquor frequently, excessive use of same appears only by the testimony of the other assistant surgeon of the regiment. The special examiner intimates that this adverse testimony is in all probability the outcome of the affiant's prohibition views and his prejudice to all schools of medicine differing from the one of his own practice, and recommends the allowance of the widow's claim.

There is evidently sufficient grounds to believe that the injuries of service are the principal factors in the soldier's death cause. In fact it is not at all probable that intemperance alone could have produced it, when, as a matter of fact, during the last six years of his life, soldier, no matter how great his appetite for strong drink might have been, was restricted from the use of same, unless probably for medicinal purposes, by the officers of the asylum.

Your committee are of opinion that the doubts in the case should be solved in favor of this aged and needy claimant, and therefore report favorably on the bill, and ask that it do pass, amended, however, by striking out the word "Elmira" wherever the same may appear in the bill or the title thereof and inserting therein instead the word "Elvira."

The amendments recommended by the committee were adopted.

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

The title was amended to conform.

ENOS J. SEARLES.

The next business on the Private Calendar was the bill (H. R. 1254) increasing the pension of Enos J. Searles.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension now paid to Enos J. Searles, Company L, Fifth Regiment Ohio Volunteer Cavalry, to the sum of $50 per month, subject to the limitations and restrictions of the pension laws.

The report (by Mr. YODER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1254) granting an increase of pension to Enos J. Searles, submitted the following report:

That there was a special act passed by the Fiftieth Congress granting this soldier a pension of $18 per month. The Senate Committee on Pensions of the Fiftieth Congress made the following report, which was adopted by the House committee, and your committee adopt the same and make it a part hereof, which is as follows:

[Senate Report No. 148, Fiftieth Congress, first session.]

"The Committee on Pensions, to whom was referred the bill (S. 738) granting a pension to guardian of Enos J. Searles, have examined the same, and report:

"That the claimant was a private in Company L, Fifth Ohio Cavalry, and served from November 14, 1861, to November 14, 1864, being discharged at last-named date by reason of expiry of term of service. His wife testifies that he became insane July, 1864, while in the service, and that after his return home he continued to act strangely, and she and her children lived in fear of him until 1872, when he was pronounced insane and taken to the asylum. He remained in the asylum several months, returned home as improved, but in 1874 was again returned to the asylum, where he has ever since been, and now is reported by the officers at that institution as suffering from mania, probably incurable; as quarrelsome and dangerous, especially in the night.

"The evidence of Wyatt, Rader, and Donham shows that before his army service and up to about August, 1861, he was a healthy, jovial, cheerful man, a useful and brave soldier.

"Maj. G. H. Rader testifies that in July, 1863, the claimant, near Cartersville, Ga., was sent out on a foraging expedition, which was suddenly surrounded and attacked by the enemy. He escaped by swimming the Etowah River, from which he took cold and fever, and these with the fright and excitement, affected his mind, so that he never appeared to have a sound mind

afterwards, even while in the service. This is substantiated by the oaths of his comrades, Donham and Condiff, in same company. We do not think this evidence overcome by the fact shown that some of his maternal relatives were occasionally insane or subject to insanity. He may have been laboring under a hereditary taint, and might have become insane without military service, but this 'may' and 'might' are conjectural. The fact is that he became insane while in the service; that the attack is shown to have been superinduced by a very hazardous flight and exposure in a special expedition upon which he was ordered. That the disease did not assume a dangerous type for several years after is nothing against the circumstances detailed of how it originated. It began in the service in one form; it is sometimes a long time incubating.

"The bill is recommended to be passed."

The evidence in the case shows that the soldier squandered and destroyed all his property while acting under insane delusions, before being sent to Long View Asylum, where he is now confined; that he has a wife and large family of children; and your committee believe him to be entitled to same pension as other soldiers for like disability, and therefore recommend the passage of the bill, amended, however, by striking out the word "fifty," in sixth line, and inserting therein instead the word "forty."

The amendment recommended by the committee was adopted.

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

MARGARET COONEY.

The next business on the Private Calendar was the bill (H. R. 11125) granting a pension to Margaret Cooney, formerly Margaret Dolan.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Margaret Cooney, widow of John Dolan, late a private in Company A, One hundred and sixty-third Regiment New York Infantry Volunteers, and pay her a pension of $12 per month.

The report (by Mr. TURNER, of New York) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11125) granting a pension to Margaret Cooney, submit the following report:

That the claimant is the widow of John Dolan, late a private in Company A, One hundred and sixty-third New York Infantry Volunteers, who died from disease contracted in the service October 12, 1865, from which date she drew a pension as his widow until her marriage to her second husband, Patrick Cooney, who died on the 3d of October, 1872. She is now old and very poor, and in view of the many precedents and the fact that no one is now drawing, or for many years has drawn, any pension on account of the death of her first husband, Dolan, they recommend the bill do pass.

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

ANN N. MOSHER.

The next business on the Private Calendar was the bill (H. R. 11080) granting a pension to Ann N. Mosher.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension rolls, subject to the provisions and limitations of the pension laws, the name of Ann N. Mosher, mother of Charles H. Mosher, late a private of Company A, Eighteenth Regiment of Massachusetts Volunteers.

The report (by Mr. FLICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11080) granting a pension to Ann N. Mosher, submit the following report:

This bill has been introduced in accordance with the recommendation of the Commissioner of Pensions in letter of February 19, 1890, addressed to the Secretary of the Interior and by him referred to this committee, which is as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., February 19, 1890.

SIR: I have the honor to submit herewith the papers in the above-mentioned pension claim, for transmittal through your office to the chairman of the Committee on Invalid Pensions, House of Representatives, that the attention of Congress may be invited to the facts in the case for such action in the premises as that honorable body may deem proper.

The records of the War Department show that the soldier enlisted September 12, 1861, and that he was transferred to the Invalid Corps in August, 1863, in which organization he re-enlisted July 28, 1864, and that on September 3, 1864, he was given a furlough of thirty days on account of re-enlistment, and was killed by the cars at Westport, Conn., September 12, 1864, while on his way home.

The records of the War Department further show that but three men were on re-enlistment furlough at the date this soldier was furloughed and that as the Veteran Reserve Corps was composed of men of different States they consequently would not have a State rendezvous.

The case was rejected by this bureau on the ground that inasmuch as the soldier was not absent from his command on such a re-enlistment or veteran furlough as that contemplated by section 4700, Revised Statutes, at the time he was killed, his death could not be accepted under existing laws and the practice of the bureau as having occurred in line of duty.

Dependence of the mother on the soldier is fully shown, and the case possesses equitable features for relief at the hands of Congress.

Very respectfully,

GREEN B. RAUM, *Commissioner.*

The SECRETARY OF THE INTERIOR.

Your committee concur in the recommendations of the Commissioner of Pensions, and return the bill with the request that it do pass.

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

Mr. PICKLER. Mr. Speaker, I ask unanimous consent that the reports be printed in the RECORD and the reading omitted, unless some member asks specially for it.

Mr. LANE. I object.

Mr. KILGORE. I do not think we ought to break up the Constitution altogether to-night, and also create an infraction of the rules that the other side are so much in love with.

The SPEAKER *pro tempore.* Objection is made, and the Clerk will report the next bill on the Calendar.

MARY T. CROOK.

The next business on the Private Calendar was the bill (H. R. 8661) granting a pension to Mary T. Crook.

The bill is 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 Mary T. Crook, widow of the late George Crook, major general United States Army, and to pay her a pension from the passage of this act for and during her natural life at the rate of $2,000 per annum.

The committee recommend the adoption of the following amendments:

Strike out, in line 8, the words "her natural life," and insert "widowhood." In line 9, strike out "$2,000 per annum" and insert "$100 per month."

Mr. WASHINGTON. Mr. Speaker, before the report is read in that case I would like to inquire what rank General Crook held in the Army.

The SPEAKER *pro tempore.* The Chair understands the rank of major general in the Army.

Mr. WASHINGTON. In the regular Army or was it brevet rank?

The SPEAKER *pro tempore.* Full major general.

Mr. CHEADLE. Mr. Speaker, I make the same point of order on this bill that I did on the other.

Mr. SAWYER. I would move that this go over to a full House.

Mr. CHEADLE. I object.

The SPEAKER *pro tempore.* In the absence of objection, this bill will be laid aside not to lose its place on the Calendar.

There was no objection, and it was so ordered.

EDWIN COTTON.

The next business on the Private Calendar was the bill (H. R. 9493) granting a pension to Edwin Cotton, late musician Twenty-fourth Regiment Michigan Volunteer Infantry.

The bill is 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 Edwin Cotton, late a musician of the Twenty-fourth Regiment Michigan Volunteer Infantry.

The report (by Mr. YODER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9493) granting a pension to Edwin Cotton, submit the following report:

Claimant was a member of Company H, Twenty-fourth Michigan Volunteer Infantry Regiment; enlisted August, 1862, discharged June 30, 1865; made application for pension April, 1877, alleging while on march in November, 1862, on the way from Harper's Ferry to Warrenton, he was taken with severe nervous headache, vomiting, and general nervous prostration.

Dr. J. H. Beech testifies to having treated claimant in service and at various times, and many other evidences corroborating same are on file, and as to the continuance of said disease and present existence of disability there is no doubt.

The claim was rejected once on the ground of no disability to a pensionable degree, and was reopened and rejected after being rated at one-half disability, on the ground of no record of origin, and claimant's failure to prove origin, notwithstanding the evidence of the surgeon who treated him in service.

He is needy and poor and a great sufferer from nervous headache and affection of the heart, and your committee recommend the passage of the bill.

Mr. WASHINGTON. What is the amount of pension carried by the bill?

The SPEAKER *pro tempore.* It is subject to the provisions of the pension laws.

Mr. WASHINGTON. Does the general pension law provide a specific amount for a musician?

The SPEAKER *pro tempore.* It depends upon the character of the disability.

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

MICHAEL KEEFE.

The next business on the Private Calendar was the bill (H. R. 4964) to remove the charge of desertion now standing against Michael Keefe, deceased.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now standing against Michael Keefe, deceased, late of Company B, Eighth Regiment Connecticut Volunteers, and to grant an honorable discharge to date at the time of the discharge of said regiment.

The report (by Mr. CAREY) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 4964) to remove the charge of desertion now standing against Michael Keefe, deceased, having considered the same, respectfully report that Michael Keefe was enrolled as a private in Company B, Eighth Connecticut Volunteers, on September 27, 1861, to serve three years. He was wounded in battle at Antietam, September, 1862. He returned from hospital to his command November 13, 1862. He was re-enlisted as a veteran December 24, 1863. He was with his command until February 29, 1864. He was admitted to hospital and treated for disease, and was reported as a deserter from a hospital at New Haven, Conn., September 28, 1864. He did not again return to his command, which was retained in service until December 12, 1865. (See report of War Department, hereunto annexed.) The evidence offered in behalf of this soldier tends to show that the soldier was insane at the time of his desertion. Considering the service of this soldier and all the circumstances of the case, the committee recommend that the bill do pass.

Case of Michael Keefe, late private Company B, Eighth Connecticut Volunteers.

RECORD AND PENSION DIVISION, *June 17, 1890.*

Michael Keefe, private Company B, Eighth Connecticut Volunteers, was enrolled on September 27, 1861, to serve three years. He was wounded in the battle at Antietam, Md., September 17, 1862; was admitted to Mansion House general hospital, Alexandria, Va., September 29, 1862, with gunshot wound, and was returned to duty on November 13, 1862. He is reported present with his company on all muster rolls covering the period from January 1, 1863, to February 29, 1864. (He re-enlisted as a veteran volunteer on December 24, 1863.) He was admitted to Hampton general hospital, Fortress Monroe, Va., April 20, 1864, from the regiment, with syphilis, and continued to be treated for that disease at various hospitals, being admitted to Knight general hospital at New Haven, Conn., May 14, 1864, and being reported as having deserted thereon September 28, 1864.

He never returned. His company was retained in service until December 12, 1865.

The widow of this soldier has made application for removal of the charge of desertion, alleging that when the soldier left the hospital at New Haven without leave he was insane, his condition being the result of the wound in the head received by him in battle on September 17, 1862; that when he was found by friends at Warren, Mass., in August, 1865, he was broken down and mentally deranged, and not accountable for his absence.

William Gammell, Charles F. Tilden, Rollin Terry, and Patrick Horan have testified that they served in the same company with Keefe, and further, in substance, that from the time Keefe returned to his company (about a month and a half after the battle of Antietam) until he went again into hospital in 1864 he was at times of unsound mind, suffering from mental hallucinations, believing that the top of his head was off, and requesting to have his head tied up, although his wound was entirely healed. They state that this happened many times, and he was excused from duty on account of it. Deponents believe that his mental derangement was caused by the wound in his head. Gammell states that he was first sergeant of the company and saw Keefe daily, and during all this time Keefe was at times of unsound mind on account of his wound. About May 1, 1864, when the regiment was ordered to march, Gammell took Keefe to the surgeon, who sent him to the general hospital, because on account of his head trouble he was unfit to go on the march. The record shows Keefe was admitted to hospital on account of syphilis, not head trouble.

Stephen Hampton and John Borden, neighbors, have testified that they were acquainted with Keefe before he entered the Army, when he appeared to be of sound mind; that on August 29, 1865, they visited Warren, Mass., on an excursion, and there saw Keefe, who appeared to be wandering aimlessly about, acting strangely, talking incoherently, and seemingly not knowing what he was doing or where he was going. They notified a member of Keefe's family, who took him home to Ware, Mass.

D. W. Miner, M. D., of Ware, Mass., on June 13, 1889, deposed that he prescribed for Keefe in 1865 on account of intermittent fever, and also attended him for disease of lungs from May 7, 1880, to May 22, 1880, when he died. The effects of a wound on the head caused Keefe at times to be insane.

The papers in the case were referred to the acting Judge Advocate General, United States Army, August 10, 1889, for his opinion as to whether or not the testimony is regarded as sufficient to warrant removal of the charge of desertion.

The judge advocate in charge, on August 13, 1889, returned the papers, with the following opinion indorsed thereon:

"The evidence presented is not regarded by this (Judge Advocate General's) Office as sufficient to warrant the removal of the charge of desertion in this case."

The Secretary of War, on August 14, 1889, concurred in the foregoing opinion.

It should be observed that, although this soldier was under constant observation by military medical officers for five months prior to his desertion, the official contemporaneous record does not indicate that he suffered from any disease other than syphilis.

No other testimony in this case has been submitted.

As it has not been established that this soldier was insane at the time of his unauthorized departure from the hospital, the application has been rejected by the War Department.

Respectfully submitted.

F. C. AINSWORTH,
Captain and Assistant Surgeon, United States Army.

The SECRETARY OF WAR.

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

J. H. RECTOR.

The next business on the Private Calendar was the bill (H. R. 6658) for the relief of J. H. Rector.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to amend the record of J. H. Rector, late of the Fifth Maryland Infantry, relieve him of the charge of desertion, and grant him an honorable discharge.

The report (by Mr. CAREY) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 6658) for the relief of James H. Rector, having considered the same, respectfully report:

That James H. Rector, Company E, Fifth Maryland Volunteers, enlisted as a substitute February 13, 1865, and is reported as a deserter on the 26th of August, 1865. He died at Baltimore, Md., April 22, 1868. His aged parents seek by this bill to have the charge of desertion removed. The military record of such soldier as furnished by the War Department is submitted herewith and made a part of this report.

As the services of this soldier were no longer required at the time such charge of desertion was made, your committee think the relief prayed for should be granted, and recommend the passage of the bill.

Case of James H. Rector, late private (substitute) Company E, Fifth Maryland Volunteers.

RECORD AND PENSION DIVISION, *February 25, 1890.*

James H. Rector, private Company E, Fifth Maryland Volunteers, was enlisted as a substitute for a drafted man of Frederick County, Maryland, on February 13, 1865, to serve three years. He was present with his company on June 30, 1865, but deserted on August 26, 1865, at Tappahannock, Va., and did not return to his command, which was mustered out on September 1, 1865.

In an application for a certificate of discharge in this case, O. D. Rector, of Lincoln, Mich., under date of March 19, 1887, testified that he is the father and legal heir of this soldier, who died at Baltimore, Md., on April 22, 1868; that his son enlisted in the Fifth Maryland Volunteers in 1863 or 1864 at Baltimore, Md., and was discharged in May, 1865, at Washington, D. C. (This statement is signed by the affiant.)

Under date of July 30, 1888, Mrs. Louisa Rector addressed a letter to the President from 717 Church street, Evanston, Ill., in which she pleaded for removal of the charge of desertion from the record of this soldier, her son, and she stated that on August 26, 1865, her son came home "to see his parents" by permission of his colonel, who directed him to return within four weeks in order to be mustered out. Her son left home on September 5, 1865, to return to his command, and she has not seen him again, as he died at Baltimore on April 22, 1868. She also stated that her husband has been paralyzed since 1884, and is a total mental and physical wreck. (As pointed out above, O. D. Rector, living in Michigan, made an affidavit in this case as father and legal heir, and signed the same.)

The records do not indicate that this soldier was ever granted a furlough during his short service.

As it does not appear that this soldier was sick when he deserted and physically unable to complete his term of service, and as he served a period less than six months prior to May 1, 1865, the provisions of the act of Congress approved March 2, 1889, afford no relief in this case, and the applications have therefore been rejected by the Department.

Respectfully submitted.

F. C. AINSWORTH,
Captain and Assistant Surgeon, U. S. Army.

To the honorable the SECRETARY OF WAR.

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

JAMES PIERCE.

The next business on the Private Calendar was the bill (H. R. 6345) removing the charge of desertion against James Pierce.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, directed to so amend his records as to remove the charge of desertion standing against James Pierce, late private soldier of Company B, First Battalion Kentucky Cavalry, and grant him an honorable discharge.

The report (by Mr. CAREY) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 6345) removing the charge of desertion against James Pierce, respectfully report:

They find said Pierce was enrolled August 16, 1861, for three years, in Company G, Third Kentucky Volunteers, and in June, 1862, on account of chronic bronchitis, was recommended for discharge by the hospital authorities, but in the absence of necessary company papers to complete his discharge, he was given a discharge furlough June 23, 1862.

In July, 1863, his health being somewhat improved, and the country about his home being so infested with guerrillas that it was unsafe for him to remain, he determined to return to his regiment, not having received his discharge papers, but was persuaded to join the First Kentucky Cavalry, where he served faithfully till December, 1864, when the original members were mustered out, and he having in the mean time received his discharge papers from the Third Kentucky Volunteers, and having served, in the whole, three years, did not think himself bound any longer, and went home, but without any intention of deserting.

Three of his comrades in Company A, First Kentucky Cavalry, H. F. Waters, John Chapman, and R. T. Pierce, respectively, give testimony corroborative of above, and further state it was understood that Pierce was to be transferred to the Third Kentucky Volunteers when convenient.

This case seems to be one of ignorance of technicalities and not a willful violation of the law; and in view of the fact that he served his full time and supposed that he had fulfilled his duty, and that he was unable from illness to complete his time, your committee report back the bill and recommend its passage.

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

WILLIAM BASSETT.

The next business on the Private Calendar was the bill (H. R. 2822) for the relief of William Bassett.

The Clerk read as follows:

Be it enacted, etc., That the charge of desertion borne against the name of William Bassett, late a private in Company I, One hundred and fifty-fifth Regiment Indiana Volunteer Infantry, be, and the same is hereby, removed.

The report (by Mr. CAREY) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 2822) for the relief of William Bassett, having considered the same, respectfully report:

That the soldier in this case was enrolled February 4, 1865, to serve one year, in Company I, One hundred and fifty-fifth Indiana Volunteers. His regiment was mustered out August 4, 1865. He served with his company and regiment until July 12, 1865, and while at Dover, in the State of Delaware, he was taken sick and went home, if not by permission of his officers at least with their knowledge. At the time the regiment was mustered out the claimant was too sick to report for muster out.

Your committee think, under the circumstances, as the soldier had staid until the war was over and his services were no longer required, he should be granted the relief prayed for, and recommend the passage of the bill with the following amendment: After the word "removed," in line 6, add:

"And the Secretary of War be, and he is hereby, authorized and directed to cause to be issued to said William Bassett an honorable discharge from such company and regiment, under date of August 4, 1865, and he shall be entitled to the same pay and allowances as if mustered out of the service with said company and regiment."

Your committee also submit herewith the official record of such soldier as reported from the War Department.

Case of William Bassett, Company I, One hundred and fifty-fifth Indiana Volunteers.

RECORD AND PENSION DIVISION, *May 20, 1890.*

A report in this case was furnished the House Committee on Military Affairs on House bill 136, Fiftieth Congress, first session, on February 4, 1888, since which date the status of the soldier has not been changed either by the introduction of new testimony or by subsequent legislation.

The following is a copy of the report referred to:

"The official records show that William Bassett was enrolled February 15, 1865, to serve one year, in Company I, One hundred and fifty-fifth Indiana Volunteers, and served in that organization until July 12, 1865, when he deserted near Dover, Del. He never rejoined his command, which was mustered out August 4, 1865, at Dover, Del.

"In April, 1883, Bassett made application to this office for removal of the charge of desertion against him, stating (under oath) that he served with his company until July 25, 1865, when he was taken sick, and obtaining a furlough from his

captain went to his home in St. Joseph County, Indiana, and 'on account of sickness I [he] was never with the regiment after that time.'

"On September 18, 1883, the application was denied on the ground that there was no record of the alleged furlough, and as his (implied) statement of physical inability to return to his command was unsupported by other testimony, the charge of desertion against him appeared to have been properly made and could not, therefore, be removed.

"The case of this soldier is not embraced within the provisions of the act of Congress approved July 5, 1884, as he did not serve six months prior to May 1, 1865, and has not satisfied the Department that he was 'prevented from completing his term of service by reason of wounds received or disease contracted in the line of duty.' "

Respectfully submitted.

F. C. AINSWORTH,
Captain and Assistant Surgeon, United States Army.

The SECRETARY OF WAR.

The amendment recommended by the committee was agreed to.

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

LEWIS F. MORGAN.

The next business on the Private Calendar was the bill (H. R. 9943) directing the Secretary of War to issue an honorable discharge to Lewis F. Morgan.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to issue an honorable discharge from the service of the United States to Lewis F. Morgan, late a member of Company H, Seventy-fifth New York Infantry, said honorable discharge to date from the day on which the said Lewis F. Morgan's service terminated, and up to which time he received pay. This act shall entitle the said Lewis F. Morgan to all rights and privileges heretofore withheld by reason of the failure to receive such discharge.

The report (by Mr. CAREY) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 9943) directing the Secretary of War to issue an honorable discharge to Lewis F. Morgan, having considered the same, respectfully report:

That the claimant, Lewis F. Morgan, enlisted September 23, 1861, and served faithfully until August 14, 1864, having in the mean time re-enlisted as a veteran and been promoted to the rank of sergeant. His services until this date, August, 1864, had been continuous and he had never been absent from duty. He was tried by a court-martial for having absented himself without leave for twenty-four hours, from July 22 to July 23, 1864, not during any engagement. He was tried, found guilty, and sentenced to the loss of two months' pay. While under arrest and before the promulgation of the sentence and the finding of the court, the soldier deserted.

It seems at this time that the offense was a trivial one upon which this soldier was tried. He did only what any other person naturally would have done under like circumstances. The promulgation of the finding and sentence of the court before his comrades, with whom he had served so faithfully and honorably, was more than he could stand, and he deserted. No error was committed in the record that is sought to be corrected, but your committee think, in view of the long and honorable service of the claimant, this misstep should be condoned, and the soldier granted an honorable discharge to date at the close of his honorable service.

Your committee recommend the passage of the bill, with the following amendment: After the word "discharge," in line 11, add the words "to date August 13, 1864." The report of the War Department is submitted herewith.

Case of Lewis F. Morgan, late of Company H, Seventy-fifth New York Volunteers.

RECORD AND PENSION DIVISION, *May* 27, 1890.

Lewis Frederick Morgan, private, Company H, Seventy-fifth New York Volunteers, was enrolled at Venice, N. Y., September 23, 1861, to serve three years, and re-enlisted as a veteran volunteer January 1, 1864.

He is reported present or otherwise properly accounted for on the muster rolls of the company (being promoted to sergeant) from date of enrollment to June 30, 1864. On roll for July and August, 1864, and on the muster-out roll of the nonveterans of the company, dated December 6, 1864, he is reported, "Deserted August 14, 1864, while the regiment was en route from Tennallytown, D. C., to Snicker's Gap."

On August 9, 1864, he was arraigned before a general court-martial on the charge of "desertion," with specification to the effect that he left his command without leave about July 22, 1864, while in front of the enemy at Bermuda Hundred, Va., and was apprehended on July 23, 1864.

He was found not guilty of desertion, but guilty of absence without leave, and was sentenced "to forfeit two months' pay," the proceedings, findings, and sentence of the court being duly approved by the reviewing officer on September 9, 1864.

While awaiting the promulgation of the sentence of the general court-martial in his case, he deserted August 13 (or 14), 1864, "while the regiment was en route from Tennallytown, D. C., to Snicker's Gap, Va.," and never thereafter returned to the service.

In a letter, dated April 6, 1890, forwarded to this Department by Hon. JAMES O'DONNELL, House of Representatives, Mr. Morgan states that while at Bermuda Hundred, Va., they were ordered to leave all their "stuff" and go to the front, which they reached in the afternoon; that he had nearly $40 in his knapsack, which he forgot to take, and went to the colonel for a pass to go back and get it, which was refused; that he then waited till evening, when he started back, and after his arrival was arrested by strange troops, and kept till the following day; that he then returned to his regiment, and being directed to report to Colonel Merritt, he was ordered by that officer under guard as a deserter; that he was tried for desertion near Washington, D. C., found guilty and kept under guard to await sentence; that they soon received orders to march to General Sheridan's command near the Shenandoah; that as soon as he found that they were to march he went to Lieutenant-Colonel Babcock, and requested to be allowed to join his company and be restored to service, pleading innocence of the charge of which he was accused and for which he was kept imprisoned, and was informed by that officer that he could do nothing for him; that after they had reached Snicker's Gap he thought that if he had to bear the name of a deserter and be obliged to march under guard wherever the regiment went, he would not do it, "even if he got shot the next moment," so he "left for good."

He further states that the real cause of being tried for absenting himself from his regiment during one roll call was that he told some of the boys that Colonel Merritt was too much of a coward to ever appear in battle; that a lieutenant overheard his remarks and reported the same to Colonel Merritt.

On April 29, 1890, Hon. JAMES O'DONNELL was informed that as this soldier deserted "while in arrest or under charges for breach of military duty," the charge of desertion against him can not be removed under the act of Congress approved March 2, 1889, and as his own statement demonstrates that such charge was not erroneously made, the Department is not empowered to afford him any relief.

Respectfully submitted.

F. C. AINSWORTH,
Captain and Assistant Surgeon, United States Army.

The SECRETARY OF WAR.

Mr. KILGORE. Mr. Speaker, I did not understand from the reading of that bill whether it carried with it the pay that this man lost by reason of the sentence of the court martial or not.

The SPEAKER. The Chair is informed by the Clerk that it does not, and that there is an amendment reported by the committee which excludes that from the provisions of the bill.

The amendments recommended by the committee were agreed to.

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

E. A. HIBBARD.

The next business on the Private Calendar was the bill (H. R. 1869) granting a pension to E. A. Hibbard.

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 rolls, subject to the provisions and limitations of the pension laws, the name of E. A. Hibbard, now of Omaha, Nebr., widow of E. P. Rollins, late of Company H, Thirty-fifth Regiment of Iowa Infantry.

The report (by Mr. FLICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1869) granting a pension to E. A. Hibbard, widow of E. P. Rollins, submit the following report:

The soldier E. P. Rollins enlisted in Company H, Thirty-fifth Iowa Infantry, August 9, 1862, for three years. He was injured in line of duty by a gunshot wound, losing a finger, and also received injury to his knee. Following this he was transferred to the Veteran Reserve Corps, and on March 9, 1865, received a certificate for discharge on the ground that he had not been able for duty for three months, and on this certificate was discharged March 21, 1865, at Indianapolis, Ind.

The records of hospital treatment show that he was at P. H. Burnside barracks, Indianapolis, Ind., from January 24 to February 25, 1865, complaint not stated, and from February 26 to March 21, 1865, suffering with chronic diarrhea, and on that day was discharged in accordance with certificate above mentioned; and, without giving dates, we will say that he was also reported sick repeatedly during the years 1863 and 1864.

Now, from the date of this discharge, when he would presumably start home, he has never been heard from, and letters on file show that nothing has been heard from him by his wife or his relatives, and that they have taken every means to trace him out, but all without success.

These letters state, as an argument for believing that he is dead, that his relations with his family and friends were such that there would be every reason to suppose that he would return to them; and they also recite, as facts justifying this same belief, that he himself has never made application for pension, back pay, or bounty, although it seems clear that if living he would have been entitled to some or all of these claims. It is, of course, under the circumstances, utterly impossible to show either actual death or date of death, and so the Pension Office was doubtless justified in not allowing the claim; but the conviction forces itself upon the committee with irresistible force that his death must have almost immediately followed his discharge from hospital, and, of course, in fact, the circumstances must be mere conjecture, but it was doubtless so, that he was unknown, as no knowledge ever reached any of his friends of the fact.

In any ordinary matter this absence for this length of time, taken in connection with his sickness at and preceding his discharge, would be treated as conclusive of death, and, if so, it would reasonably follow that that death must have occurred almost immediately after the discharge.

At this session of Congress the Senate, in Report No. 107, in the case of Catherine Morris, has treated such absence as evidence of death, and this committee, in Report No. 523, has adopted in the same case the Senate report to this effect. The same rule in such a matter should govern in matters relating to pensions as well as any other affairs in business. Therefore, believing that the said soldier died as stated above, we recommend the passage of the bill.

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

DANIEL GRAFF.

The next business on the Private Calendar was the bill (H. R. 6633) for the relief of Daniel Graff.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Graff, late a private in Company I, Sixth Pennsylvania Heavy Artillery.

The report (by Mr. BELKNAP) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6633) for the relief of Daniel Graff, beg leave to report that they have carefully examined the evidence filed in the case and find that the said Daniel Graff enlisted in the service of the United States on September 5, 1864, in Company I, Sixth Pennsylvania Heavy Artillery; that he was absent from duty sick in Prince street general hospital, Alexandria, Va., from October 30, 1864, to February 22, 1865, and that he reported for duty February 23, 1865, and was mustered out with company on June 13, 1865.

That claimant filed his declaration for pension March 1, 1883, and said application was rejected April 27, 1885, on the ground "of no record of the alleged injury of left hip, groin, and testicle, and claimant's inability to furnish evidence showing origin or existence thereof while in service."

Claimant reopened the case and it was again rejected October 18, 1889, on the same ground.

The evidence shows that about October 19 or 20, 1864, while in the service of the United States, at or near Berks Station, Va., while on detached duty, he and some comrades were carrying in a wounded man, and as they were crossing a ravine on some poles one of the poles broke with their weight and the claimant was thrown down astride of the other pole and the wounded man fell directly on top of him, resulting in the bursting of said Graff's left testicle and injuring his groin: that said claimant was carried into camp by his two companions, Joseph Grayer and John Baird, and was sent to the hospital, and remained there until February, 1865, when he returned to his company, and was mustered out of it in June of the same year.

The evidence further shows that prior to said claimant's enlistment and the injury above described he was a strong and able-bodied man, and had never been afflicted with hernia in any form, but that after said injury, and ever since, he has been greatly troubled with hernia, and on account thereof has been unable to perform manual labor.

This seems to have been a peculiarly unfortunate case, in that the claimant has been unable to prove by the testimony o eye-witnesses the exact circumstances of the accident, his two companions, Joseph Grayer and John Baird, being both dead. But he has clearly established the fact of the injury by the testimony of comrades who saw him immediately before the accident and also directly afterwards, and who saw and examined the nature of the injuries.

The claimant has also been unable to furnish testimony of commissioned officers as to the said injury, as he was on detached duty and none of them were at hand. He is also unfortunate in that the physician who treated him immediately after his return from the service, and for a number of years thereafter, is dead; but he has the testimony of Dr. William R. Mills, who treated him for strangulated hernia in 1876, and who states that it was one of the most aggravated cases he ever met with, and he says:

"The hernia is so large that its existence is evident to anyone acquainted with that character of disease, as he appears on the streets in his daily walks."

In view of these facts, your committee are of the opinion that the said claimant should be granted a pension, and, therefore, report the bill back with a favorable recommendation.

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

JOHN GALLAGHER.

The next business on the Private Calendar was the bill (H. R. 4822) granting a pension to John Gallagher.

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 the name of John Gallagher, who, under the name of John Gunner, served five years as a soldier in the Florida war in Company I, Third Regiment United States Artillery, and to pay said Gallagher $12 per month.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4822) granting a pension to John Gallagher, have considered the same and report:

The claimant served under the name of John Gunner, in Company I, Third United States Artillery, from November 9, 1839, to November 9, 1844. During a part of his service the soldier rendered service in Florida in the Florida Indian war. Medical and other evidence filed in support of the bill shows that the claimant is seventy-four years old, and a sufferer from curvature of the spine, neuralgia, bronchitis, and rheumatism. He is physically unable to earn a livelihood at his avocation, that of a common laborer. His identity is fully established.

The claimant's post-office address is Deposit, Delaware County, New York.

The passage of the bill is respectfully recommended.

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

MARY ANN REID.

The next business on the Private Calendar was the bill (H. R. 2138) for the relief of Mary Ann Reid.

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 the name of Mary Ann Reid, the aged and blind daughter of Andrew Carman, who was a soldier in the war of the Revolution, and to pay her a pension at the rate of $30 per month from and after the passage of this act.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 2138) granting a pension to Mary Ann Reid, have considered the same and report as follows:

A similiar bill was reported to the House by your committee at the first session of the Fiftieth Congress. The number of the report is 3107, which your committee adopt as applicable to this bill.

The passage of the bill is recommended.

[House report No. 3107, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (H. R. 10951) granting a pension to Mary Ann Reid, have considered the same and report as follows:

The claimant is the daughter of Andrew Carman, who was a soldier in the Revolutionary war in the Fourth Regiment of Cavalry for the State of Pennsylvania. He enlisted in April, 1781, and was discharged January 1, 1783. He was a pensioner for about eight years before his death in 1826. The records on file in his claim furnish the information of his service.

Mrs. Reid, the claimant, is shown by reliable testimony to be in needy circumstances, is eighty years of age, and for ten years has been totally blind.

There are several precedents for the granting of pensions to the aged and destitute daughters of the soldiers of the old wars, and among them the case of Mrs. Betsy Lockwood, passed by Congress at the present session.

Your committee recommend the passage of the bill.

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

RICHARD M. A. FENWICK.

The next business on the Private Calendar was the bill (H. R. 10895) for the relief of Richard M. A. Fenwick, late of the Mexican war.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of Richard M. A. Fenwick, late a private in Thrift's company, First Regiment of Virginia Volunteers of the Mexican war, on the pension roll of the United States at the rate of $24 per month.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 10895) granting an increase of pension to Richard M. A. Fenwick, have considered the same and report as follows:

The claimant was a private in Captain Thrift's company of the First Virginia Volunteers, and served from March 18 to October 16, 1847, in the war with Mexico. He is now a pensioner at $8 per month under the Mexican war service act of January 29, 1887.

The proof filed in support of the bill shows that the claimant is now sixty-five years old, a sufferer from a rupture, and unable to labor for his support. He owns no property whatever, and his only source of income is his pension of $8 per month. He depends upon his children for a maintenance.

Your committee believe the case to be a meritorious one, and they therefore return the bill with a favorable recommendation, amended so as to allow a pension at $12 per month

The amendment recommended by the committee was agreed to.

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

MRS. LYDIA N. ATKINSON.

The next business on the Private Calendar was the bill (H. R. 9779) granting a pension to Mrs. Lydia W. Atkinson.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Lydia W. Atkinson, of Fulton County, Georgia, whose husband, W. D. Atkinson, was a private soldier in Capt. W. C. Dawson's company in the Creek Indian war of 1836, and allow her a pension at $— per month.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 9779) granting a pension to Lydia W. Atkinson, have considered the same and report as follows:

The claimant's late husband, William D. Atkinson, was a private in Capt. William C. Dawson's company of Col. William Porter's First Regiment Georgia Volunteers, Creek Indian war, and served therein one month and twenty-three days.

The evidence filed in support of the bill shows that the claimant is a sufferer from disease of the heart to such an extent that she can do no labor by which to support herself, and she is entirely destitute of means. Her identity as the soldier's widow is fully established. Her post-office address is Atlanta, Ga.

The passage of the bill is recommended with the following amendment: Change the initial "W." in claimant's name to "N."

The amendment recommended by the committee was agreed to.

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

ANDREW J. WALLACE.

The next business on the Private Calendar was the bill (H. R. 7146) granting a pension to Andrew J. Wallace.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension roll, at the rate of $8 per month, and subject to the provisions and limitations of the pension laws, the name of Andrew J. Wallace, of Chesterfield County, South Carolina, late a soldier in the Florida war.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 7146) granting a pension to Andrew J. Wallace, have considered the same and report:

The claimant served under the name of Jackson Wallace in Capt. James H. Pearce's company of South Carolina militia, Florida Indian war, from January 20, 1837, to April 20, 1837.

It is shown by the testimony of reputable citizens of Chesterfield County, South Carolina, that the applicant is eighty years old, very poor, and so much afflicted with hernia and chronic diarrhea that he can do no manual labor to support himself.

Congress has repeatedly granted relief in the way of pensions to the aged and dependent survivors of the old Indian wars, and your committee therefore report the bill back recommending its passage.

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

BETHIA WHITE.

The next business on the Private Calendar was the bill (H. R. 10707) restoring Bethia White, late Bethia Pool, to the pension roll.

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 restore to and place upon the pension rolls the name of Bethia White, late Bethia Pool, widow of Nathaniel Pool, Company C, One hundred and fourth Regiment Illinois Volunteer Infantry, under pension claim No. 29206, subject to the limitations and provisions of the pension laws.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10707) restoring Bethia White, late Bethia Pool, to the pension roll, submit the following report:

That Bethia White, late Bethia Pool, is the widow of Nathaniel Pool, late of Company C, One hundred and fourth Regiment Illinois Volunteer Infantry, and after her husband's death was borne upon the pension rolls as such widow at $12 a month until the date of her marriage to her second husband, Mr. White, March 5, 1878. Mr. White died April 3, 1881, and claimant, who is now over seventy years of age, is again left a widow without means of support. This case is not covered by any of the existing pension laws, and the practice has been to restore the widow to the pension rolls on the death of her second husband, and your committee recommend that it be done in this case.

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

JAMES H. ORR.

The next business on the Private Calendar was the bill (H. R. 7189) granting a pension to James H. Orr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll the name of James H. Orr, late of Company E, Seventh Kentucky Cavalry, and subsequently of Company F, Fortieth Kentucky Mounted Infantry, to date from the 17th day of July, 1862, otherwise subject to the provisions and limitations of the pension laws.

The report (by Mr. GOODNIGHT) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7189) granting a pension to James H. Orr, submit the following report:

James H. Orr applied for pension, alleging that while a member of Company E, Seventh Kentucky Cavalry, and in engagement with the enemy on July 17,

1862, near Cynthiana, Ky., he received a gunshot wound of right arm, fracturing the same. His claim has been rejected because the records of the War Department fail to show that he was a member of the aforesaid command at date of the alleged incurrence of the wound.

It appears in evidence that on the Monday preceding the 17th of July, 1862, claimant left his home near Gardnersville, Ky., and proceeded to Cynthiana, where he was sworn into the service, received his uniform and arms. He was then placed on guard duty, and while thus serving was attacked by the enemy under General Morgan and wounded as aforesaid. The Union forces were defeated and many taken prisoners. Claimant, after being wounded, was taken to the house of one Lucius Desha, and there treated by a Confederate surgeon. The company was not mustered into the service until a month later, in a different part of the State. Orr was still absent under medical treatment, and consequently his name was omitted from the muster roll.

The facts of his enlistment, service, and injury, as well as treatment therefor, are shown by the testimony of the captain and others of the company, of the son of said Desha, and the surgeon who treated Orr for said wound. Medical examination disclosed a pensionable degree of disability thereupon. Claimant subsequently enlisted and served eighteen months in Company F, Fortieth Kentucky Volunteers.

The case comes clearly within the well-established rules of Congress; therefore your committee report favorably on the accompanying bill and ask that it do pass, amended, however, by striking out all between the word "Infantry," in lines 6 and 7, and the word "subject," in line 8.

The amendment recommended by the committee was agreed to.

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

RICHARD WELLER.

The next business on the Private Calendar was the bill (H. R. 1257) to remove the charge of desertion against Richard Weller and authorizing his honorable discharge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized to remove the charge of desertion against Richard Weller, late a seaman in the United States Navy.

The report (by Mr. DOLLIVER) was read, as follows:

The Committee on Naval Affairs, to whom was referred the bill (H. R. 1257) to remove the charge of desertion against Richard Weller and authorizing his honorable discharge, have duly considered the same and submit the following report:

Richard Weller first enlisted as a seaman in the Navy at Philadelphia, Pa., about the 20th day of November, 1852; discharged from United States ship Vandalia October 5, 1856, at Kittery navy yard. Enlisted at Boston, Mass., October 21, 1856, and sent to United States ship Cumberland, and discharged November, 1859, at Kittery navy yard. Re-enlisted for three years November 28, 1860, at Boston, Mass., and sent to the Macedonian, and transferred to the San Jacinto at Boston, Mass., and went to Hampton Roads, and from there to Key West, Fla.; afterwards transferred to the schooner Wanderer, at Key West, and when the United States ship Penguin was coming home he was transferred to her to be discharged when she arrived at Baltimore, Md., July, 1863, but could not get his discharge, but was sent to the receiving ship and kept with the crew till some of them paid the clerk for their discharges; and when he asked for his discharge it was refused, when he deserted from the receiving ship, and in consequence is now borne on the rolls as a deserter from the United States ship Penguin.

In September, 1863, Weller enlisted in the Army, was subsequently again transferred to the Navy, and was discharged September, 1865. Re-enlisted in the regular Army October 6, 1865, and was assigned to Company C, Twenty-sixth United States Infantry, serving out his enlistment. He was discharged October 5, 1868. He successively re-enlisted in the Army and the Marine Corps, and was on April 4, 1885, discharged on surgeon's certificate for disability.

In consideration of Weller's long and otherwise faithful service, the committee recommend the passage of the bill.

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

ELIZA A. PHILBROOK.

The next business on the Private Calendar was the bill (H. R. 11474) granting a pension to Eliza A. Phelbrook.

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 upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza A. Phelbrook, late widow of Albert Phelbrook, late private of Company F, Fourteenth Regiment of Illinois Cavalry Volunteers.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11474) granting a pension to Eliza A. Phelbrook, submit the following report:

The committee find from the testimony that the complainant was a pensioner of the Government as the widow of Albert Phelbrook, late a private in Company F, Fourteenth Regiment Illinois Cavalry Volunteers, who died in Andersonville prison, April, 1865; that on the 17th day of April, 1867, she married one Robert F. Young, who deserted her about 1875, and that on the 8th day of March, 1890, she was divorced from said Young and allowed by the court to retain her former name. She is now sixty-three years of age, has no means of adequate support, and is unable to labor because of her physical condition, and there is no person legally bound to support her. We therefore recommend that the bill do pass, with the name Phelbrook amended to "Philbrook," and the title similarly amended.

The amendment recommended by the committee was agreed to.

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

The title was amended so as to read: "A bill granting a pension to Eliza A. Philbrook."

JAMES H. GOULD.

The next business on the Private Calendar was the bill (H. R. 3967) to amend the military record of James H. Gould.

The bill was read, as follows:

Be it enacted etc., That the Secretary of War be, and he is hereby, authorized and directed to amend the military record of James H. Gould, late a private in Company I, Sixth Michigan Cavalry, by causing the charge of desertion to be removed.

The report (by Mr. SNIDER) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 3967) for the relief of James H. Gould, having considered the same, respectfully report:

That James H. Gould enlisted August 25, 1862, in Company I, Sixth Michigan Cavalry Volunteers, and served until June 11, 1863, when he was captured at Seneca Dam, Virginia. He was, after brief confinement in Confederate prisons, paroled and sent to Camp Chase, Ohio. In September, 1863, while at Camp Chase, he received notice of the death of his wife, leaving four small children without care or support. He was then given a brief leave of absence, and an effort was made by Governor Blair and Senator Chandler, of Michigan, to procure such soldier's discharge, but the application was denied.

During his stay at home, awaiting the application of the State authorities for such discharge, the soldier was marked as a deserter. September 1, 1864, the soldier enlisted in Company B, Twenty-second Michigan Infantry Volunteers, and served faithfully in such organization until the close of the war and received an honorable discharge.

The sworn statement of such soldier shows, with some degree of plausibility, that his re-enlistment was for the purpose of returning to his first service and to cure the record of desertion, but he was assigned to another regiment without his sanction. The facts in the case are fully set forth in the report from the War Department on the military record of this soldier.

Your committee make such record a part of this their report, and believe there was no willful intent to desert, and owing to his apparent good faith and faithful service he should be granted the relief asked, and recommend the passage of the bill with the following amendment: At the end of line 6 add the words "and that he be granted an honorable discharge from such company and regiment to date September 1, A. D. 1863."

Case of James H. Gould, private Company I, Sixth Michigan Cavalry, and private Company B, Twenty-second Michigan Infantry.

RECORD AND PENSION DIVISION, *May* 20, 1890.

The records show that the soldier was enrolled at Tyrone, Mich., August 25, 1862, to serve three years, and that he appears present to April 30, 1863. On June 11, 1863, he was captured at Seneca Dam; was confined at Richmond, Va., June 14, 1863; paroled at City Point, Va., June 20, 1863; reported at Camp Parole, Maryland, June 21-28, 1863; and on the records of said camp he is reported as having deserted July 2, 1863. He next appeared at Detroit Barracks (date not given, but in July, 1863), and on July 18, 1863, he was sent to Camp Chase, Ohio. He again reported at Detroit Barracks (date not shown), and was sent to Camp Chase a second time August 12, 1863, where he reported August 14, 1863, and was present there on September 1, 1863.

He did not rejoin the Sixth Michigan Cavalry, and on the company muster roll (Company I) for November and December, 1863, he is reported * * * "supposed to be at home in Michigan." The muster-out roll of the company, dated November 24, 1865, reports him "deserted from Camp Chase, Ohio, 1863," exact date not ascertainable from records on file.

While a deserter at large and in violation of the twenty-second (now fiftieth) Article of War, he enlisted under the same name September 1, 1864, at Detroit, Mich., as a substitute to serve one year in Company B, Twenty-second Michigan Infantry, and appears to have served faithfully to June 26, 1865, when mustered out with the command at Nashville, Tenn.

In 1869 the papers in the case (*i. e.*, as of Company I, Sixth Michigan Cavalry), were referred to the commanding general, Department of the Lakes, for investigation and action, and as a result of said investigation the soldier was dishonorably discharged to date November 24, 1865, "the date of muster-out of his company," with loss of all pay, bounty, and allowances.

The following is a synopsis of the testimony presented in the case at various times, to wit:

On March 2, 1869, the soldier testified that he was at Camp Chase (after his capture, parole, etc.) until September 1, 1863, when he received information of the death of his wife, and was given a furlough for seven days by General Mason, who informed him that he could have the furlough extended thirty days more, but the extension was never received; that his wife died, leaving four small children, the youngest being but eight weeks old, with no one to care for them but the soldier; that in consideration of these circumstances he was advised that he could obtain a discharge by petition to the governor of the State; that before the expiration of the furlough granted him he sent a petition signed by twelve prominent and respectable citizens to the governor to be approved and forwarded to the War Department; that he procured the services of one William B. Jackson to proceed to Washington in the matter of discharge, and on the return of said Jackson he was informed that his discharge would reach him in a few days and that he might go and remain until its receipt.

Not hearing from Jackson, the soldier went to Pontiac, the former's residence, about a month later to see him about his discharge, and that after several assurances that the matter was all right, and that he would not be reported a deserter (otherwise he would have gone to Detroit and reported to the proper military authorities), he returned home again; that about July, 1864, the soldier's brother-in-law called upon Jackson, who informed him that the discharge papers had been received; that he (the soldier) went to Pontiac, was there arrested as a deserter, and was brought to Detroit; that he informed the officer making the arrest of the circumstances and facts in the case, and was told that if he enlisted for one year it would count on his first service and he would receive pay for the entire period; that he was further told by this officer that he had ample authority to transfer him to any other regiment, but he (the soldier) preferred his old regiment, though on re-enlistment he was assigned to Company B, Twenty-second Michigan Volunteers, with the understanding that the latter service was to correct his record in the first, and his officers to be so informed.

Some time in the latter part of 1863 it would appear that an effort was made to discharge this man on the ground of having four motherless children who needed his support and care. On April 12, 1864, the Hon. Zachariah Chandler, United States Senator, was informed (Mr. Chandler having submitted the petition looking to the soldier's discharge) that upon investigation it had been found that the soldier had been reported a deserter from his regiment in November, 1863, and that he had wealthy relations who were willing to provide for his children. The interests of the service would not, therefore, admit of his discharge, and the communication inclosed was returned. (This action on the part of this Department was based partly upon a letter dated April 3, 1864, from the soldier's company commander.)

On April 7, 1883, the soldier claimed that he had been transferred to the Twenty-second Michigan Volunteers (Company B). On July 21, 1885, he testified that, receiving no notice of his exchange, he was induced by an officer to join Company B, Twenty-second Michigan Volunteers.

(He was declared exchanged in general orders October 16, 1863, which were given wide publicity at the time.)

On September 16, 1885, he declared that he was induced by a recruiting officer to go into the second organization, as it made no difference what regiment he was in so long as he was in the Army, "and we thought we were being transferred." He further declared that he received no bounty, and only drew pay by the month for what time he was in the last regiment.

Twelve citizens of St. Louis, Gratiot County, Michigan, presented a memorial

in 1885 to the effect that it was their belief that the soldier re-enlisted through the representations of recruiting officers that he was being transferred, and that he is a respectable citizen and a worthy man.

On February 26, 1889, in a letter to Hon. A. T. BLISS, M. C., he repeated the bulk of his former statements.

On July 22, 1889, Mr. BLISS was informed, after citing the record, that as the absence between desertion from the first service and enlistment in the second exceeded four months, the case was not covered by existing law and the application must be denied.

Respectfully submitted.

F. C. AINSWORTH,
Captain and Assistant Surgeon, United States Army.

The SECRETARY OF WAR.

The amendment recommended by the committee was agreed to.

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

JAMES BROWN.

The next business on the Private Calendar was the bill (H. R. 8970) for the relief of James Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion resting upon the military record of James Brown, late of Company B, Sixty-third Regiment New York Infantry Volunteers.

The report (by Mr. WILLIAMS, of Ohio) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 8970) for the relief of James Brown, submit the following report:

The committee have had under consideration the above-mentioned bill, and have carefully examined the same.

From the military record as furnished by the Secretary of War, they find that this soldier was enrolled at the age of nineteen years in Company I, Sixty-third New York Volunteers, October 1, 1861, to serve three years. He was transferred to Company F and subsequently to Company B, same regiment. That he re-enlisted as a veteran volunteer on December 22, 1863. The muster-out roll of the company, dated June 30, 1865, reports him absent, wounded May 5, 1864. The casualties of the Consolidated Brigade, First Division, Second Corps, dated August 3, 1864, report him wounded May 5, 1864, at the Wilderness, Virginia.

The records of the Surgeon General: United States Army, show that he entered Mount Pleasant Hospital, Washington, D. C., May 11, 1864, with gunshot wound received at the Wilderness May 5, 1864, and was transferred May 15, 1864, and entered Jarvis General Hospital, Baltimore, Md., with gunshot wound of left shoulder. On February 6, 1878, the Department dishonorably discharged this soldier, to date May 16, 1864, which was the day succeeding the one he entered Jarvis Hospital.

This soldier swears under date of April 22, 1886, that, under orders to proceed to New York, he was called up, in line with other soldiers able to travel, to proceed to the depot at Baltimore; that he with others went to the depot by themselves and went to New York, where he went to his mother's home in New York City. That his wound grew worse after his arrival home and that he was not able to leave the house for many months, or to rejoin his command before it was mustered out, and that he never had any intention of deserting. Affidavits show that he was a brave soldier, and in nearly all the battles under McClellan, Burnside, Pope, Hooker, Meade, and Grant until wounded in action.

Your committee therefore recommend that the bill do pass.

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

JOHN W. YOUNGER.

The next business on the Private Calendar was the bill (H. R. 11348) to place the name of John W. Younger on the pension roll.

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 John W. Younger, late of Company E, Forty-eighth Enrolled Missouri Militia.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11348) to place the name of John W. Younger on the pension roll, submit the following report:

Claimant enlisted August 11, 1862, in Company E, Forty-eighth Missouri Enrolled Militia, and was discharged July 1, 1865. On the 14th of February, 1863, claimant was commissioned first lieutenant of the above-named company and regiment, and in June of the same year was transferred to Company L, Fourth Missouri Militia, which company was commanded by Capt. William G. Garth. Claimant made application for pension February 25, 1885, alleging that on or about the 1st of August, 1863, he was in command of a squad of militia, and at Hawdyshell Bridge had a skirmish with guerrillas, which his command succeeded in routing, and that in the pursuit of the enemy his horse stumbled, throwing him to the ground, disabling him by rupture and injury to the left hip and leg.

Captain William G. Garth makes affidavit that claimant, in command of a squad on or about the 1st of August, 1863, attacked and put to flight a party of guerrillas and bushwhackers, commanded by Quantrell and his associates, at Hawdyshell Bridge; that while in pursuit of the flying enemy claimant's horse stumbled, throwing him to the ground with violence, causing him to be disabled by rupture and injuring his left leg and hip. Thomas A. Harral, a private of the command, also testifies to substantially the same facts. Both witnesses testify to being present with the command at the time the injury was received and to having personal knowledge of the facts as stated.

The claim was rejected at the Bureau of Pensions on account of the disability being incurred while serving in a State organization, which is not a pensionable service under existing law.

The evidence in this claim clearly shows that claimant was injured while actually engaged in the defense of his flag and country against its enemies. Under such circumstances, your committee are of the opinion that justice demands that he be placed on the pension roll, which act of justice will be in line of established precedent.

Therefore your committee make favorable report and recommend that the bill do pass.

Mr. KILGORE. Mr. Speaker, I do not understand that a member of a militia company is entitled to any pension at all.

The SPEAKER *pro tempore*. Not having been mustered into the United States service, he would not be entitled to pension.

Mr. KILGORE. There is no general law under which the members of a militia regiment can be paid pension; and I would ask if it is not going a little too far for Congress to undertake to put men who were in the militia, and who were not in the Army or in the war, on the pension rolls.

The SPEAKER *pro tempore*. According to the report he was in active service.

Mr. KILGORE. I heard the reading of the report.

The SPEAKER *pro tempore*. And the report states that he received his injuries while in actual service of the Government.

Mr. KILGORE. In actual service in the militia.

The SPEAKER *pro tempore*. He was in a militia organization, but in the active service of the Government of the United States.

Mr. SAWYER. Mr. Speaker, I will explain that it has been the practice of the Committee on Invalid Pensions to report favorably in the cases of members of the Missouri militia where they have served and been injured while engaged in active service in the field; and as I understand the reading of the report that was the case here. This man was in the actual service of the United States.

Mr. CHEADLE. That has been the general practice.

Mr. KILGORE. How much does this bill carry?

Mr. SAWYER. It would be subject to the provisions and limitations of the pension laws.

The SPEAKER *pro tempore*. He will receive a pension according to the degree of disability.

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

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The hour in which bills upon the Private Calendar were to be called up in regular order has expired, and without objection the Chair will recognize gentlemen on either side alternately.

Mr. SAWYER. Before that is done, Mr. Speaker, I move to reconsider the several votes by which the various bills were passed; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARY C. RINGGOLD.

Mr. SAWYER. I call up for consideration at the present time the bill (H. R. 12120) to increase the pension of Mary Condy Ringgold, mother of George H. Ringgold, late lieutenant colonel and deputy paymaster general, United States Army.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Mary Condy Ringgold, mother of George H. Ringgold, late lieutenant colonel and deputy paymaster general, United States Army, a pension at the rate of $50 per month instead of the pension she is now receiving.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12120) granting a pension to Mary C. Ringgold, submit the following report:

The beneficiary is the widow of George H. Ringgold, late lieutenant colonel and deputy paymaster general, United States Army.

Colonel Ringgold graduated at West Point in the same class with General Rosecrans, was appointed an additional paymaster in 1846, was promoted deputy paymaster general, with the rank of lieutenant colonel, United States Army, in May, 1862, and was chief paymaster Department of the Pacific from 1861 to April 4, 1864, when he died.

The beneficiary is now his widow, sixty-two years of age, in feeble health, and is absolutely without any means of support except her pension of $30 per month, which she is now receiving, and the earnings from her own labor.

She has two daughters (her only children), both unmarried. The younger is in delicate health and is supported by her mother.

Mrs. Ringgold has also an invalid sister supported by her and her older daughter. She has no relative to whom she can look for her support in her old age.

Colonel Ringgold was a Southern man by birth, and when the civil war broke out he was stationed at San Francisco, Cal. General Albert S. Johnston was then stationed at this place, in command of the Department of the Pacific.

As is well known, there was a large element in the population of that State that favored the secession of that State, and plans were being laid, with the knowledge and under the advice of General Johnston, to secure that result. Suddenly General Johnston was relieved of his command and General Sumner appointed in his place, and the efforts to secure the secession of California were thwarted, and that State, and perhaps Oregon, were saved to the Union.

This was before the days of telegraphs and railroads across the continent. The part that Colonel Ringgold had in securing this important result will fully appear in the accompanying letter from General W. C. Kibbe, then and for several years thereafter adjutant general of that State:

WASHINGTON, D. C., *September* 26, 1890.

MY DEAR MADAM: I have great pleasure in stating to you, in connection with your request that I see the Hon. Mr. SAWYER, of New York, that there is a matter of unwritten history which may avail you in the legislation you are seeking from Congress. It is this, namely: Early in 1861—say about the 29th of March—while adjutant general of California, being on business for my State, I received a joint letter from two very dear and loyal friends in San Francisco stating that plans were on foot and nearing completion for the secession of California from the Union, in which Oregon would join, giving me full particulars of the same and stating that the writers, being of Southern birth, had been approached with impunity, the plotters not dreaming but that a simple request was all that would be required to enlist my friends in this bold and promising scheme.

But, to their great disgust and disappointment, one of them replied, "I was educated by the Government, and nurtured and protected under the old flag, which I have sworn to defend under any and all circumstances, and you must not now ask me to lift a hand against it, for this I shall never do." The other responded in a manner to almost dismay these plotters.

Presuming now that you are getting anxious to know the names of my old and loyal friends referred to, I will give them to you as follows:

The first named was Maj. George Ringgold, United States Army, and the second, General Charles Doane, major general of the militia of California. This letter I immediately took to the Secretary of War (Cameron) who, properly impressed with its importance, immediately ushered me with the letter into the presence of President Lincoln, to whom I read the letter, and the following conversation rapidly ensued between us thus, Mr. Lincoln to me: "General, do you vouch for the statement these gentlemen make?" "I do, most emphatically; I know them intimately; they are both reliable and chivalrous, 'the salt of the earth.'" To Secretary Cameron: "General, who is there near at hand whom we can trust to send out to California? Sumner is in New York; can we send him? If we can not, we have none who can be trusted. Telegraph Sumner to report here to-morrow?" Lincoln to me: "General, when does the next steamer sail?" "Day after to-morrow."

Sumner did report, and did sail on the following Wednesday under sealed orders "to be opened as you enter the Golden Gate," and when he arrived and was entering the Golden Gate he opened these orders and read: "Land at the first wharf and proceed with all haste to the headquarters of the Army and assume command of the Pacific Department United States Army, and relieving Col. A. Sidney Johnston." Sumner landed at the Presidio and was in command before the steamer reached her wharf at the foot of Clay street.

Now, this noble deed of George H. Ringgold, colonel in the Army, your husband, saved the secession of the Pacific States with all that that implied, and which no man can compute, and I only wish the committee having your petition in charge would summon me before them that I might render homage to one who was true as steel and ready to make every and all sacrifice to duty and right.

I am, sincerely and truly, dear madam, your friend,

W. C. KIBBE.

Mrs. MARY C. RINGGOLD.

Colonel Ringgold had a brother, Major Ringgold, killed at the battle of Palo Alto, and another brother served with distinguished bravery in the naval service during the civil war. A similar bill was introduced into the Senate and was favorably reported in 1886. The report in that case is hereto annexed, with several letters from his army friends testifying to the value of his military services attached.

Your committee believe that it is but just that the venerable widow of the meritorious officer, in her old age and in her dependent condition, should receive the increase of pension proposed to be given by this bill, especially in view of the peculiarly valuable services rendered by her late husband, and they would therefore recommend that the bill do pass, amended by striking out the word "mother," in the title, and inserting the word "widow," and by striking out the word "mother" in the fourth line of the bill and inserting the word "widow."

An act granting an increase of pension to Mrs. Mary Condy Ringgold, widow of George H. Ringgold, late lieutenant colonel and deputy paymaster general, United States Army.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and is hereby, authorized and directed to increase to $50 per month the pension of Mrs. Mary Condy Ringgold, widow of the late George H. Ringgold, lieutenant colonel and deputy paymaster general, United States Army, who died in San Francisco, Cal., April 4, 1864.

[Senate Report No. 301, Forty-ninth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 516) granting an increase of pension to Mrs. Mary C. Ringgold, have examined the same and report:

The claimant is the widow of George H. Ringgold, late lieutenant colonel of the United States Army (certificate No. 59798). The following certificates and petition of the widow will show the character of his services:

WAR DEPARTMENT, PAYMASTER GENERAL'S OFFICE,
Washington, D. C., December 17, 1884.

I had not the pleasure of a personal acquaintance with the late Lieut. Col. George H. Ringgold, deputy paymaster general. He was a graduate at West Point, and served in the line of the Army for over three years; was appointed an additional paymaster in 1846, and in the regular service July 21, 1847, and was promoted deputy paymaster general, with the rank of lieutenant colonel on the 28th of May, 1862, and was chief paymaster, Department of the Pacific, from 1861 to April 4, 1864, the day of his death.

Lieutenant Colonel Ringgold had the reputation of an accomplished gentleman and faithful public officer.

WM. B. ROCHESTER,
Paymaster General, United States Army.

I heartily concur in the above.

S. V. BENÉT,
Brigadier General, Chief of Ordnance.

I knew Colonel Ringgold for many years. He was a faithful officer and a worthy gentleman. Great sympathy is due his family for their own sakes as well as for his valuable services to the United States.

E. D. TOWNSEND,
Brigadier General, U. S. Army, Retired.

To whom it may concern:

It was my good fortune to know the late lamented Lieut. Col. George H. Ringgold, paymaster, United States Army, for some years before his death, and on the California coast. He was an accomplished gentleman and a thorough man.

He was in San Francisco at the beginning of the late rebellion, and as a Marylander opposed secession in its entirety and in the particular. What with speeches and open activity he did much to dishearten the organization of the Knights of the Golden Circle, and in all this secured to himself much enmity from State's people and other Southern people with whom he had before been on terms of local as well as social brotherhood.

He had a large family, entertained hospitably, and died during the war, leaving nothing to them but his good name.

Of one of the best old families of our country, they have left their lives and name written on our battlefields. Ringgold, of Palo Alto, Tex., was the colonel's brother, while the Tilghmans, Keys, and Hayes were all his relatives. The times have changed, and people who once could have come forward to the help of the family have passed away, and its support depends now on the efforts of his wife.

A grateful country could not act in a more worthy place than here in helping her to keep together a body of delicate and dependent children of him who was so true to his flag when appeals like a litany were being made to every Southern gentleman.

JNO. HAMILTON,
Colonel Fifth Artillery.

Given at Fort Hamilton, N. Y., December 15, 1884.

Colonel Ringgold was an accomplished gentleman and served his country faithfully and well.

R. C. DRUM,
Adjutant General, U. S. A.

WASHINGTON, D. C., *December 17, 1884.*

Your petitioner, Mary C. Ringgold, whose post-office address is Washington, in the county of Washington and District of Columbia, respectfully represents that she is a pensioner under certificate No. 59798, at the rate of $30 per month, as the widow of the late Lieut. Col. George H. Ringgold, deputy paymaster general, United States Army.

Referring to the many cases wherein additional pension has been granted by Congress, none of them more meritorious than hers, she respectfully prays for the passage of a special act increasing her pension to $50 per month.

The services of Colonel Ringgold were especially valuable to the Government, and as the expenses of living consumed all his pay, at his death his family was left destitute, and your petitioner has ever since been compelled to provide for herself and four children. She is now in declining years, and her two sons, whom she had hoped would be able to assist her, having both died, she finds herself compelled to ask that an increase of pension, which many have received for far less service, may be generously given for the brief period that remains.

She would also remind you that she belongs to a family whose members have all been faithful servants of the Government and who have all passed away. She is the great grandchild of the renowned hero of Cowpens and Eutaw, and her family wealth was freely given during the Revolution to insure American success.

She asks attention to the papers accompanying this petition, and respectfully prays that the needed relief may be granted.

It appears that Mrs. Ringgold was left in destitute circumstances at her husband's death, with four young children to provide for. Her sons have died, and also a stepson, leaving her without any male relatives, but with an invalid sister and daughter to support, entirely dependent upon her. She is nearly sixty years of age and in poor health.

Your committee recommend the passage of the bill with an amendment as follows: Strike out the word "fifty," in line 7, and insert the word "forty" in lieu thereof.

WAR DEPARTMENT, PAYMASTER GENERAL'S OFFICE.
September 19, 1890.

I cheerfully concur in the indorsement of General Rochester of December 17, 1884, relating to the service and reputation of the late Lieutenant-Colonel Ringgold.

WM. SMITH,
Paymaster General, United States Army.

TREASURY DEPARTMENT, REGISTER'S OFFICE,
Washington, D. C., September 22, 1890.

DEAR MADAM: I have read Senate Report 301, Forty-ninth Congress, first session, concerning the services of your late husband, Lieut. Col. George H. Ringgold.

I regret that I am unable to reproduce in detail the facts which came to my knowledge in the course of my correspondence with him and his friends and brother officers, but I remember they showed that his character and services were held in high esteem for very substantial reasons, and that his services were especially valuable on the Pacific coast, at a time when the interests of the Government required such fidelity and intelligence as he displayed.

Sympathizing with you in the struggle you have had since his death and in the losses of your children and stepson, I sincerely hope Congress will increase your pension to $50 per month, as you desire.

Very truly, yours,

W. S. ROSECRANS.

Mrs. MARY C. RINGGOLD,
Washington, D. C.

Mr. CHEADLE. Mr. Speaker, I make the same point upon that bill that I did upon the others.

Mr. SAWYER. Mr. Speaker, I would like to make a statement that perhaps may induce the gentleman from Indiana to waive the point in this case. Mrs. Ringgold is a woman over sixty-two years of age. She is a native of South Carolina. I am acquainted with her, having boarded in the same family that she is now living in for a year and over.

Mr. KILGORE. Is she living here.

Mr. SAWYER. She is living in this city. She has two children; one of them is an invalid daughter and is supported by the mother. In addition to that, she has a widowed sister who is also supported by this beneficiary and daughter. Her husband rendered exceptional service, and there is a letter from Colonel Hamilton of the Fifth Artillery in the report showing that about the time of the breaking out of the war of the rebellion Colonel Ringgold was very patriotic in his action; and it shows that Colonel Ringgold, who was then stationed at San Francisco, did much to prevent the attempt on the part of California to go out of the Union. I know this beneficiary to be a very ladylike, refined woman, who is very poor, and that she has an invalid daughter and also an invalid sister dependent upon her.

Mr. KILGORE. What pension is she receiving now?

Mr. SAWYER. Thirty dollars a month.

Mr. BRECKINRIDGE, of Arkansas. The objection is not proceeding from this side of the House.

Mr. SAWYER. I know that.

Mr. BRECKINRIDGE, of Arkansas. But you are looking over to this side of the House.

Mr. SAWYER. It is a little more convenient to look to that side. I referred to the gentleman from Indiana at the commencement of my remarks. If there is any case, it seems to me, where an exception might be made to the rule, this is the one. I therefore ask the gentleman to withdraw his objection or let the bill go over for consideration in the House.

Mr. CHEADLE. Mr. Speaker, in the enactment into law of a pension measure this Congress has said that $8 a month is enough for the widows of my dead comrades, no matter how poor they may be, no

matter how many children they may have who are dependent upon whatever aid and support they can give them. In the place where I live, near by my home, resides a poor widow whose husband was one of the first men who enlisted in the first military organization in the State of Maryland. He died after suffering untold misery, but, because he was poor, because he was in the West, and because his comrades were scattered in all sections of the country, he was unable to get a pension while living, and the friends of that poor woman have been begging and pleading for a pension for her at the rate of $12 a month.

Mr. BELKNAP. Why did you not introduce a bill for her?

Mr. CHEADLE. Because her claim was not yet rejected in the Pension Office. Now, sir, I, as a representative of the people, during the limited time that I am still to serve here, will insist that whenever a pension is granted greater than the highest rate known to the law, $30 a month for widows, there shall be in this House a constitutional quorum to enact it into a law. For these reasons I shall not withdraw my objection.

Mr. SAWYER. Will the gentleman consent——

Mr. CHEADLE. Mr. Speaker, I will not consent that the bill shall go over.

The SPEAKER *pro tempore*. The question is on the amendment recommended by the committee.

Mr. SAWYER. Mr. Speaker, if the gentleman from Indiana [Mr. CHEADLE] takes that ground there is no use in going further with the bill. I ask unanimous consent that it be passed over, not losing its place on the Calendar.

Mr. CHEADLE. I may add, Mr. Speaker, that this claimant is already getting $30 a month, while there are scores of thousands of the widows of men who died that this Government might not perish who are not receiving a cent. Let us be just before we are generous.

The request of Mr. SAWYER was agreed to, and the bill was laid over, not losing its place upon the Calendar.

MRS. CAROLINE E. DURYEE.

Mr. CUMMINGS. I call up the bill (H. R. 12202) to place on the pension roll the name of Mrs. Caroline E. Duryee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Caroline E. Duryee, widow of Abraham Duryee, late a brigadier general, retired, of the United States Army, and pay her a pension at the rate of $100 per month from and after the passage of this act.

The report (by Mr. TURNER, of New York) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12202) granting a pension to Caroline E. Duryee, submit the following report:

That the beneficiary is the widow of General Abraham Duryee, who died a few months after the passage of an act granting him a pension at the rate of $100 per month; that the beneficiary is now aged and poor and her health impaired by long years of care of her wounded and disabled husband, to whose support she contributed by needle-work until relief was afforded him just previous to his death.

This bill is urged by many citizens of New York and by petitions from the various members of the Old Guard and the Society of War Veterans of New York.

In view of the distinguished services of General Duryee and of many precedents, your committee recommend the bill do pass, amended, however, by striking out "one hundred" and inserting "fifty," in the eighth line.

The Committee on Invalid Pensions had recommended an amendment striking out, in line 8, the words "one hundred" and inserting "fifty;" so as to make it read "fifty dollars per month."

Mr. CHEADLE. Mr. Speaker, I make the same point of order on this bill that I made on the preceding one.

Mr. CUMMINGS. I appeal to the gentleman. For nearly four years General Abraham Duryee lay upon his back a paralytic. For three years I endeavored to secure a pension for him. His widow was compelled to take in sewing to take care of him during his illness. Last summer the House granted him a pension of $100 a month. The general died after receiving it for two months. No man can question the value of his services to the country.

At the outbreak of the war he was the colonel of the Seventh Regiment of the National Guard of New York. At that time he was blessed with wealth. He raised a regiment and took it to the war, paying much of the expense of recruiting out of his own pocket. For that expenditure he has never received a cent from the Government. After drawing a pension of $100 for two months he died. His widow is now left entirely destitute. She draws no pension. This bill gives only one-half of what her husband was to receive per month.

I have in my desk resolutions passed by the Grand Army posts of New York City asking that she receive the full amount granted to her husband. I have resolutions of the Seventh Regiment and of the Seventh Regiment Veteran Corps, resolutions of the old Fifth New York (Duryee's Zouaves), which he led into the field, and of the surviving veterans of other regiments, asking this House to pass this bill. If it is not done the widow must suffer until the meeting of the next Congress.

Mr. PICKLER. What is her age?

Mr. CUMMINGS. Between sixty and seventy. I trust that under the circumstances the gentleman from Indiana [Mr. CHEADLE] will withdraw his objection.

Mr. CHEADLE. Mr. Speaker, I shall not withdraw my objection. It is not that I do not have the greatest respect for the memory of this lady's husband, but I want to say to my distinguished friend from New York that this Congress ought to be just before it undertakes to be generous. If the widow of this officer is in penury and want, I tell the gentleman that all over this country there are other soldiers' widows in penury and want, bending over washtubs and doing all sorts of manual labor to keep hunger from their doors, and in many instances living largely upon the kindness of their neighbors and friends or the charity of the counties or towns in which they reside. The great trouble with this pension legislation is that we give special benefits and largesses to the few, while we make almost a beggarly allowance to the many.

When the general pension bill was before this House, as every member here knows, we who desired that there might be given to the widows of our dead comrades $12 a month were told the expense would be so great that this nation could not afford to grant that sum, and therefore the rate was fixed at $8 a month, which those widows now receive. The distinguished gentleman from New York [Mr. CUMMINGS] knows that Mrs. Duryee can obtain a pension of $30 a month under the existing law.

Mr. CUMMINGS. Such a pension may be granted after she is dead, judging from the experience I have had under the existing law.

Mr. CHEADLE. The gentleman, with his experience here, must know that he can readily have this case made "special" at the Pension Office and have it adjudicated much sooner than this bill can become a law. If the gentleman is willing to fix the pension at $30 a month, I have not the slightest objection.

Mr. CUMMINGS. Very well; I move to amend the bill so as to make the pension $30 a month.

The amendment of Mr. CUMMINGS was agreed to.

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

SAMANTHA A. BIGNELL.

Mr. CRAIG. I ask consent for the present consideration of the bill (H. R. 12815) granting a pension to Samantha A. Bignell.

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 Samantha A. Bignell, an army nurse, and pay her a pension of $12 a month.

The report (by Mr. CRAIG) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12815) granting a pension to Samantha A. Bignell, submit the following report:

That Samantha A. Bignell entered the service as a nurse September 23, 1861, and continued until the close of the war. She served as a nurse in hospitals in St. Louis, Mo., hospital steamer City of Louisiana, at Corinth, Miss., Seminary Hospital, Columbus, Ky., and there established a soldiers' home. She was sent to establish a home at Vicksburg after its surrender, thence at Joe Holt Hospital, at Jeffersonville, Ind., thence sent to establish a soldiers' home at St. Louis, Mo., as matron.

She continued caring for sick, wounded, and dying in hospital, field, on boat, or soldiers' homes until the war was over. She has filed many letters showing appreciation, by persons in high rank and responsibility, of her excellent character, efficient and self-sacrificing service, and her patriotic devotion to the cause of the soldier and country.

She is in poor health, and her circumstances require the aid this bill will give.

Your committee recommend the passage of the bill.

There being no objection, the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ELIZABETH M. RILEY.

Mr. WILLIAMS, of Illinois. I desire to call up the bill (H. R. 11606) granting a pension to Elizabeth M. Riley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension rolls, subject to the conditions and limitations of the pension laws, the name of Elizabeth M. Riley, widow of Larkin M. Riley, late lieutenant of Company G, Thirty-first Regiment Illinois Volunteers, at the rate of $20 per month.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11606) granting a pension to Elizabeth M. Riley, submit the following report:

Larkin M. Riley enlisted September 18, 1861, as first lieutenant of Company G, Thirty-first Regiment Illinois Volunteers, and died February 25, 1862, of disease contracted in line of service, leaving said Elizabeth M. Riley, his widow, and certain children him surviving; that said Elizabeth M. Riley, September 13, 1863, was married to one Wiley R. Flitcher; lived with him but a short time; was divorced from him and restored to her former name, and her present name is Elizabeth M. Riley, and she is now a widow seventy-two years of age and without any means of support; that the records of the Pension Office show a certificate for pension was issued to the children of said soldier January 13, 1874.

Your committee recommend the passage of the bill with an amendment by striking out "at the rate of $20 per month," in the eighth line of said bill.

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

Strike out, in the eighth line of the bill, the words "at the rate of $20 per month."

Mr. WILLIAMS, of Illinois. I move to amend the amendment by striking out "twenty" and inserting "eighteen," so as to make the bill definite. Since the passage of the new law there might, without this amendment, be an uncertainty as to the amount of pension granted.

This lady is the widow of a first lieutenant, and was drawing this amount until her second marriage.

The amendment of Mr. WILLIAMS, of Illinois, to the amendment reported by the committee was agreed to; and the amendment as amended was adopted.

Mr. KILGORE. The gentleman from Illinois [Mr. WILLIAMS] stated, as I understood, that this lady was drawing a pension of $18 a month until her second marriage.

Mr. WILLIAMS, of Illinois. The first husband of this lady was in the service. He died. She lived with her second husband a very few months. This is not the first case of the kind that has been favorably acted upon by the committee.

Mr. KILGORE. Is the second husband dead or are these persons living apart?

Mr. WILLIAMS, of Illinois. They are divorced.

Mr. KILGORE. Is there any alimony in the case?

Mr. WILLIAMS, of Illinois. She supported her second husband while she lived with him. [Laughter.]

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

ELIZABETH D. FOSTER.

Mr. ATKINSON, of Pennsylvania. I ask the present consideration of the bill (H. R. 12541) granting a pension to Elizabeth D. Foster.

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 the name of Elizabeth D. Foster, widow of William R. Foster, late a captain of Company E, Fifty-first Pennsylvania Volunteers, and to grant her a pension at the rate of $20 per month.

The report (by Mr. CRAIG) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12541) granting a pension to Elizabeth D. Foster, submit the following report:

That she is the widow of Capt. William R. Foster, who enlisted September 23, 1861, in Company E, Fifty-first Pennsylvania Regiment; was mustered out July 27, 1865; that he died October 19, 1877. His widow claimed a pension on the ground that his death was caused by scirrhus tumor, result of shell wound of right side received at the battle of Antietam.

The fact of the wound as stated is proved by the evidence of comrades. They also testify to continued suffering in afteryears from pains in location of wound.

Dr. J. R. Gast testifies as follows:

"Knew his physical condition to be healthy and good prior to his enlistment. I saw him frequently immediately after discharge, and know he frequently suffered with pains in the stomach. Did not treat him professionally until April, 1875 (over two years before his death), when I made a thorough examination and found him suffering with a scirrhus tumor involving the whole ileocæcal portion of the bowels. Have treated him continually since for that trouble up to date of his death. Paid him altogether ninety visits. * * * Made a *post mortem* examination. The scirrhus tumor was immediate cause of death. From the history of the case I know the tumor was caused by an injury received by a shell while he was in the service. I also made a microscopical examination of the tumor, and found the stomach and cancer cells of scirrhus in abundance, and am positive that my statement is true and correct in every particular."

In a subsequent letter, in answer to the Commissioner of Pensions for reasons for thinking fatal disease was due to the injury, the same physician says:

"He was a stoic; never complained; and only told me, as his physician, what the cause of his disease was by him believed to be. I have no doubt his death was the result of the injury received from the piece of shell. Cancerous trouble frequently results from such injuries. From the fact that he told me he was knocked senseless for a few moments, the impact must have been enough to cause an internal bruise; and the pain was located in the ileocæcal region."

The claim was rejected November 17, 1885, "Cause of officer's death not shown as due to the service."

The medical examiner of the Pension Office thought Dr. Gast's conclusions and the comrades' testimony not sufficient.

Your committee think the case fairly proved and the presumption not a violent one that this gallant officer's death was due to the service, and recommend the passage of the bill.

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

ZERUIAH A. POTTER.

Mr. HAYNES. I desire to call up the bill (H. R. 11212) granting a pension to Zeruiah A. Potter.

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 Zeruiah A. Potter, late widow of Henry J. Potter, deceased, who was a private in Company E, Seventy-second Regiment Ohio Volunteer Infantry.

The report (by Mr. YODER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11212) granting a pension to Zeruiah A. Potter, submit the following report:

The proposed beneficiary was the widow of Henry J. Potter, who died at Andersonville prison while a member of Company E, Seventy-second Regiment Ohio Volunteers. She drew a pension until her remarriage to one William L. Harris in May, 1884, since which date no one has received any pension on account of the services and death of said Henry J. Potter. She remained the wife of Harris until about August, 1889, when she filed her petition for divorce from him, based upon cruelty and adultery with a widowed daughter-in-law.

The court found the defendant guilty of adultery as charged and decreed her a divorce, with alimony, and restored her to her former name, Potter. The insolvence of Harris prevents the enforcement of the alimony clause of the decree, and in consequence thereof she is dependent upon her married children. The money possessed by her at her marriage with Harris was squandered by him.

Mrs. Potter is shown to be a woman of the highest character, and much beloved by all who know her.

Her case comes clearly within the well-established rule of Congress.

Your committee therefore report favorably on the accompanying bill and ask that it do pass.

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

DIANA DICKEY.

Mr. CRAIG. I call up for present consideration the bill (H. R. 12771) granting a pension to Diana Dickey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Diana Dickey, late widow of Daniel G. Carl, Company H, One hundred and fifth Regiment of Pennsylvania Volunteers, on the pension rolls at the rate of $12 per month.

The report (by Mr. CRAIG) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12771) granting a pension to Diana Dickey, submit the following report:

That Diana Dickey was the widow of Daniel G. Carl, Company H, One hundred and fifth Pennsylvania Volunteers, who enlisted February 18, 1862, and was killed May 15, 1864, at Spottsylvania, Va. She was granted a pension, which she drew until May 29, 1866, when she married Solomon Dickey; that said Solomon Dickey died November 13, 1887; that the said widow is now very poor and dependent, making a scanty living by washing.

Your committee, in view of the facts of this case, and precedents established in such cases heretofore, recommend that her pension be restored by the passage of this bill.

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

WILLIAM L. HORN.

Mr. WASHINGTON. I ask consent for the present consideration of the bill (H. R. 11925) increasing the pension of William L. Horn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll of the United States the name of William L. Horn, late a private Company H, Third Regiment Tennessee Volunteers, in the Mexican war, at the rate of $30 per month, according to the rules and regulations governing pensions, which shall be in lieu of the pension which the said William L. Horn is now drawing as such Mexican veteran.

The report (by Mr. HENDERSON, of North Carolina) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 11925) increasing the pension of William L. Horn, have considered the same and respectfully submit the following report:

The claimant was a private in Company H, Third Tennessee Volunteers, and served from September 24, 1847, to July 22, 1848, in the war with Mexico.

He is now a pensioner at $8 per month under the Mexican war service-pension act of January 29, 1887. He is about sixty-one years old, and so much disabled by rheumatism and impaired eyesight as to be unable to perform any manual labor, and being without any property or income aside from his pension of $8 per month, he and his wife are obliged to depend largely upon charity for the necessaries of life.

The facts are all shown in the papers filed in the Pension Bureau.

Your committee believe the case to be a deserving one, and they therefore return the bill with the recommendation that it do pass, amended, however, as follows: by striking out the word "thirty" in line 7 and substituting in lieu thereof the word "twenty."

The amendment recommended by the committee, striking out "thirty" in line 7 of the bill and inserting "twenty," was read and agreed to.

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

MARY B. HASCALL.

Mr. LAWS. I call up the bill (S. 4585) granting a pension to Mary B. Hascall.

The bill is 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 the name of Mary B. Hascall, widow of Herbert A. Hascall, deceased, late captain and brevet lieutenant colonel Fifth Artillery, United States Army, at the rate of $40 per month.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 4585) granting a pension to Mary B. Hascall, submit the following report:

The beneficiary is the widow of the late Herbert A. Hascall, of the Fifth Artillery, United States Army, who began his military career by entering the West Point Military Academy at the age of eighteen, July 1, 1852, from which he graduated and was appointed second lieutenant, Fourth Artillery, July 1, 1857. September 7, 1859, he was promoted to the first lieutenancy.

In May, 1861, he was transferred to the Fifth Artillery, of which he became captain and assistant quartermaster August 3 of the same year. In March, 1865, he received the brevet of major and lieutenant colonel for faithful and meritorious services during the war.

The exposures incident to this service brought on Bright's disease, which culminated in insanity, occurring at frequent intervals, and which finally caused his death in October, 1890.

The fact of this disease and of its consequences is attested by physicians who attended him from 1862 until his death, and verified by the official order of the War Department under which he was retired from active service November 10, 1874, on account of disabilities contracted in the line of duty, which disabilities later on developed into a complication of diseases, chiefly Bright's disease, causing him more or less trouble until relieved by death.

His wife attended him throughout the long disease of his last years. Their property was exhausted in living expenses and the cost of medical treatment. The claimant was left in infirm health and destitute.

The committee, considering the unusual hardships attending his long illness thus following highly meritorious services, recommend the passage of the bill.

Mr. CHEADLE. I wish to ask the gentleman in charge of this bill how much the pensioner is now receiving.

Mr. CASWELL. Nothing whatever.

Mr. CHEADLE. I am perfectly willing that the highest rate authorized by the law shall be given, but I am not willing that the pension shall extend beyond that.

Mr. CASWELL. Let me state to the gentleman that this man had

been seventeen years in the service, until he was completely used up and placed on the retired list, most of the time in an insane condition. The bill presents a very different case from those to which objection was made heretofore. This is the case of a man who has served seventeen years faithfully.

Mr. ADAMS. And the fact is shown that for years he was insane.

Mr. CASWELL. Yes, sir; and this woman spent her entire fortune in the medical treatment of her husband. Under the circumstances it would seem that an exception should be made.

Mr. CHEADLE. I am perfectly willing, as I have said, that the highest rate of pension authorized by the general statute shall be given, but I am not willing that there shall be any exceptions made when there are such multitudes of meritorious claimants receiving nothing.

Mr. CASWELL. Then I move to strike out "40" and insert "30;" so that it will read, "$30 per month."

The amendment was adopted.

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

JAMES MURPHY.

Mr. KILGORE. I call up for consideration the bill (H. R. 11329) to pension James Murphy.

The bill is 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 rolls the name of James Murphy, late of Capt. James Ford's company, Colonel Dodd's regiment, in the Black Hawk war, at the rate of $25 per month.

The report (by Mr. DE LANO) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 11329) to pension James Murphy, have considered the same, and beg leave to submit the following report:

The claimant was a bugler in Capt. Lemuel Ford's company of United States Mounted Rangers and served a year in the Black Hawk war. This service is a matter of record in the office of the Second Auditor, United States Treasury.

Accompanying the bill is the testimony of Maj. K. S. Olcott, W. G. Thomas, George W. Phillips, and T. H. Lanley, citizens of Harrison County, Texas, showing that the claimant is about seventy-eight years old, poor and feeble, and in much need of the relief proposed by the bill.

The claimant's post-office address is Marshall, Harrison County, Texas.

There are many precedents for granting pensions to the survivors of the old Indian wars, and your committee, believing this case to be an especially deserving one, respectfully recommend the passage of the bill.

NOTE.—Amend by spelling the name of the colonel "Dodge."

The amendment recommended by the committee was adopted.

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

MRS. MARY BALDOUF.

Mr. RUSSELL. I ask consideration of the bill (H. R. 12432) granting a pension to Mrs. Mary Baldouf.

The bill is 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 Mary Baldouf, widow of Joseph Forester, late a corporal in Company F, Eighteenth Regiment Connecticut Volunteer Infantry.

The report (by Mr. CRAIG) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12432) granting a pension to Mary Baldouf, submit the following report:

That Mary Baldouf was the widow of Joseph Forester, who enlisted in Company F, Eighteenth Connecticut Volunteers, August 7, 1862, and who died at Annapolis, Md., August 10, 1863, of typhoid fever. She was pensioned until about 1867 or 1868. She married Anton Baldouf, when her pension ceased; that said Anton Baldouf died the 24th day of May, 1887; that she is very poor and dependent upon her own labor for her support. She is sixty-eight years of age and feeble in health.

Your committee recommend the passage of the bill to restore her to the rolls as a pensioner.

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

LAURA J. HAYDON.

Mr. OWENS, of Ohio. I ask consideration of the bill (H. R. 12347) granting a pension to Laura J. Haydon, formerly Burke.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and restrictions of the pension laws, the name of Laura J. Haydon, of Louisville, Ky., and pay her a pension of $12 a month, the said Laura J. Haydon—then Laura J. Burke—having been an army nurse during the late civil war.

The report (by Mr. WILSON, of Kentucky) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12347) granting a pension to Laura J. Haydon, formerly Burke, submit the following report:

The proposed beneficiary served as nurse at Government hospitals in Kentucky from March, 1862, until September, 1865. Her services were valuable and much appreciated by her superiors, who retained her until the last soldier was discharged from the hospitals of that State.

She has no property or income from any source, is aged, and a widow, and unable to earn a maintenance by her own efforts, in consequence whereof she is dependent upon others not legally bound to aid in her support.

Her long and faithful service in behalf of the sick and wounded of the Union forces entitles her to receive the same consideration at the hands of the Government as so many others in like employment have received, and we therefore report favorably on the accompanying bill and ask that it do pass.

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

MARTHA F. STEBBINS.

Mr. ALLEN, of Michigan. I call up the bill (H. R. 9823) for the relief of Martha F. Stebbins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is instructed to place on the pension rolls, at the rate of $30 a month, the name of Martha F. Stebbins, widow of Dwight D. Stebbins, who volunteered and acted as a surgeon when called on by the Government after the battle of Shiloh, and gave his professional services to the sick and wounded of the Union armies in response to said call, and, although not mustered into the service, died of camp fever while performing said services.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9823) granting a pension to Martha F. Stebbins, submit the following report:

The claimant is the widow of Dr. Dwight D. Stebbins, M. D., formerly a resident of the city of Detroit, Mich., who was appointed by the sanitary authorities of the State of Michigan to assist in caring for the sick soldiers then located in Mississippi at camp near Corinth, and he performed his duties devotedly until overwork and exposure caused his death, which occurred in July, 1862.

Your committee, believing this a just and meritorious claim, recommend its adoption and passage, and submit the statements of Col. Charles M. Lum, late of the Tenth Michigan Infantry, Alvin J. Cole, M. D., late surgeon Fourteenth Michigan Infantry, and Capt. John Kelly, Fourteenth Michigan Infantry, and ask these statements may be made a part of this report.

The claimant never remarried and is in needy circumstances, being advanced in years and with no means other than her daily labor for support.

---

69 MONTCALM STREET, WEST DETROIT, MICH., *May* 7, 1890.

MY DEAR FRIEND: In addition to the affidavit which I have made in the matter of Martha F. Stebbins, which will be forwarded to you by Col. H. S. Dean, of the Twenty-second Michigan Infantry, I send this brief statement in regard to the valuable services rendered by the late Dr. Dwight D. Stebbins to the sick soldiers in Michigan regiments, those who were at the time under my command.

When the doctor reported to me at my tent, "Camp Big Springs," near Corinth, Miss., on or about the 18th or 20th of June, 1862—and where he quartered and messed with me—he seemed to be in perfect health, and at once entered upon the duty of visiting and prescribing for the sick, of which there were at that time between three hundred and four hundred in the camp and field hospitals and many more in the hospital at Farmington, Miss. All of the number of sick mentioned were from Michigan regiments. Diarrhea and typhoid fever were the two great causes. The fever called by the doctors the "walking typhoid" was the most prominent of the two, coming suddenly, progressing rapidly, and in a majority of cases proving fatal. Soon after the fever set in the patient became delirious, requiring constant watching and attention by nurses, which service was done by the men who were unable to do any military duty.

To give you an idea how most of the regiments at that time were reduced in numbers by reason of sickness, I will state that on the 1st of May, 1862, I reported to Maj. Gen. John Pope with my regiment, numbering 986 men, and I believe all in good health. A few men were killed and wounded in the battle near Farmington and siege of Corinth. After raising the siege we went into camp near Corinth, and during the latter part of June and the fore part of July my regiment could only report from 230 to 250 men for duty. Day and night we were burying men, and the ambulances and wagons were carrying such of the sick as could be carried, the sick of the division, to the hospital at Hamburg Landing, whence they were taken by steamers to the general hospitals.

Dr. Stebbins came to us when we were in great need of medical skill and assistance. He worked faithfully, earnestly, and heartfully, both day and night, in hospital and camp, from the time of his arrival until he himself was stricken with fever on the 30th of June.

The last sick call he made was upon my brother David, who was very sick at that time, July 1. On the 2d the doctor became delirious, requiring constant attention and watching. On the 3d my brother died, and on the morning of the 4th of July Mr. L. B. Willard and two officers of the Fourteenth Michigan, on sick leave, started for Detroit with the doctor and the remains of my brother. Mr. Willard was obliged to leave the doctor at Cairo by reason of his increased illness.

I sincerely and firmly believe that the death of Dr. Stebbins was caused by his overwork among the sick in camp and hospital, aided by his arrival in a locality where the air and surroundings were always unhealthy, especially in midsummer months.

It was at Camp Big Springs where I received the foundation for the illness which became fully developed after the close of the war and which has clung to me ever since.

Very sincerely, I remain, your old friend,

CHARLES M. LUM.

Hon. J. LOGAN CHIPMAN.

June 13, 1890.

Colonel Lum, writer of the within, was a soldier of great merit, and is now a civilian of high character, universally beloved and respected.

I knew young Stebbins. He was a young man of unusual promise. All that is claimed in behalf of his widow as to his merits I know to be true.

J. LOGAN CHIPMAN.

STATE OF MICHIGAN, *County of Shiawassee, ss:*

In the matter of the claim of Martha F. Stebbins, widow of the late Dr. Dwight D. Stebbins, on the 29th day of July, A.D. 1890, before me, a notary public within and for the county and State aforesaid, personally appeared John Kelly, late a captain in the Fourteenth Regiment Michigan Infantry Volunteers, aged sixty-four years, a resident of St. John's, county of Clinton, State of Michigan, who, being duly sworn according to law, declares that he was well acquainted with Dr. Dwight D. Stebbins, of Detroit, Mich., during his lifetime. That during the month of June, A. D. 1862, the said Dr. Dwight D. Stebbins came from Michigan as a volunteer surgeon and joined the command at Camp Big Springs, Miss., where the deponent was then on duty with his regiment.

That the said Stebbins immediately entered upon duty as a surgeon, giving his professional services to the sick and wounded soldiers of the Tenth and Fourteenth Regiments Michigan Infantry, then at Camp Big Springs, Miss. That the said Dwight D. Stebbins was in good health when he joined the command, and that he continued in the active discharge of his duty as a surgeon until he was attacked by the disease then prevalent among the troops, known as the "walking typhoid fever." That he contracted this disease while in the line of duty as a surgeon and while rendering valuable and much-needed professional service to our sick and wounded soldiers. That Dr. Stebbins grew rapidly worse, becoming delirious from the effects of the fever.

The deponent, being at that time sick, was granted a sick leave that he might return to Michigan; and Dr. Stebbins, sick and in a feeble condition, was placed in the care of deponent on the journey from Mississippi to Detroit, Mich. The deponent says that Dr. Stebbins continued to grow worse, and that when

about 2 miles below Cairo, Ill., he died. That the deponent procured a casket and placed the remains of Dr. Stebbins therein, and accompanied them to Detroit, Mich., where the deponent attended the funeral of Dr. Dwight D. Stebbins on the 22d day of July, A. D. 1862.

The deponent further says that he has no interest, direct or indirect, in this claim beyond that of seeing justice done the wife of one who died in a patriotic effort to alleviate the sufferings of the deponent's sick and wounded comrades.

JOHN KELLY,
Late Captain Company K, Fourteenth Regiment Michigan Infantry.

Sworn to and subscribed before me this 29th day of July, A. D. 1890, and I hereby certify that the contents of the above and foregoing declaration, etc., were fully made known to the deponent before swearing, and that I have no interest, direct or indirect, in the prosecution of this claim.

WM. H. PUTNAM,
Notary Public, Shiawassee County, Michigan.

(Certificate on file.)

STATE OF IOWA, *County of Lee, ss:*

In the matter of Martha D. Stebbins, widow of Dwight D. Stebbins, M. D. On this 16th day of June, A. D. 1890, personally appeared before me, deputy clerk district court in and for said county, duly authorized to administer oaths, Alvin J. Cole, M. D., aged fifty-three years, a resident of Fort Madison, in the county of Lee and State of Iowa, well known to me to be reputable and entitled to credit, and who, being duly sworn, declared in relation to aforesaid case as follows:

I was personally acquainted with Dwight D. Stebbins, M. D., formerly a resident of Detroit, Mich., many years before the war of the late rebellion; always considered him a person of sound health; during the summer of 1862 he was appointed by the sanitary authorities of Michigan as physician, etc., to assist in caring for the comforts and relief of Michigan soldiers then located in Mississippi at "Camp Big Springs," near Corinth; said Dr. Dwight D. Stebbins joined the army at this point, I think, some time in June, 1862. He performed his duties assigned devotedly, nobly, and assiduously until from overwork and exposure he was seized with diarrhea, lasting several days, and then resulting in a low form of fever, which in those days was called "walking typhoid fever."

He received treatment daily in his tent, which was located in the Tenth Michigan Infantry Volunteers Regiment, by Brigade Surgeon Dr. Strawbridge, Surgeon Edward Batwell, of the Fourteenth Michigan Infantry Volunteers, and myself, as assistant surgeon of the Fourteenth Michigan Infantry Volunteers, until about the 16th of July or thereabouts. The Army receiving marching orders, Dr. Dwight Stebbins was sent in a critical and delirious condition North, being accompanied by Lieutenant Kelly and Lieutenant Vanstan, officers of the Fourteenth Michigan Infantry Volunteers, then going home on a sick leave of absence. Dr. Dwight D. Stebbins died after arriving home in Detroit, Mich., no doubt attributable to services and exposure received while in the active performance of his duties, when engaged as sanitary physician in Mississippi during the summer of 1862.

My post-office address is Fort Madison, Lee County, Iowa. I further declare that I have no interest in said case and am not concerned in its prosecution.

ALVIN J. COLE, M. D.,
Late Assistant Surgeon Fourteenth Michigan Volunteer Infantry.

STATE OF IOWA, *County of Lee, ss:*

Sworn to and subscribed before me this day by the above-named affiant. I further certify that I am in nowise interested in said case, nor am I concerned in its prosecution, and that said affiant is personally known to me, and that he is a regular practicing physician and credible person.

[SEAL.] H. C. STEMPEL,
Deputy Clerk District Court.

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

THOMAS CRAWFORD.

Mr. CARUTH. I ask consideration of the bill (H. R. 8162) for the relief of Thomas Crawford, of Louisville, Ky.

The bill is as follows:

Be it enacted, etc., That the pension now paid, under certificate numbered 3920 (O. W. I.), to Thomas Crawford, of Louisville, Ky., a soldier in the war between the United States and Mexico be, and is hereby, increased to the rate of $25 per month.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 8162) granting an increase of pension to Thomas Crawford, have considered the same and report as follows:

The claimant was a private in Company K, Second United States Infantry, and served in the Mexican war from July 13, 1846, to July 29, 1848, when discharged on account of a gunshot wound of the right hip, received in the service and line of duty.

He is now in receipt of a pension at the rate of $12 per month on account of said wound. The examining surgeons make conflicting reports respecting the extent of the claimant's disabilities, but it is clear that he is very severely disabled and crippled by the gunshot wound, and also by rheumatism, which he claims is the result of the wound. The last medical examination resulted in a recommendation that his pension be increased, but his claim for increase was rejected by the Pension Bureau.

The applicant's petition for relief is indorsed by a very large number of reputable citizens and prominent business men of the city of Louisville, Ky., and it is shown that he (the claimant) is sixty-eight years old and without property of any kind. His pension of $12 per month and the small pay received by him for services as a private watchman constitute his sole income, and he has a family to support. The employment he receives is merely nominal and given as a charity to a poor and deserving man.

Many letters from prominent business men of Louisville, Ky., urging the passage of the bill have been received.

In addition to the service above described, the claimant rendered service in the late war as a private in the Thirteenth Indiana Cavalry.

In view of the applicant's age, service, disability, and necessitous condition, your committee recommend the passage of the bill.

Mr. CARUTH. I move to amend the bill by striking out the initial letters in brackets in line 4, "O. W. I."

The amendment was adopted.

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

RUTH E. FURGESON.

Mr. PICKLER. I ask consideration of the bill (H. R. 12305) granting a pension to Ruth E. Furgeson.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Ruth E. Furgeson, former widow of S. J. Naylor, late Company K, Sixteenth Regiment Michigan Infantry, on the pension roll, and pay her a pension at the rate of $12 per month from and after the passage of this act.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12305) granting a pension to Ruth E. Furgeson, submit the following report:

Ruth E. Furgeson was the wife of Samuel J. Naylor, of Company —, Sixteenth Regiment Michigan Infantry, and who was killed in action at Fredericksburgh, Va., May 15, 1864. She was pensioned as such widow until the date of her second marriage with one Abram V. Furgeson, March 26, 1870, and who died in the year 1880, again leaving her a widow, in poor and destitute circumstances.

She is now fifty-four years of age and dependent upon others not legally bound to her support.

Owing to the many precedents established by Congress your committee recommend the passage of the bill.

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

THOMAS GORHAM.

Mr. MCRAE. I call up the bill (H. R. 12383) to pension Thomas Gorham.

The bill is 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 the name of Thomas Gorham, of Wallaceburgh, Hempstead County, Arkansas, who served as a private in Capt. G. F. Swaggerty's company, Second Regiment Georgia Mounted Volunteers, Florida and Cherokee wars of 1837 and 1838, and pay him a pension at the rate of $20 per month.

The report (by Mr. DE LANO) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 12383) granting a pension to Thomas Gorham, have considered the same and report as follows:

The claimant was enrolled October 5, 1837, to serve six months in Capt. G. F. Swaggerty's company, Second Regiment Georgia Mounted Volunteers, commanded by Colonel Foster, and mustered out of service with the company May 11, 1838. This service was in the Florida Indian war, and the claimant states that he subsequently enlisted and served three months in the Cherokee Indian war under General Scott.

A. B. Harris and W. S. Carter, citizens of Hempstead County, Arkansas, testify that the claimant is about seventy-one years old, infirm in health, a cripple, and totally blind; also that he has no property whatever, being entirely dependent upon relatives and friends for support of himself and wife.

The passage of the bill is recommended.

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

MARY C. HOFFMAN.

Mr. GEST. I ask consideration of the bill (H. R. 12312) to grant a pension to Mary C. Hoffman, widow of General William Hoffman.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place upon the pension roll the name of Mary C. Hoffman, of Rock Island, Ill., widow of General William Hoffman, who served in the Black Hawk war, the Florida war, the Mexican war, the Indian frontier war, and in the late war of the rebellion, and pay her a pension at the rate of $100 per month.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12312) granting a pension to Mary C. Hoffman, submit the following report:

The complainant is the widow of General William Hoffman, and the committee find that the said General Hoffman participated in the Black Hawk war, in the Florida war, in the Mexican war, in the Indian wars, and in the late war of the rebellion. The widow is now sixty-one years of age, is poor, being compelled to keep boarders in order to make a living.

The committee recommend that this bill be amended by striking out the words "one hundred," in the last line of said bill, and to insert in lieu thereof the word "fifty," and that the bill as so amended do pass.

The following is a statement of the military services of said General Hoffman, as furnished by the War Department:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, December 15, 1890.

Statement of the military service of William Hoffman, of the United States Army, compiled from the records of this office.

He was a cadet at the United States Military Academy from July 1, 1825, to July 1, 1829, when graduated, and appointed brevet second lieutenant Sixth Infantry July 1, 1829; second lieutenant, July 1, 1829; first lieutenant, November 16, 1836; captain, February 1, 1838; major Fifth Infantry, April 15, 1851; transferred to Sixth Infantry, February 20, 1852; lieutenant colonel Eighth Infantry, October 17, 1860; colonel Third Infantry, April 25, 1862; unassigned, March 15, 1869; retired, May 1, 1870.

He received the brevets of major August 20, 1847, "for gallant and meritorious conduct in the battles of Contreras and Churubusco, Mexico;" of lieutenant colonel, September 8, 1847, "for gallant and meritorious conduct in the battle of Molino del Rey, Mexico;" of brigadier general, October 7, 1864, "for faithful and meritorious services during the war," and of major general, March 13, 1865, "for faithful, meritorious, and distinguished services as commissary general of prisoners during the war."

He joined his regiment November 1, 1829, and served with it at Jefferson Barracks, Mo., to December, 1829; at Fort Leavenworth, Kans. (on leave May 4 to December 31, 1832), to April 15, 1833; on detached service with Santa Fé traders to July 24, 1833; on recruiting service to April 11, 1835; on leave to July 1, 1835; on duty with regiment at Jefferson Barracks, Mo., to February 29, 1836; in Louisiana to February, 1837; in the Florida war to April 14, 1840; on leave to October 24, 1840; with regiment in the Florida war to December, 1841; on recruiting service to January 2, 1843; with regiment in Arkansas (on leave May 8 to November 8, 1845) to June 19, 1846; on detached service mustering in volunteers for the Mexican war to August 30, 1846; with regiment in the war with Mexico to June, 1848; on recruiting service to April 15, 1849; with regiment in Kansas and Nebraska to August 20, 1851; on sick leave to May 19, 1852; with regiment at Jefferson Barracks, Mo., to July 19, 1852; on detached service at Newport Barracks, Ky., to September 14, 1854; with regiment in Nebraska and Da-

kota Territory, the Utah expedition in 1858, marched to California in the same year, and in California to February 20, 1860; on leave to December, 1860; en route to and with regiment in Texas to March, 1861; prisoner of war on parol, but serving on court-martial and other duties in the North to October 23, 1861, and as commissary general of prisoners at Washington, D. C. (exchanged August 27, 1862), to November 3, 1865; commanding regiment at St. Louis, Mo., December 16, 1865, to April 16, 1866; at Fort Leavenworth, Kans., to March, 1868, and Forts Riley and Harker, Kans., to May 12, 1868; on leave and awaiting orders to April, 1869; superintendent recruiting service to May 1, 1870, when he was retired:

Unemployed to August 12, 1884, upon which date he died.

J. C. KELTON, *Adjutant-General.*

Mr. CHEADLE. I make the same objection to that bill, Mr. Speaker. I object to the amount.

Mr. GEST. Mr. Speaker, it is not worth while for me to consume the time of the House in discussing the questions arising out of this bill in view of the action already taken here to-night; and so in order not to delay the passage of other bills I move to amend this bill by inserting "thirty" instead of "fifty."

The amendment was adopted.

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

MARTHA A. KENDRICK.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, I call up for present consideration the bill (H. R. 9819) granting a pension to Martha A. Kendrick.

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 upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha A. Kendrick, widow of Lafayette Kendrick, who was killed November 20, 1863, while in the service of the United States and acting as a member of Company D, Second Arkansas Infantry, and that in the adjustment of this pension all laws now or which shall hereafter be enacted relating to pensions to widows shall be applied to this case.

The report (by Mr. GOODNIGHT) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9819) granting a pension to Martha A. Kendrick, submit the following report:

Martha A. Kendrick is the widow of Lafayette Kendrick, who enlisted in Company D, Second Arkansas Volunteers, and was killed in an engagement with the enemy, November 20, 1863, before his company was regularly mustered into the service of the United States.

The fact of his enlistment and death as aforesaid is fully established, but inasmuch as through the ignorance of his officers his name was omitted from the roll prepared for the mustering officer as having died since enlistment, the War Department has no record of his services, and consequently the Pension Office had to reject the widow's claim on the ground that the records fail to show service as alleged.

The proof as heretofore stated, that Kendrick served faithfully and until killed in battle, is conclusive. The widow is totally blind and entirely dependent for support upon an only daughter.

The case comes clearly within the established precedents of this and former Congresses. Therefore your committee report favorably on the accompanying bill and ask that it do pass, amended however, by striking out all after the word "infantry," in line 9.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, I move to amend by inserting after the words "pension roll," in line 4, the words "at the rate of $12 per month."

The amendment was agreed to.

The amendment recommended by the committee was agreed to.

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

XENOPHON PECK.

Mr. WICKHAM. Mr. Speaker, I call up for present consideration the bill (H. R. 12400) granting an increase of pension to Xenophon Peck.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed, subject to the provisions and limitations of the pension laws, to increase the pension of Xenophon Peck, late a private in Battery E, First Regiment Ohio Light Artillery Volunteers, to $70 per month: *Provided*, That this act shall not be construed to prevent any further increase by the Pension Bureau to which the beneficiary may at any time become entitled.

The report (by Mr. YODER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12400) granting an increase of pension to Xenophon Peck, submit the following report:

In this case the proof is abundant and conclusive that the soldier, while a member of Battery E, First Ohio Light Artillery, in the war of the rebellion, and while engaged in action and in the line of his duty, in loading a cannon, lost his right arm by the premature discharge of the piece, and at the same instant completely lost the hearing of his right ear, and also met with a partial loss of hearing of the left ear.

The soldier has been pensioned for the loss of the arm, but for the almost total loss of his hearing, occurring at the same time, he has received no allowance of pension, his claim for the same having been rejected by the Pension Bureau on the ground that inasmuch as he was receiving a pension for a specific disability he could not be pensioned for another and additional disability.

It seems to your committee that he is entitled to a pension for both the disabilities, each of which is well defined and contributes to his substantially total inability to earn a support. In fact, the injury to the claimant's hearing interferes more, in the opinion of your committee, with the soldier's ability to perform labor or follow any pursuit by which he can earn his living than the loss of his right arm. In the language of the eminent specialist and physicians:

"This deafness is permanent and progressive, and total deafness of the left ear is very sure to result."

The committee recommend the passage of the bill, amended, however, by striking out the word "seventy," in line 7, and inserting therein instead the word "sixty."

The amendment recommended by the committee was agreed to.

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

WILLIAM J. MATHIS.

Mr. DICKERSON. Mr. Speaker, I call up for present consideration the bill (H. R. 12349) granting an increase of pension to William J. Mathis.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place upon the pension roll, subject to the provisions of the pension law, the name of William J. Mathis, late a soldier of Company E, Second Indiana Infantry, during the Mexican war, and pay him a monthly pension of $25 in lieu of the amount now paid him under certificate numbered 9545.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 12349) granting an increase of pension to William J. Mathis, have considered the same and report as follows:

The claimant was a private in Company E, Second Indiana Infantry Volunteers, and served from June 19, 1846, to June 23, 1847, in the Mexican war. He is now receiving a pension at the rate of $8 per month under the Mexican war service-pension act of January 29, 1887.

In his petition for increase of his pension Mr. Mathis declares that he is sixty-five years old, and so disabled that he can not earn a support by manual labor, and he has no property or other means of support, but is entirely dependent upon his pension of $8 per month.

The claimant also served as a soldier in the war of the rebellion, and while so serving received a wound of the hand. He also received a wound while in the Mexican war, and when granted the service pension of $8 per month was receiving a pension at the rate of $4 per month for the wounds.

Peter Kalbfleisch and Harry A. Thorp, citizens of Louisville, Ky., corroborate under oath the claimant's statements relative to his physical and financial conditions.

In view of the claimant's service in two wars and his disabled and necessitous condition, your committee recommend the passage of the bill, amended, however, so as to allow a pension at the rate of $20 per month.

The amendment recommended by the committee was agreed to.

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

CHARLOTTE STENGER.

Mr. KELLEY. Mr. Speaker, I call up for present consideration the bill (S. 1724) granting a pension to Charlotte Stenger.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charlotte Stenger, widow of Jacob Stenger, deceased, late of Company C, First Regiment United States Mounted Riflemen.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 1724) granting a pension to Charlotte Stenger, have considered the same, and report:

Said bill is accompanied by Senate Report No. 1262, which your committee adopt as their report, and return the bill, recommending its passage.

[Senate Report No. 1262, Fifty-first Congress, first session.]

The Committee on Pensions, to whom was referred the bill granting a pension to Charlotte Stenger, have examined the same, and report:

This bill proposes to pension Charlotte Stenger, widow of Jacob Stenger, deceased.

The record shows the enlistment of Jacob Stenger in Company B, United States Mounted Rifles, at New York, September 25, 1851; that he served a full term of five years; that he re-enlisted July 31, 1856, at Fort Davis, Texas, and that he was discharged at Fort Stanton, New Mexico, July 31, 1861, having completed a second term of service of five years. This term of service was completed as a member of Company C, United States Mounted Rifles. He re-enlisted and was made second lieutenant of Company C, Second Regiment New Mexico Volunteers, and was mustered out under General Order 44, May 10, 1862, by reason of reorganization of the regiment.

He was again mustered into the service as second lieutenant Company M, First Regiment New Mexico Cavalry, October 4, 1862, and served until March 28, 1863. On July 9, 1880, the soldier made application for pension, alleging "dislocation of right knee and internal injuries in July, 1858, by a fall from his horse," and the claim was allowed by the Commissioner of Pensions May 20, 1881, at the rate of $4 per month. The soldier died February 27, 1885. The accrued pension was paid to the widow, the claimant under this bill.

The claimant made application for pension August 15, 1885. The Commissioner of Pensions rejected the claim on the ground "that the soldier died of disease contracted in the military service prior to March 4, 1861, and in a time of peace, there being no existing law granting pensions to such widows, unless the soldier's death cause originated in a time of war."

Taking into consideration the extended period of service of the soldier and the admitted fact that he died of a disease contracted in the service, your committee are of the opinion that the claimant is entitled to a pension, and recommend the passage of the bill.

Mr. CHEADLE. Mr. Speaker, I would ask what is the rate of pension fixed by the bill.

The SPEAKER *pro tempore*. The bill makes it subject to the provisions and limitations of the pension laws.

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

MARY B. CLAYTON.

Mr. MAISH. Mr. Speaker, I call up for present consideration the bill (H. R. 11350) for the relief of Mary B. Clayton.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $40 per month, the name of Mary B. Clayton, widow of the late Maj. Henry Clayton, late paymaster, United States Army, and pay her a pension from and after the passage of this act.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 11350) granting an increase of pension to Mary B. Clayton, have considered the same and report as follows:

The claimant is the widow of Henry Clayton, late major and paymaster, United States Army. This officer's military service began November 14, 1861, when he was mustered in as first lieutenant of Company B, Purnell Legion of Cavalry, Maryland Volunteers. After three years of faithful and arduous service he was mustered out with his company, October 26, 1864.

On the 4th day of October, 1866, he accepted appointment as captain Nineteenth United States Infantry, and served with distinction in the West until December 31, 1872, when he resigned. He was appointed major and paymaster September 12, 1882, and died at Fort D. A. Russell, Wyo., December 26, 1888, of disease of the heart contracted in the service and line of duty.

Mrs. Clayton is now receiving a pension at the rate of $25 per month, the same having been allowed her under the provisions of the general pension laws.

In her petition for relief the claimant states that the soldier left no estate to enable her to educate and support their two children.

There are many precedents for the allowance of the increase prayed for in this case, and your committee therefore return the bill, recommending its passage.

NOTE.—Amend by adding to the bill after the word "act," in line 8, the words "at the rate above named, the same to be in lieu of the pension now paid her."

Mr. CHEADLE. Mr. Speaker, I make the same point on this bill that I did on the others. I would be perfectly willing to have this lady receive the highest grade authorized by the general law.

Mr. MAISH. As the resolution of the gentleman from Indiana [Mr. CHEADLE] seems to be inflexible, I suggest that this bill may be disposed of as some of the others have been.

The SPEAKER *pro tempore*. Does the gentleman from Pennsylvania [Mr. MAISH] move to amend by making the rate $30 per month?

Mr. MAISH. No; I ask that the bill be laid aside. I think the widow now gets $25 a month. The report will show.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. MAISH] asks unanimous consent that the bill be laid aside temporarily with the understanding that it shall not lose its place on the Calendar. Without objection it will be so ordered.

FRANCES T. DANA.

Mr. BROWNE, of Virginia. Mr. Speaker, I ask for the present consideration of the bill (H. R. 11244) for the relief of Frances T. Dana.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Frances T. Dana, widow of the late Commander William Starr Dana, of the United States Navy, and to pay her a pension at the rate of $50 per month.

The report (by Mr. DE LANO) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 11244) granting a pension to Frances T. Dana, widow of the late Commander William Starr Dana, United States Navy, have considered the same and report as follows:

The following report of the service of Commander Dana is compiled from the official records:

William Starr Dana was born in New York, April 20, 1843; entered the Naval Academy, October 25, 1859; graduated, 1863; promoted to the rank of acting ensign, October 1, 1863; ordered to U. S. S. Niagara, North Atlantic Squadron, October 1, 1863; detached from U. S. S. Niagara, North Atlantic Squadron, February 20, 1864; ordered to U.S.S. Brooklyn, Gulf Blockading Squadron, February 20, 1864; ordered by Admiral Farragut to flagship Hartford, July 11, 1864; ordered north from hospital, Pensacola, September 9, 1864; discharged from Chelsea Hospital, Boston, October 3, 1864; ordered to U. S. S. Lancaster, Pacific Station (flagship), November 18, 1864; ordered to U. S. S. St. Mary's, Pacific Station, March 27, 1865; promoted to master, May 10, 1866; detached from U.S. S. St. Mary's, September 22, 1866; ordered to U. S. S. Aroostook, Asiatic Squadron, December 10, 1866; commissioned lieutenant, February 21, 1867; detached from U. S. S. Aroostook, January 1, 1868; ordered to U. S. S. Shenandoah, Asiatic Squadron, January 1, 1868; commissioned lieutenant commander, March 12, 1868; ordered to U. S. S. Ashuelot, Asiatic Squadron, September 5, 1868; detached from U. S. S. Ashuelot, Asiatic Squadron, December 29, 1869; ordered to U. S. S. Brooklyn, European Squadron, August 15, 1870; ordered to U. S. S. Plymouth, European Squadron, April 10, 1872; detached from U. S. S. Plymouth, European Squadron, June 24, 1873; ordered to U. S. S. Ossipee, executive West Indies Squadron, January 24, 1874; detached from U. S. S. Ossipee, August 25, 1875; ordered to receiving ship Colorado, executive, Brooklyn navy yard, October 11, 1875; detached from receiving ship Colorado, executive Brooklyn navy yard, June 27, 1877; ordered to torpedo instruction, Newport, R. I., June 1, 1878; detached torpedo instruction, Newport, R. I., September 6, 1878; ordered to U. S. S. Shenandoah, executive, South Atlantic, September 6, 1879; detached from U. S. S. Shenandoah, executive, South Atlantic, October 16, 1881; commissioned commander September 14, 1881; ordered to navy yard, New York, February 1, 1884; detached from navy yard, New York, and ordered to command U. S. torpedo ram Alarm, June 30, 1884; detached from U. S. torpedo ram Alarm, September 29, 1884; ordered to command U. S. S. Nipsic, South Atlantic, October 14, 1884; detached at the end of her cruise, June 2, 1886; ordered to duty at Naval War College, Newport, R. I., August 6, 1887; detached from Naval War College, Newport, R. I., September 22, 1887; ordered, attendance on torpedo instruction, Newport, R. I., May 1, 1888; detached from attendance on torpedo instruction, Newport, R. I., August 4, 1888; ordered to duty at Naval War College, Newport, R. I., August 6, 1888; detached from duty at Naval War College, Newport, R. I., November 6, 1888.

Commander Dana was promoted to ensign the same year of his graduation, 1863. He was a short time on the Niagara, North Atlantic Squadron, and was ordered to the West Gulf Blockading Squadron June 10, 1864. He was an officer of the Hartford, flagship of Admiral Farragut in Mobile Bay, and assisted in the taking of Forts Morgan, Gaines, and Powell, and the rebel ram Tennessee.

In a general order of the date of July 6, 1864, he received the thanks of the Admiral for conspicuous gallantry, and at the battle of August 5 he was again conspicuous for his coolness and bravery.

On February 10, 1866, the thanks of Congress were tendered by a resolution to Vice Admiral David G. Farragut, and to the officers, seamen, and marines under his command for the unsurpassed gallantry and skill exhibited by them in the engagement in Mobile Bay on the 5th day of August, 1864.

FLAGSHIP HARTFORD, *Mobile Bay, August* 6, 1864.

SIR: I have the honor to offer the following report of the part which this vessel took in the action of yesterday:

* * * * * * *

With this report I inclose those of the executive officer, the officers of divisions, and of the gunner, carpenter, and sailmakers, and I beg leave to heartily indorse all that is said in them about the officers and men of their respective commands.

I would also beg leave to say that, although there was very considerable loss of life in the powder division, thanks to the good arrangements and example of Ensign Dana, who was in charge of it, there was no confusion. He was also greatly assisted in the after part of the division by Sailmaker T. C. Herbert, whose example tended much to give confidence to those around him; he is a most deserving officer. Gunner J. L. Staples and Carpenter George E. Buscham also deserve notice for their strict attention to duty.

Very respectfully, your obedient servant,

P. DRAYTON, *Captain*.

Rear Admiral D. G. FARRAGUT,
Commanding South Gulf Blockading Squadron.

NEW YORK, *February* 28, 1865.

GENTLEMEN: Acting Ensign W. Starr Dana served for about six weeks under my command in the U. S. S. Hartford, in the year 1864, and during that time his conduct met with my entire approval. He was in the action of the 5th August, when an entrance was forced into the Bay of Mobile by our fleet, and proved himself on that occasion to possess courage and energy.

Very respectfully, your obedient servant,

P. DRAYTON,
Captain, U. S. Navy.

The EXAMINING BOARD FOR THE PROMOTION OF MIDSHIPMEN.

He was executive officer of the United States steamer Shenandoah (flagship) from September 6, 1879, to October 16, 1881, South Atlantic Squadron.

On January 26, 1881, Captain Lewis was detached, and until April 2, 1881, when Captain Kirkland took command, Mr. Dana was in command of the Shenandoah.

On taking command of the Shenandoah, Capt. W. A. Kirkland, in accordance with the regulations of the Navy, made a thorough inspection of the ship, and under date of Montevideo, Uruguay, April 30, 1881, forwarded to Rear Admiral Bryson a detailed report upon the condition of the vessel, discipline of the men, etc., in which he says "everything about the vessel has evidence of unremitting labor, and of unceasing vigilance and care on the part of those in authority, and I feel a natural pride in finding myself in command of a man-of-war as near perfection as the exertions of officers and crew could arrive at with the armament furnished by the Government."

In forwarding this report to the Navy Department Rear Admiral Bryson indorsed as follows:

"It is a pleasure to be able to place on the records of the Department the state of the ship commanded by the late Capt. R. F. Lewis, so ably assisted by Lieut. Commander W. S. Dana. The report of Captain Kirkland is approved in full, and it is a satisfaction to me to be able to state that all of Mr. Dana's best energies have been given, as the executive, to the well-being of the vessel."

A copy of this report was sent by the Secretary of the Navy to Lieutenant Commander Dana, with the letter on the next page, June 8, 1881.

Possessed of marked qualifications for seamanship, he repeatedly attracted the attention of the Navy Department for the order and discipline of the vessels of which he was the executive officer or commander.

The late Admiral Nicholson, who was an excellent judge in such matters, said of him, "he was a conscientious, painstaking officer."

He was for a time a member of the military order of the Loyal Legion of the United States and of the Academy of Sciences of New York.

NAVY DEPARTMENT, *Washington, June* 8, 1881.

SIR: I have the pleasure to transmit a copy of the report, of the 30th of April last, of Capt. W. A. Kirkland, forwarded and indorsed by Rear Admiral Bryson, of the very satisfactory condition of the United States ship Shenandoah, which reflects great credit upon you as the executive and for a time the commanding officer.

Very respectfully,

W. H. HUNT, *Secretary of the Navy.*

Lieut. Commander W. S. DANA,
United States ship Shenandoah, South Atlantic Station.

UNITED STATES NAVY YARD,
Pensacola, September 9, 1864.

SIR: A board of medical officers having recommended that you be sent North, you will report to Captain Alden, of the United States ship Brooklyn, for a passage in that ship to Boston; and on your arrival there you will report in person to the commandant of that station, and by letter to the honorable Secretary of the Navy.

Very respectfully, your obedient servant,

U. SMITH,
Commodore, Commanding Navy Yard.

Acting Ensign WM. S. DANA,
Naval Hospital, Navy Yard, Pensacola, Fla.

Reported September 20.

S. H. STRINGHAM, *Commandant.*

Relative to the date and cause of Commander Dana's death, the following affidavit is submitted:

18 RUE DUPHOT, *Paris, France, July* 17, 1890.

SIR: I have the honor to inform you that Commander William Starr Dana, of the United States Navy, died at Paris, France, on January 1, 1890, and I hereby certify that he was under my care from about December 25 to the day of his death, and that he died of broncho-pneumonia, following on influenza, and aggravated by chronic malarial poisoning, contracted, I believe, whilst serving as an officer of the United States Navy, in tropical climates.

I have the honor to be, your obedient servant.

A. P. HERBERT.

The SECRETARY OF THE NAVY,
United States of America, Washington, D. C.

Sworn to before me, Dr. A. P. Herbert, this 17th day of July, 1890.

[SEAL.] R. J. PRESTON, *Vice Consul General.*

Gen. Egbert L. Viele, of New York, under date of August 4, 1890, certifies as follows:

"I am well acquainted with Mrs. Frances T. Dana, widow of William Starr Dana, late commander United States Navy, and I know of my own knowledge that she has no property of any kind, either real or personal, and that by the death of her husband she is left without any resources whatever, and is now entirely dependent upon others."

In view of Commander Dana's long and valuable services to his country and the fact that his widow is left in needy circumstances, your committee think the relief prayed for should be granted. The bill is therefore returned with a favorable recommendation.

The SPEAKER *pro tempore.* The Chair would say to the House that the report in this case is very long and perhaps the gentleman from Virginia [Mr. BROWNE] can make a statement in less time than it would take to read it.

Mr. BROWNE, of Virginia. The report in this case contains a detailed account of the services of the officer. It appears to be very meritorious. He served in a number of engagements during the late war.

The SPEAKER *pro tempore.* Does the gentleman from Virginia move to amend the bill so as to make the amount $30 a month?

Mr. BROWNE, of Virginia. No; I will ask unanimous consent that it may be laid aside temporarily.

The SPEAKER *pro tempore.* The gentleman from Virginia [Mr. BROWNE] asks unanimous consent that the bill may be laid aside temporarily, with the understanding that it shall not lose its place on the Calendar. Without objection it will be so ordered. [After a pause.] The Chair hears no objection.

WILLIAM H. HEAD.

Mr. BRUNNER. Mr. Speaker, I ask for the present consideration of the bill (H. R. 12348) granting an increase of pension to William H. Head.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and restrictions of the pension law, the name of William H. Head, late a soldier in Company G, Fourth Regiment Kentucky Volunteers, and during the Mexican war, and pay him at the rate of $25 a month, in lieu of the amount now paid him under certificate numbered 16621.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 12348) granting an increase of pension to William H. Head, have considered the same and report:

The claimant was a private in Company G, Fourth Kentucky Volunteer Infantry, and served from October 3, 1847, to July 25, 1848, in the war with Mexico. He is now receiving a pension at the rate $8 per month under the Mexican war service-pension act of January 29, 1887.

The testimony before the committee shows that the claimant, who is past sixty-two years old and in infirm health from diarrhea, piles, catarrh of bladder, and rupture, possesses no property of any kind, except two small mules and a wagon, with which he makes a small living by peddling. The increase of pension prayed for is necessary to his comfortable support and maintenance in his old age.

In view of the facts stated, your committee recommend the passage of the bill, amended, however, as follows: Strike out the word "twenty-five," in line 8, and substitute in lieu thereof the word "sixteen."

The amendment recommended by the committee was agreed to.

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

ROBERT CULLEN.

Mr. BELKNAP. Mr. Speaker, I ask for the present consideration of the bill (H. R. 12413) granting an increase of pension to Robert Cullen.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Robert Cullen, late captain Company I, Seventy-fourth Ohio Infantry, on the pension rolls, and pay him a pension at the rate of $50 per month, in lieu of the sum now paid him.

The report (by Mr. BELKNAP) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12413) granting an increase of pension to Capt. Robert Cullen, submit the following report:

Robert Cullen was a member of Company I, Seventy-fourth Ohio Infantry, during the war; while engaged in the battle of Stone River he was wounded severely by gunshot wound of left hip. Examining surgeons state there is a stiffness in both knee joints, also crepitus.

The stiffness is so great as to necessitate the assistance of some one to put on his pants, shoes, stockings, etc. We also find a deep umbilicated scar of wound of left thigh passing directly through the trochanter major and causing almost complete anchylosis of left hip. There is shortening of left hip 3 inches, and the anchylosed condition of left hip causing the leg to be always held in an extended condition, making the leg, in our opinion, useless.

TESTIMONY OF ANDREW HOGAN UNDER OATH.

I have known said Robert Cullen for the eighteen months just passed, and I am well acquainted with his condition. I know that he needs aid and help in putting on and removing his pants, drawers, shoes, stockings, etc., and I have often assisted him in the above ways. His wound also needs special care and attention in being washed and dressed, and in my opinion he requires some one to attend to his wants continually.

I have seen the said Robert Cullen confined to his bed from the effects of his wound, unable to move, while he suffers greatly from it at all times.

I further know he is incapable of walking more than two squares at a time, while he can not move at all without the aid of a heavy cane.

ANDREW HOGAN.

Subscribed and sworn to before me, at the city of Washington, D. C., the 5th day of December, A. D. 1890.

[SEAL.] WM. C. HARPER, *Notary Public.*

TESTIMONY OF J. L. DOWDEN, UNDER OATH.

I, J. L. Dowden, have known the said Robert Cullen since July, 1889; have had occasion to know that the said Robert Cullen does need assistance in the following different ways: First, in putting on his pants, stockings, and shoes; second, in taking off his pants, stockings, and shoes; third, in washing his feet, trimming his toe-nails, etc.; fourth, in dressing his wound and keeping it in proper condition.

I would further state that I have assisted him on different occasions in dressing and undressing when none of his family were here; have also given him assistance when suffering with his leg by bathing his feet in hot water. His wound being open he also needs assistance in having it properly washed and dressed, as it is impossible for him to do it himself.

I also state that I have seen him entirely unable to walk or use his leg in any way on account of the pain caused by his wound, and since I have known him (having been associated with him almost every day) he has continually complained of pain. He can not at any time move without the aid of a cane.

JNO. L. DOWDEN.

Subscribed and sworn to before me, at the city of Washington, District of Columbia, this 5th day of December, A. D. 1890.

[SEAL.] WM. C. HARPER, *Notary Public.*

TESTIMONY OF R. F. CARVER, M. D., UNDER OATH.

STATE OF OHIO, *County of Hamilton, ss:*

I have known Robert Cullen intimately and well, and have at times been his family physician since 1875. I have found complete anchylosis of left hip, said to have resulted from gunshot wound received in battle in 1862. Said wound still remains open and produces pain and inconvenience, sometimes confining him to his bed, and at all times disabling him, in my opinion, to a greater extent than the loss of the limb by amputation above the knee.

R. F. CARVER, M. D.

[SEAL.] E. W. PETTIT,
Notary Public, Hamilton County, Ohio.

TESTIMONY OF G. M. CARLISLE, M. D., UNDER OATH.

I have this day examined Capt. Robert Cullen and find him suffering from gunshot wound, said to have been received December, 1862, at the battle of Stone River. The injury was to the upper third of the femur and has produced anchylosis of the left hip, which so cripples him that he can not put on or remove his socks or shoes and he has to be assisted in dressing. By reason of this injury so much extra weight and labor has been thrown upon the right leg as to produce a very serious varicose condition of the right leg In my opinion the captain would be far more active had he an artificial limb. He is certainly unfitted to perform manual labor and there is no hope of improvement.

GEORGE M. CARLISLE, M. D.

[SEAL.] WM. C. HARPER,
Notary Public.

There being no rate commensurate with the disability now existing in this case, your committee fully believe that it is a proper one for Congress, and therefore recommend the passage of the bill, amended, however, by striking out the word "sixty" where it appears in the bill and inserting the word "fifty."

The amendment recommended by the committee was agreed to.

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

The SPEAKER *pro tempore.* This completes the list as the Chair has it. If there are other gentlemen who have bills which they wish to have passed, the Chair will recognize them.

WALKER H. FOMBY.

Mr. MCRAE. Mr. Speaker, I ask for the present consideration of the bill (H. R. 10603) to pension Walker H. Fomby for service in the Indian war.

The Clerk read the bill, as follows:

Be it enacted, etc. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Walker H. Fomby, of Sardis, Hempstead County, Arkansas, late a private of Capt. John Loyall's company, Georgia Mounted Volunteers, Creek Indian war, 1836, and pay him the same pension as is allowed by law for service in the war of 1812.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 10603) to pension Walker H. Fomby, have considered the same and report as follows:

The claimant was a private in Capt. John Loyall's company of Georgia Mounted Volunteers and served from June 9, 1836, to July 7, 1836, in the Creek Indian war.

The testimony before the committee shows that the claimant is about seventy-seven years old, in infirm health, and nearly blind; he has no income and is dependent upon his relatives and friends for support.

The passage of the bill is recommended.

Mr. KERR, of Iowa. I desire to know the amount allowed to pensioners of the war of 1812.

Mr. MCRAE. Eight dollars a month.

Mr. KERR, of Iowa. Is that all?

Mr. MCRAE. Yes, sir.

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

FRANCIS A. BEUTER.

Mr. MCDUFFIE. Mr. Speaker, I ask for the present consideration of the bill (H. R. 5037) for the relief of Capt. Francis A. Beuter.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to correct the muster of Francis A. Beuter, that he be recognized as captain from the 4th day of September, 1863, in the First United States Colored Troops, cavalry.

SEC. 2. That the Secretary of the Treasury pay to the said Francis A. Beuter his pay as captain of cavalry from the 4th day of September, 1863, to the date that he was mustered and paid as captain in the Fourth United States Colored Troops, April, 1864, deducting all payments on account of any other sums heretofore paid.

Mr. KILGORE. I did not understand exactly the rate given in the bill.

The SPEAKER *pro tempore.* It is not a pension bill; it is a bill to correct the muster roll.

Mr. PICKLER. And pay the soldier what is due him, deducting what he has received.

The report (by Mr. GEST) is as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 5037) for the relief of Capt. Francis A. Beuter, report as follows:

The facts out of which the bill for relief arises will be found stated in House report from the Committee on War Claims of the Fiftieth Congress, a copy of which is hereto annexed for information.

Your committee adopt the said report as their own, and report back the bill and recommend its passage with the following amendment:
In line 6 strike out "first" and insert in lieu thereof "fourth."

[House Report No. 2036, Fiftieth Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 4893) for the relief of Francis A. Beuter, submit the following report:

This officer claims he was ordered and commissioned by General Banks, in 1863, in September, as a captain and recruiting officer. That pursuant to that instruction he went into the Teche country to recruit for the Fourth United States Colored Cavalry, and avers that he did report to General Weitzel, as ordered, and by him was ordered to take 25 recruits to New Orleans the latter part of September, 1863, and while on duty at New Orleans a few days was ordered to proceed to Texas, which he did, and reported to General Washburn; participated in the capture of Fort Esperenza, in November, 1863, and was detailed by General Washburn as commissary of subsistence, and served as such until December 25, 1863, and was then sent with General Fitz Henry Warren to Indianola, where he was assigned to duty by General Warren in command of two companies of infantry to act as post commander.

In about two weeks he was relieved by two regiments. The duty at Indianola had been very dangerous and difficult to perform. He was then sent in command of 20 scouts to gather the products of the country and provide subsistence for the forces in Texas until March, 1864, when he was ordered to New Orleans as captain in the Fourth Regiment of United States Colored Cavalry, which occurred in the early part of April, and received pay only from about the 8th of April, 1864. That his petition reciting his service and the fact that he was not mustered until April 8, 1864, is marked Exhibit A.

He files a letter from the War Department dated May 6, 1876, marked Exhibit B, giving date of muster.

Also copy of letter of Maj. Gen. N. P. Banks, stating that he believes this claimant received a provisional commission in 1863, and served under said commission as alleged; that he was a competent, faithful officer, and deserves consideration, marked Exhibit C.

Also a certificate of G. Weitzel, major of engineers, that this applicant did report to him for duty under a commission from General Banks, for the purpose of recruiting, and shortly was returned to New Orleans, marked Exhibit D.

The affidavit of Capt. A. J. Whittier, late of Washington, showing the identity of the officer making this claim, that he is the identical Franz Beuter who was a captain in the Fourth United States Colored Cavalry. It is marked Exhibit E.

The commission, orders, and other papers referred to in client's petition are lost; he relies upon the five papers, Exhibits A to E, as proof of his allegations.

The report is submitted, recommending the passage of the bill.

EXHIBIT A.

To the honorable the Senate and House of Representatives of the United States of America:

The undersigned respectfully represents that on or about the 3d day of September, 1863, he was commissioned a captain in the First Regiment Louisiana Colored Cavalry; the commission was signed and caused to be issued by order of Maj. Gen. N. P. Banks, commanding the Department of the Gulf. The undersigned entered upon duty on the day he received his commission by reporting to Colonel Bangs, then superintending the recruiting service in the State of Louisiana, who ordered the undersigned to proceed at once to Iberia, Teche County, Louisiana, and there to report to General Weitzel.

This order was obeyed, and your petitioner reported to General Weitzel at Vermillion Bridge; but after an elapse of three days he was informed that all the colored men were wanted for the erection of fortifications at the above-named place, and was detailed to take charge of about twenty-five recruits, with whom he was ordered to proceed to New Orleans, La., at which latter place he arrived with said recruits during the latter part of September, 1863. After a lapse of several days, during which your petitioner was doing duty at New Orleans, he received orders to proceed to Mustang Island, Matagorda Bay, Texas, the headquarters of General Banks, and arriving there was placed under orders of General Washburne, and participated in the taking of Fort Esperanza, after which action General Washburne detailed your petitioner as commissary of subsistence, which duty he performed until about the 25th of December, 1863, when he was attached to the expedition sent under General Fitz Hugh Warren against Indianola.

On or about the 28th of December certain citizens of Old Indianola claimed protection from General Warren, and your petitioner was ordered with two companies of infantry to act as post commander at the above-named place, a duty very dangerous and difficult to perform. After having remained at Old Indianola ten or twelve days your petitioner was relieved by two regiments and ordered with twenty mounted men to scout the country and provide subsistence; on this latter duty he remained until March, 1864, when he was ordered to proceed to New Orleans, La., and then and there was mustered as captain of the Fourth Regiment United States Colored Cavalry. This was in the early part of April, 1864, receiving pay only from that time.

During the period, to wit, from the 4th of September, 1863, to the 7th of April, 1864, your petitioner had to depend on his private funds for his everyday wants, etc., owing to the fact of not having been mustered at the time he received his commission, and which appears to have been the result of some irregularities somewhere, but not on account of any fault or neglect on the part of your petitioner.

In view of these facts your petitioner prays that he may be awarded compensation for the time of his services for which he has not been paid; that is to say, pay of a captain of cavalry from the 4th of September, 1863, to the 7th of April, 1864.

In conclusion, your petitioner has the honor to call your attention to two accompanying affidavits in support of his claim, one from Maj. Gen. N. P. Banks and the other from Major General Weitzel, and trusts that your honorable bodies will take this petition into reasonable consideration.

F. A. BEUTER,
Late Captain of United States Colored Regiment.

WASHINGTON, D. C., *January* 25, 1876.

Memorandum—The reason why this petition is presented at so late a date.

The undersigned further begs to represent that he transmitted a petition for his relief in the year 1866, and at a time when he was a resident of the State of Texas, to an attorney at Washington, D. C., with full instructions to present the same to the Congress of the United States. Said petition was accompanied with all necessary papers, such as affidavits, commission of his rank, etc., to prove the justice of his case. Your petitioner having waited in vain from year to year for a report, or some information regarding his claim, learned, upon diligent inquiry, that his case had never been presented to Congress, and that his attorney had ceased his business connections in the city of Washington, D. C., and had located himself elsewhere and unknown to your petitioner. This fact has deprived your petitioner of documents which would have proved very essential in favor of his claim as herewith presented.

CITY OF WASHINGTON, *District of Columbia, ss:*

Personally came and appeared before me, the undersigned, a justice of the peace for the city and District above named, Frank A. Beuter, to me well known, and made oath that the facts set forth in the annexed petition and accompanying memorandum are true.

Sworn and subscribed to before me this 3d day of February, A. D. 1876.

LUDWIG EISINGER, *J. P.*

EXHIBIT B.

WAR DEPARTMENT, *Washington City, May* 6, 1876.

SIR: Acknowledging the receipt of your letter of the 1st instant, requesting a record of the muster into the service of Capt. F. A. Beuter as captain of the Fourth United States Colored Cavalry, I have the honor to inform you that it appears from the official records that Franz (or Francis) Beuter was mustered into service as captain Fourth United States Colored Cavalry, at New Orleans, La., April 8, 1864, to take effect from that date.

He was mustered in as Francis, but signed his name to official papers and is borne on the rolls, as Franz Beuter.

The name F. A. Beuter does not appear on the register of officers of the Fourth United States Colored Cavalry.

Very respectfully, your obedient servant,

ALPHONSO TAFT,
Secretary of War.

General N. P. BANKS,
House of Representatives.

(Indorsed:) War Department, A. G. O., Washington, D. C., May 31, 1876. Official. Thomas M. Vincent, Adjutant General.

HOUSE OF REPRESENTATIVES, *June* 22, 1876.

SIR: I transmit to you the record of Capt. Francis (or Franz) Beuter, as captain of the Fourth United States Colored Cavalry, received from the Secretary of War.

There has been some error in the record arising from mistake of names, but it is within my personal knowledge that Capt. Franz A. Beuter, who petitions for relief at the hands of Congress, is the person who was mustered according to the certificate within.

N. P. BANKS.

To General HURLBUT,
Chairman Committee on Military Affairs.

EXHIBIT C.

Capt. Francis A. Beuter was in service in the volunteer army in Louisiana in 1863 and 1864. I am unable to give positively the dates of his service, but believe that he received from me a provisional commission September, 1863, and subsequently a commission from Adjutant-General Thomas in April, 1864. I state, positively, that I remember him in service as an officer in the Teche country, and also in Texas in 1863, and I believe he remained in Texas after my departure until the period stated by him, namely, March 27, 1864. He was, to the best of my knowledge and belief, a competent and faithful officer, and deserves friendly consideration from the Department of War.

N. P. BANKS,
Late Major General Volunteers.

WASHINGTON, D. C., *July* 2, 1868.

EXHIBIT D.

This is to certify that Capt. Frank Beuter reported to me in September, 1863, at Vermillion Bridge, Teche country, for the purpose of recruiting colored troops, he being then on duty as a recruiting officer under a commission from Maj. Gen. N. P. Banks, as captain Fourth United States Colored Cavalry. That there being no possibility of obtaining recruits in the country around Vermillion Bridge, all the colored force available in that vicinity being required for work on fortifications, Captain Beuter returned to New Orleans. He was at my headquarters for two days.

G. WEITZEL,
Major of Engineers.

EXHIBIT E.

Neighbor's affidavit.

WASHINGTON, D. C., *ss:*

In the matter of the claim of Capt. F. A. Beuter for back pay, late a captain in Company H, of the Fourth Regiment of United States Colored Cavalry Volunteers, A. J. Whittier, aged forty-seven years, a resident of Washington, D. C., whose post office address is 611 G street S. W., Washington, D. C., who, being duly sworn, declares in relation to aforesaid case as follows:

That I was second and first lieutenant in Squadron L, Fourth Regiment United States Colored Cavalry, and while so serving in fall of 1864, at and near Port Hudson and New Orleans, La., Franz Beuter was a captain in the same regiment, commanding Company H. I knew him by that name, and have so known him ever since. I know Francis A. Beuter, of this city, and know him to be the same identical person that I knew in the service as above; know these facts from the service I rendered while with him in the military service of the United States.

I have no interest whatever in his claim, and am not related to claimant.

A. J. WHITTIER.

Sworn to and subscribed before me this 20th day of January, 1887.

Done at Washington, in the county of Washington, District of Columbia. I certify that I am disinterested; that the affiant is to me well known, and is reliable and worthy of all credit as a witness, and that the contents of the above affidavit were made known to him on its execution.

[SEAL.] BENJA. F. HAWKES, *Notary Public.*

The amendments recommended by the committee were agreed to.

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

WILLIAM A. TODD.

Mr. KILGORE. I desire to call up for present consideration the bill (H. R. 12420) to pension William A. Todd.

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 the name of William A. Todd, who served as a private in Capt. John D. Sill's company of Col. William Wood's battalion, Georgia Creek War Volunteers, 1836, and pay him the same pension as is allowed by law for service in the war of 1812.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 12420) granting a pension to William A. Todd, have considered the same and report:

The claimant, who now resides at Curtis, Clark County, Arkansas, was a private in Capt. John D. Still's company of Col. William Wood's battalion, Georgia Volunteers, and served from June 3, 1836, to August 31, 1836, in the Creek Indian war.

J. L. Stroope and Thomas M. Ewing, citizens of Clark County, Arkansas, testify that the claimant is seventy-four years old, infirm, and unable to earn a livelihood by manual labor, and that he has no income or property to support him.

In view of the service rendered by the claimant and his needy condition, your committee respectfully recommend the passage of the bill.

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

MARY BUCKLAND.

Mr. BELKNAP. I ask for the present consideration of the bill (H. R. 11896) granting a pension to Mary Buckland.

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 Mary Buckland, the stepmother of Jerome G. Buckland, late of Company H, Ninth Regiment of Michigan Infantry, and grant her a pension at the same rate as if she was the natural mother of said soldier.

The report (by Mr. BELKNAP) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11896) granting a pension to Mary Buckland, submit the following report:

Mary Buckland is the stepmother of Jerome G. Buckland, who died of typhoid fever at Tullahoma, Tenn., while serving as private in Company H, Ninth Regiment Michigan Volunteers. Mrs. Buckland married the soldier's father when the latter was still an infant, requiring the tender care of a mother.

The father died in 1854, at which time Jerome was only thirteen years of age. His death left the claimant and the soldier son without a home, and it became necessary to maintain themselves by their own efforts. The son became a printer, and by his earnings assisted in his stepmother's support until he enlisted in the Army. After enlistment and until his death, about a year thereafter, he continued to contribute towards her maintenance the same as if he had been her natural son; in fact, he at all times recognized her as his natural mother.

Claimant has not remarried since the death of soldier's father; is now sixty-six years of age; has no property excepting necessary household goods, and is too feeble to endure labor which would furnish a comfortable support.

The case comes clearly within a long line of precedents established in this and previous Congresses.

Therefore, your committee report favorably on the accompanying bill, and ask that it do pass.

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

AARON H. LE VAN.

Mr. MUDD. I call up for present consideration the bill (S. 4070) granting an increase of pension to Aaron H. Le Van.

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 the name of Aaron H. Le Van, late of Company A, Eighty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension commensurate with the degree of disability found to exist upon medical examination.

The report (by Mr. CRAIG) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 4070) granting a pension to Aaron H. Le Van, adopt the Senate report, which is as follows:

"The Committee on Pensions, to whom was referred the bill granting a pension to Aaron H. Le Van, have examined the same and report:

"This claimant is in receipt of a pension of $4 a month, on account of paralysis of the left leg, and he asks to have this increased to $72 a month, on the ground that he is now blind in the right eye, and almost so in the left, as a result of the wound in the groin, which affected the spinal column and induced paralysis of the lower extremities. His application for increase was rejected by the Pension Office on the medical ground that the blindness was not the result of the wound in the groin.

"While, according to the technical ruling of the Pension Office, there may be no absolute evidence of pathological connection between the wound and the blindness, yet it may reasonably be assumed that such blindness is, as a matter of fact, a consequence of such wound, inasmuch as the wound affected the spinal cord and produced paralysis of the lower extremities. The claimant testifies that at the time of receiving his wound, at the battle of Fair Oaks, he was struck stone blind and remained so for some hours thereafter, and that his eyesight has been imperfect ever since, but that he is unable to establish the connection between the wound and the blindness, owing to the death of comrades who were capable of testifying.

"Your committee deem the present pension of $4 a month inadequate, considering the entirely helpless condition of the claimant, whose three young daughters have to work for small pay to support him; and they recommend the passage of the bill, with the following amendment: Beginning with the words 'at the rate of,' in line 7, strike out the remainder of the bill, and substitute therefor the words 'commensurate with the degree of disability found to exist upon medical examination.'"

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

PATRICK MACKIN.

Mr. CHEADLE. I ask for the present consideration of the bill (H. R. 11813) to correct the military record of Patrick Mackin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to remove the charge of desertion from the military record of Patrick Mackin, formerly private in Company D, United States Mounted Rifles (in the war with Mexico), and grant him an honorable discharge as of the date of August 6, 1848.

The report (by Mr. SNIDER) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 11813) to correct the military record of Patrick Mackin, having considered the same, respectfully report:

That Patrick Makin, the soldier named in this bill, entered the military service of the United States and served faithfully during the entire period of the Mexican war. After the return of his regiment to the United States he went to his home, without the formality of leave of absence or discharge, to assist his family, who were then very sick, and he concluded, as he was then marked as a deserter, he might as well stay at home.

He again entered the volunteer service of the United States, May 23, 1861, and served three years, and was honorably discharged. He served nearly the entire period of two wars and leaves a clear fighting record. His claim for pension is now barred for want of discharge from the regular Army subsequent to the Mexican war.

Your committee think his offense in this case should be condoned, and recommend the passage of the bill. The facts are shown by the report of the Adjutant General and an affidavit submitted herewith.

Petition for removal of charge of desertion and for honorable discharge from the United States Mounted Rifles, Company D, Mexican war.

I, Patrick Mackin, enlisted in Company D, United States Mounted Rifles, on or about the 4th of September, 1845; that I served faithfully through the war with Mexico, being in every engagement from the bombardment of Vera Cruz to entering of the city of Mexico. The command then returned to Jefferson Barracks, near St. Louis, Mo. I received information that my sister, of Providence, R. I., was very sick. I immediately left the command without leave and went to my home to see my sister, this being on or about the 6th of August, 1848. I did not return to my command for the reason I had understood that the command had been disbanded.

I further state that I served in Company C, First Regiment Connecticut Volunteer Artillery, being mustered into the United States service on the 23d of May, 1861, and honorably discharged May 22, 1864.

I have made application to the Adjutant General United States Army for honorable discharge from Company D, United States Mounted Rifles, and my application was denied. The Adjutant General United States Army states that my case is not covered by the act of Congress approved March 2, 1889, for the reason that I was absent over four months, and that the law views me as in a constant state of desertion during my entire service in Company C, First Regiment Connecticut Volunteer Artillery.

In view of the fact that I have given six years of faithful service to my country, that my health is impaired to the extent that I am unable to perform any manual labor, and am sixty-six years of age, I therefore ask that your honorable body grant my petition for an honorable discharge.

PATRICK MACKIN.

WINDSOR, CONN.

STATE OF CONNECTICUT,
Probate Court, District of Windsor, February 19, 1890.

Personally appeared before me Patrick Mackin, signer of the above affidavit, and made oath to the truth of the same; and I hereby certify that I have no interest in his obtaining a pension.

[SEAL.] THOMAS W. LOOMIS, *Judge.*

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, May 1, 1890.

SIR: I have the honor to return herewith the bill (H. R. 8480) for removal of charge of desertion from record of Private Patrick Mackin, Company D, United States Mounted Rifles, Mexican war, and in compliance with request of the chairman of Committee on Military Affairs, House of Representatives, to report that the records of this office show that Private Patrick Mackin enlisted at Louisville, Ky., September 4, 1846, for five years; deserted August 6, 1848, at Jefferson Barracks, Mo., and never returned to his command.

The Department has no power to remove the charge of desertion under act of March 2, 1889, section 6, the only law now in force relative to removal of charge of desertion from enlisted men during the Mexican war, for the reason that such law relates solely and exclusively to such enlisted men of the Mexican war who enlisted "for the war with Mexico," whereas this man, as shown above, enlisted "for five years."

Aside from this fact the records show that Patrick Mackin enlisted May 23, 1861, in Company C, Fourth Connecticut Volunteers, in violation of the twenty-second (now fiftieth) Article of War, and was mustered out May 23, 1864, by reason of expiration of service. The legality of the latter enlistment, nor any claim for services rendered thereunder, can not be recognized by this office.

The provisions of section 3, act of March 2, 1889, do not apply to this case, for the reason that the man was absent in desertion over four months.

In justice to other enlisted men of the regular Army of the Mexican war whose status is similar to that of this man I can not recommend favorable action in this individual case.

Very respectfully,

C. MCKEEVER,
Acting Adjutant General.

The SECRETARY OF WAR.

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

SARAH V. AZPELL.

Mr. BELKNAP. I ask for the present consideration of the bill (S. 4167) granting an increase of pension to Sarah V. Azpell.

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 Sarah V. Azpell, widow of Dr. Thomas F. Azpell, late assistant surgeon, United States Army, and to pay her at the rate of $40 per month, in lieu of that which she is now receiving.

The report (by Mr. LEWIS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 4167) granting an increased pension to Sarah V. Azpell, submit the following report:

The facts in the case are set forth in the report of the Senate Committee on Pensions, which is as follows:

"The Committee on Pensions, to whom was referred the bill granting an increase of pension to Sarah V. Azpell, have examined the same and report:

"The claimant is the widow of Thomas F. Azpell, late assistant surgeon in the United States Army.

"An official statement of his services is hereto appended:

"WAR DEPARTMENT, SURGEON GENERAL'S OFFICE,
"Washington, June 23, 1890.

"Dr. Thomas F. Azpell was appointed surgeon of United States volunteers in October, 1861, and was at once assigned to duty in the military general hospital at St. Louis, Mo., and during the summer of 1862, in addition to the above

duty, he was made president of an examining board whose duty it was to pass on the fitness of volunteer surgeons entering the Army. He remained on these duties until the summer of 1863, when he was placed in charge of a large hospital steamer carrying sick and wounded from Vicksburg and other points on the Mississippi River to general hospitals at St. Louis, Cincinnati, and other places. He was found to be admirably adapted for this important duty, and was kept on it until near the close of the war.

"In 1867 he entered the regular Army as an assistant surgeon. From this date he did excellent service in the Department of the East and at several posts in the Department of California. His health became so impaired that in 1873 he was granted a sick leave, which it was found necessary to renew from time to time until 1885, when he was placed upon the retired list.

"The nature of the service this officer performed during the war was of the most responsible and trying duty upon which an officer could be placed, during all of which he was exposed to the malarious and hot climate of the Lower Mississippi. I am of opinion that the premature breaking down of his health was due to this long strain and exposure to unhealthy surroundings. There was no more efficient officer in the service during the rebellion.

"He left a family almost in a destitute condition, and the pension allowed to his widow ($20 per month) is entirely inadequate for her support.

"JNO. MOORE,
"Surgeon General, United States Army.

"Mrs. Azpell has for many years maintained herself by her own labor and the small pension she has received. She is well advanced in years and her health has failed so that she is unable to perform any work. She has no relatives upon whom she can rely for assistance. She has no estate or home. She is absolutely alone and helpless. The small pension she is receiving is not sufficient to provide for her necessities in her destitute condition.

"Your committee are of the opinion that the relief proposed should be granted, and therefore recommend the passage of the bill."

Your committee likewise recommend the passage of the bill, amended, however, by striking out the word "forty," in line 5, and inserting therein instead the word "thirty."

The amendment recommended by the committee was agreed to.

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

ANNIE M. KIMBALL.

Mr. BELKNAP. I ask for the present consideration of the bill (H. R. 12053) granting a pension to Annie M. Kimball, widow of Alvah M. Kimball, Company H, Sixth New Hampshire Regiment Volunteers.

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 Annie M. Kimball, widow of Alvah M. Kimball, deceased, late quartermaster sergeant of the Sixth New Hampshire Volunteers, at the rate of $12 per month.

The report (by Mr. NUTE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12053) granting a pension to Annie M. Kimball, widow of Alvah M. Kimball, Company H, Sixth New Hampshire Regiment Volunteers, submit the following report:

That Alvah M. Kimball, the soldier named in this bill, entered the military service of the United States in the year of 1861 as a private soldier in Company H of the Sixth New Hampshire Volunteers, for a period of three years, and was subsequently promoted to the position of quartermaster sergeant of the same regiment; that he was discharged on the 3d day of October, 1862, for promotion to second lieutenant; that he was commissioned and mustered into the service of the United States as first lieutenant in Company I, Fifteenth Regiment Infantry, New Hampshire Volunteers, November 3, 1862, for a period of nine months, and officially reported as resigned January 15, 1863, which is shown by a copy of the official records of the adjutant general's office of the State of New Hampshire, filed herewith.

That said soldier was married to said Annie M. Kimball July 15, 1855, and died July 2, 1869, leaving his widow with three children surviving, as shown by copy of records; that said Annie M. Kimball remained his said widow until August 7, 1871, when she was married to Orin Varney, who subsequently deserted her, and that she was divorced from said Varney March 7, 1888, taking her former name of Annie M. Kimball.

Your committee further find, from the affidavits accompanying, that at the time of the soldier's enlistment in 1861 he was "physically strong and active and mentally bright, clear, and energetic."

After his discharge and resignation from the Army he was much broken in health and suffered almost continually with severe pains in the head and faintness of the stomach, resulting, as stated therein, by injuring his spine and stomach by straining and by being overcome by the heat at Falmouth, Va., while unloading a transport, finally culminating in his death from paralysis of the brain.

Your committee having considered the evidence submitted, while the subsequent and unfortunate marriage bars the widow's claim for a pension, think the case a meritorious one and recommend the passage of the bill.

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

Mr. SAWYER. I move to reconsider the several votes by which the various bills were passed; and also move that the motion to reconsider be laid on the table.

The SPEAKER *pro tempore.* The Chair would suggest to the House that the gentleman from Alabama [Mr. McDUFFIE] called up a bill which, in the judgment of the Chair, is not in order during these evening sessions, but yet, if there be no objection, the motion which the gentleman from New York [Mr. SAWYER] has made to reconsider the several votes by which the various bills were passed and to lay that motion upon the table will not apply to that bill, and it can go over until to-morrow; and if there be no objection it can be passed.

There was no objection, and it was so ordered.

Mr. BELKNAP. Mr. Speaker, I move that the Senate bills on the Speaker's table be taken up.

The SPEAKER *pro tempore.* There are two Senate bills remaining on the Calendar.

Mr. KILGORE. What is the character of the bill that was called up by the gentleman from Alabama?

The SPEAKER *pro tempore.* It was a bill correcting the muster of an officer, the one about which the gentleman from Texas made inquiry.

Mr. KILGORE. Which was just read now?

The SPEAKER *pro tempore.* It was the one on which the gentleman made an inquiry as to the rate that was to be paid.

AMOS GILBERT.

The first Senate bill on the Private Calendar was the bill (S. 2808) for the relief of Amos Gilbert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place upon the pension rolls the name of Amos Gilbert, of New Haven, Conn., who served as an enlisted seaman in the Navy of the United States, and was discharged on the 13th day of July, 1842, and who, while in the service, contracted disabilities from which he has never recovered, and to pay him a pension at the rate of $25 a month.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 2808) granting a pension to Amos Gilbert, have considered the same and report as follows:

Said bill is accompanied by Senate Report No. 1782, which fully sets forth the facts in the case, and your committee adopt the same as their report and recommend the passage of the bill.

[Senate Report No. 1782, Fifty-first Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 2808) granting a pension to Amos Gilbert, have examined the same and report:

The ground upon which this pension is asked is that the petitioner, Amos Gilbert, served from March, 1838, to July, 1842, one year in the revenue service and the balance of the time as an enlisted seaman in the United States Navy, and was honorably discharged from the Navy July 13, 1842. By an accident while in the service he became totally deaf in his right ear, and while in such service at a Mediterranean station he contracted rheumatism, from which he has suffered ever since. He is now seventy-five years of age, very infirm and needy, almost a helpless cripple in his feet and hands, and for nearly thirty years has been unable to do any considerable work by which to earn a living. His service is established by papers on file with the committee.

His present condition is shown by medical testimony. Dr. Thompson, of New Haven, makes affidavit that he has known him for twenty-five years, and that during the entire period "he has been crippled and entirely incapacitated from earning his living by manual labor; that his hands and feet are distorted and drawn out of shape by rheumatism, and that it is a physical impossibility for him to do any work; that he also suffers from partial deafness, due to a rupture of the drum of the right ear; that he is a sober, honest man, and in every respect a good citizen."

The affidavit of the former collector of the port of New Haven carries back his disabilities to the year 1844, two years after his discharge; and the affidavits of other citizens of New Haven corroborate the statements of the petitioner.

He has made no application for a pension in the Pension Office, for the reason that he was advised that there was no law under which he could obtain one. At this late day it is improbable that he could produce medical or other evidence of the positive character required by the Pension Office to establish the fact of the incurrence of his disabilities in the service; but from the evidence filed with the committee the committee is satisfied that his statements in relation to the same are true, and that he is entitled to a pension which will keep him from absolute want during the remainder of his life.

The committee therefore recommends the filling of the blank in the bill by the insertion of the words "twenty-five," and the passage of the bill as thus amended.

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

CAPT. FRANCIS A. BEUTER.

Mr. McDUFFIE. I ask unanimous consent that the vote by which the bill (H. R. 5037) for the relief of Capt. Francis A. Beuter was passed be reconsidered.

The motion was agreed to.

Mr. McDUFFIE. I now ask unanimous consent to withdraw the bill.

There was no objection, and it was so ordered.

THOMAS RICHARDSON.

The next Senate bill on the Private Calendar was the bill (S. 4416) granting a pension to Thomas Richardson.

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 Thomas Richardson, late a private in Company B, Seventeenth Regiment Illinois Volunteers.

The report (by Mr. LAWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 4416) granting a pension to Thomas Richardson, submit the following report, being the same as report of Senate Committee on Pensions as to facts:

It appears that the claimant enlisted in Company B, Seventeenth Regiment Illinois Volunteers, on the 25th of May, 1861, and served therein until October 1, 1861, when he was honorably discharged from such service.

It is alleged by the claimant that while he was on post guard duty with his regiment, at Alton, Ill., on the night of the 3d of July, 1861, he received a blow at the hands of some unknown person, made by a blunt instrument, on the right side of his head immediately above the right eye, that felled him to the ground unconscious, and by his companions he was found and taken to the surgeon's quarters, where the wound was stitched and bandaged.

It is undisputed that this party has suffered total loss of the right eye and a resulting defective vision of the left eye.

After receiving this wound and after it had healed and his sight improved, he re-enlisted in Company M, First Illinois Artillery, and after serving therein about twelve months his sight became so imperfect that he was transferred to the Seventh Regiment Veteran Reserve Corps, from which he was finally discharged at Washington, D. C., by reason of loss of sight.

It further appears that the soldier is very poor and is an inmate of the Soldiers' Home at Dayton, Ohio, and that he is unable by reason of his disabilities to perform manual labor or to earn his own support.

His claim was rejected in the Pension Bureau upon the ground that it did not sufficiently appear to the satisfaction of the Commissioner that the wound was received while in the discharge of military duty, and upon the further ground

that it appeared from the evidence that the soldier had, prior to enlistment, defective sight.

It nowhere appears that there was any attempt on the part of this claimant to deceive the enlisting and enrolling officer as to the condition of his sight, and the committee are of the opinion that, such being the case, the Government should be estopped from alleging such defect to defeat the application for a pension.

It is clearly shown, in the judgment of your committee, that the wound was received while he was in line of duty; that it did result in the loss of sight of that eye and the impaired vision of the other.

Your committee recommend the passage of the bill, amended by striking out the words "and pay him at the rate of $12 per month."

The amendment recommended by the committee was agreed to.

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

MARIA M. C. RICHARDS.

Mr. CRAIG. I ask unanimous consent for the present consideration of the bill (H. R. 12528) granting a pension to Maria M. C. Richards.

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 Maria M. C. Richards, of Unionville, Connecticut, and grant her a pension of $25 a month.

The report (by Mr. CRAIG) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12528) granting a pension to Maria M. C. Richards, submit the following report:

The proposed beneficiary entered upon her patriotic services as a nurse of sick soldiers prior to the first Bull Run battle; continued the same at the Patent Office hospital at its organization in August, 1861, where she served until June, 1862, when she accompanied the Army of the Potomac, and remained with it during that campaign and the campaign following, ending with the battle of Antietam. She faithfully nursed the wounded of said battle at the established field hospital until in May, 1863, when she was transferred to the Annapolis hospital, where she remained on duty until the close of the war. During her entire services she received but two months' pay.

Mrs. Richards is in very needy circumstances. The long-continued exposure to disease, often in contagious form, the nervous strain of sympathy with the suffering, and the unaccustomed privation in mode of living undermined her otherwise strong constitution, and for many months after the war she was a victim of fever, from the effects of which she has never fully recovered.

The value of her services is clearly shown by the testimonials on file, including that of Hon. B. M. CUTCHEON, of this House.

Your committee recommend the passage of the bill, amended, however, by striking out the word "twenty-five," in line 7, and inserting therein instead the word "twelve."

The amendment recommended by the committee was agreed to.

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

Mr. SAWYER. I again move that the several votes by which the various bills were passed be reconsidered; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. SAWYER. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 17 minutes p. m.) the House adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

TESTS OF IRON AND STEEL.

Letter from the Secretary of War, transmitting, with a letter from the Chief of Ordnance, a report of the colonel commanding the Watertown arsenal of the tests of iron and steel, etc., made with the United States testing machine during the fiscal year ended June 30, 1890—to the Committee on Expenditures in the War Department.

LUBEC CHANNEL, MAINE.

Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of the examination and survey of Lubec Channel, Maine—to the Committee on Rivers and Harbors.

WATER WAY FROM PUNGO RIVER TO SLADESVILLE, N. C.

Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of the examination and survey of the water way from Pungo River to Sladesville, N. C.—to the Committee on River and Harbors.

WATER WAY BETWEEN PAMLICO AND BAY RIVERS, NORTH CAROLINA.

Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of the examination and survey of the water way between Pamlico and Bay Rivers, North Carolina—to the Committee on Rivers and Harbors.

LITTLE PIGEON RIVER, TENNESSEE.

Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of the examination and survey of Little Pigeon River, Tennessee—to the Committee on Rivers and Harbors.

DRUM INLET, NORTH CAROLINA.

Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of the examination and survey of Drum Inlet, North Carolina—to the Committee on Rivers and Harbors.

NANTICOKE RIVER, MARYLAND.

Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of the examination and survey of the Nanticoke River, Maryland—to the Committee on Rivers and Harbors.

LINCHESTER RIVER, MARYLAND.

Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of the examination and survey of Linchester River, Maryland—to the Committee on Rivers and Harbors.

CURRENT RIVER, MISSOURI.

Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of the examination and survey of the Current River, Missouri, from Van Buren to its mouth—to the Committee on Rivers and Harbors.

AARON VAN CAMP AND VIRGINIUS P. CHAPIN VS. UNITED STATES.

Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Aaron Van Camp and Virginius P. Chapin against the United States—to the Committee on Claims.

LAND-FORFEITURE ACT.

Letter from the Secretary of the Interior, transmitting a letter from the Commissioner of the General Land Office and recommending that the land-forfeiture act be amended so that the time within which settlers may assert their rights may be extended—to the Committee on the Public Lands.

JULIA A. NUTT, EXECUTRIX OF HALLER NUTT, DECEASED, VS. THE UNITED STATES.

Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Julia A. Nutt, executrix of Haller Nutt, deceased, against The United States—to the Committee on War Claims.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. POST, from the Committee on the District of Columbia, reported favorably the bill of the House (H. R. 4768) to pay for alley condemned in square No. 493 in the city of Washington, D. C., accompanied by a report (No. 3391)—to the Committee of the Whole House on the state of the Union.

Mr. TURNER, of New York, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 12293) to grant a pension to Maj. Gen. Franz Sigel, accompanied by a report (No. 3392)—to the Committee of the Whole House.

Mr. ATKINSON, of Pennsylvania, from the Committee on the District of Columbia, reported with amendment the bill of the House (H. R. 12692) to amend the charter of the Rock Creek Railway Company of the District of Columbia, accompanied by a report (No. 3393)—to the House Calendar.

Mr. CUTCHEON, from the Committee on Military Affairs, reported with amendment, the bill of the House (H. R. 12258) to provide for beginning the construction of a military post at or near Essex Junction or Swanton Junction, Vt., accompanied by a report (No. 3394)—to the Committee of the Whole House on the state of the Union.

Mr. LEHLBACH, from the Committee on Public Buildings and Grounds, reported favorably the bill of the House (H. R. 439) for the erection of a public building at Brockton, Mass., accompanied by a report (No. 3395)—to the Committee of the Whole House on the state of the Union.

Mr. BOOTHMAN, from the Committee on Claims, reported favorably the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 9112) for the relief of Samuel G. Hunter. (Report No. 3396.)

A bill (H. R. 6169) for the relief of James S. Crawford. (Report No. 3397.)

Mr. BOOTHMAN also, from the Committee on Claims, reported with amendment the bill of the Senate (S. 182) for the relief of the First National Bank of Newton, Mass., accompanied by a report (No. 3398)—to the Committee of the Whole House on the state of the Union.

Mr. MILLIKEN, from the Committee on Public Buildings and Grounds, reported with amendment the bill of the Senate (S. 2740) to provide for the erection of an additional fireproof building for the National Museum, accompanied by a report (No. 3399)—to the Committee of the Whole House on the state of the Union.

Mr. POST, from the Committee on Public Buildings and Grounds, reported favorably the bill of the House (H. R. 12837) providing for the sale of the old customhouse and lot connected therewith in the city of Louisville, Ky., accompanied by a report (No. 3400)—to the House Calendar.

Mr. BURTON, from the Committee on the District of Columbia, reported favorably the bill of the Senate (S. 2378) to prevent fraudulent

transactions on the part of commission merchants and other consignees of goods and other property in the District of Columbia, accompanied by a report (No. 3401)—to the House Calendar.

Mr. HEMPHILL, from the Committee on the District of Columbia, reported favorably the bill of the House (H. R. 12444) to incorporate the National Conservatory of Music of America, accompanied by a report (No. 3402)—to the House Calendar.

He also, from the same committee, reported favorably the bill of the Senate (S. 3460) to release certain church property in the District of Columbia from arrears of taxation, accompanied by a report (No. 3403)—to the Committee of the Whole House.

Mr. GROUT, from the Committee on the District of Columbia, reported with amendment the bill of the House (H. R. 11854) to authorize the commissioners of the District of Columbia to open alleys and to provide for the expense thereof, and for other purposes, accompanied by a report (No. 3404)—to the Committee of the Whole House on the state of the Union.

Mr. GOODNIGHT, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 9819) granting a pension to Martha A. Kendrick, accompanied by a report (No. 3405)—to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following change of reference was made:

A bill (S. 2762) granting a pension to Mrs. Sarah A. Aspold—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a joint resolution of the following titles were introduced, severally read twice, and referred as follows:

By Mr. BOWDEN: A bill (H. R. 13025) to amend and re-enact paragraph 6, section 1, of an act entitled "An act granting right of way and other privileges to the Hampton and Old Point Railway Company"—to the Committee on Military Affairs.

By Mr. PERKINS: A bill (H. R. 13026) to authorize the Secretary of the Interior to sell certain tracts of the surplus lands belonging to the Ottawa tribe of Indians in the Indian Territory, and for other purposes—to the Committee on Indian Affairs.

By Mr. KELLEY (by request): A bill (H. R. 13027) for the relief of the American colored people—to the Committee on Foreign Affairs.

By Mr. DORSEY: A bill (H. R. 13028) to provide for the purchase of seed grain for the farmers in Nebraska who have been driven from their homes by the recent outbreak of the Sioux Indians—to the Committee on Agriculture.

By Mr. PICKLER: A joint resolution (H. Res. 265) to authorize the Secretary of War to issue 1,000 stand of arms to the State of South Dakota—to the Committee on Military Affairs.

By Mr. HILL (by request): A joint resolution (H. Res. 266) for the purchase of United States bonds, the retirement of the national-bank currency with Treasury notes, and the establishment of United States banks in lieu of the national banks, upon a cash basis—to the Committee on Ways and Means.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BURTON: A bill (H. R. 13029) granting a pension to J. Dwight Palmer—to the Committee on Invalid Pensions.

By Mr. CUTCHEON: A bill (H. R. 13030) granting a pension to Jennie May Cain—to the Committee on Invalid Pensions.

By Mr. FEATHERSTON (by request): A bill (H. R. 13031) for the relief of the estate of Charles Labell—to the Committee on War Claims.

By Mr. GEAR: A bill (H. R. 13032) for the relief of A. E. Baldridge—to the Committee on Military Affairs.

By Mr. KENNEDY: A bill (H. R. 13033) granting a pension to James H. Lancaster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13034) granting a pension to Julia McIntyre—to the Committee on Invalid Pensions.

By Mr. LACEY: A bill (H. R. 13035) granting a pension to John B. Gouldsberry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13036) granting an increase of pension to Milton Iseman—to the Committee on Invalid Pensions.

By Mr. LAWLER: A bill (H. R. 13037) granting an increase of pension to Mrs. M. Augusta Barnes, widow of Surgeon Norman S. Barnes, late of the Twenty-seventh New York Volunteers—to the Committee on Invalid Pensions.

By Mr. MARTIN, of Indiana: A bill (H. R. 13038) to increase the pension of John E. A. Stephens—to the Committee on Invalid Pensions.

By Mr. MASON: A bill (H. R. 13039) to place John M. Cunningham on retired list—to the Committee on Military Affairs.

By Mr. SPRINGER: A bill (H. R. 13040) granting an increase of pension to John S. Furling—to the Committee on Invalid Pensions.

By Mr. TURNER, of New York: A bill (H. R. 13041) increasing the pension of John Britton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13042) granting a pension to Manuel Tibbs—to the Committee on Invalid Pensions.

By Mr. WADE: A bill (H. R. 13043) granting a pension to John Bettas—to the Committee on Invalid Pensions.

By Mr. WHITING: A bill (H. R. 13044) granting a pension to Nelson Fisher—to the Committee on Invalid Pensions.

By Mr. LANGSTON (by request): A bill (H. R. 13045) for the relief of Mrs. R. J. Harrison, executrix of Richard J. Harrison, deceased—to the Committee on War Claims.

Also (by request), a bill (H. R. 13046) for the relief of William H. Harrison, of Prince George County, Virginia—to the Committee on War Claims.

By Mr. LAWLER: A bill (H. R. 13047) for the relief of George W. Guin—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BURTON: Resolution of the Board of Trade of Cleveland, Ohio, favoring an early settlement of pending financial legislation—to the Committee on the Judiciary.

By Mr. CARUTH: Papers to accompany House bill 12976, granting an increase of pension to A. Loomis—to the Committee on Invalid Pensions.

By Mr. COOPER: Resolutions of the Kingston Alliance, No. 375, in favor of House bill 5353, defining options and futures, etc.—to the Committee on Agriculture.

Also, petition of W. B. Blany and others, citizens of Kingston, Ohio, for passage of same measure—to the Committee on Agriculture.

By Mr. DINGLEY: Resolutions of Bath (Me.) Board of Trade for passage of bill to place American shipping in the foreign trade on equal terms with foreign vessels—to the Committee on Merchant Marine and Fisheries.

By Mr. DORSEY: Resolutions adopted by alliances in the State of Nebraska, asking passage of the Conger lard bill, said alliances being numbered 590, 669, 2281, 1449, 1669, 1704, 1886, and 914—to the Committee on Agriculture.

Also, petitions of alliances in same State, asking passage of House bill 5353—to the Committee on Agriculture.

By Mr. FLICK: Memorial signed by Rev. A. B. Buckner, B. O. Stephenson, and 61 others, citizens of Iowa, praying that immediate and decisive steps be taken to aid in suppression of the alcoholic liquor traffic in the Congo Free State and basin of the Niger, and to prohibit the exportation of intoxicants from this country into any part of Africa—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. FUNSTON: Petition of citizens of Wyandotte County, Kansas, asking passage of House bill 5353, and imposing special taxes on dealers in options, futures, etc.—to the Committee on Agriculture.

Also, resolutions of County Assembly, Farmers' Mutual Benefit Association, of the same county and State, for same measure—to the Committee on Agriculture.

Also, petition of Farmers' Alliance of Godfrey, Kans., to control floods in the Mississippi River—to the Committee on Rivers and Harbors.

By Mr. GROUT: Petition of 90 dentists in the District of Columbia, for passage of a bill to regulate the practice of dentistry in the District of Columbia, subject to laws on the subject in the States—to the Committee on the District of Columbia.

Also, resolutions of the Chicago Board of Trade, against further silver legislation—to the Committee on Coinage, Weights, and Measures.

By Mr. HAUGEN: Petition of Martin Joos and 50 others, farmers of Buffalo County, Wisconsin, in favor of the antioption bill—to the Committee on Agriculture.

Also, petition of John Beers and 19 others, farmers of same county and State, for same measure—to the Committee on Agriculture.

Also, petition of Leonhard Fried and 12 others, farmers of same county and State, for same measure—to the Committee on Agriculture.

By Mr. EDWARD R. HAYS: Resolutions of Order of United American Mechanics, No. 4, Capital Council, Des Moines, Iowa, urging Congress to restrict immigration—to the Select Committee on Immigration and Naturalization.

By Mr. HENDERSON, of Iowa: Resolutions by Rough Woods Alliance, Eldora, Iowa, urging passage of House bill 5353, defining options and futures—to the Committee on Agriculture.

By Mr. HITT: Resolutions of Rockford Lodge, Farmers' Mutual Benefit Association, urging passage of farmers' option bill, H. R. 5353—to the Committee on Agriculture.

Also, resolutions of the directors of the Chicago Board of Trade, deprecating further silver legislation—to the Committee on Coinage, Weights, and Measures.

By Mr. LACEY: Petition of W. M. Smith and 14 others, citizens of

Keokuk County, Iowa, in favor of the Butterworth option bill—to the Committee on Agriculture.

Also, petition to pension John B. Gouldsberry—to the Committee on Invalid Pensions.

By Mr. LANGSTON: Petition of John H. Brooks and 42 others, citizens of Washington, D. C., and the States of Maryland and Virginia, to reimburse the depositors of the Freedman's Savings and Trust Company—to the Committee on Claims.

By Mr. LAWS: Resolutions of Farmers' Alliance of Clay County, Nebraska, demanding passage of House bill 5353—to the Committee on Agriculture.

Also, petition of citizens of same county and State for same measure—to the Committee on Agriculture.

Also, petition of 47 others, citizens of same county and State, for same measure—to the Committee on Agriculture.

Also, petition of citizens of Butler County, Nebraska, for same measure—to the Committee on Agriculture.

Also, petition of citizens of Adams County, Nebraska, for same measure—to the Committee on Agriculture.

By Mr. MARTIN, of Indiana: Petition and affidavits to accompany the bill to increase the pension of John E. A. Stephens, of Van Buren County, Indiana—to the Committee on Invalid Pensions.

By Mr. SWENEY: Petition of William H. Patterson and 60 others, citizens of Riceville, Iowa, for passage of a law authorizing the several States to control the sale of oleomargarine, butterine, and all compounds in imitation of butter—to the Committee on Agriculture.

Also, petition of 50 other citizens of same place for same measure—to the Committee on Agriculture.

Also, petition of William J. Gibbons and 11 others, citizens of Saratoga, Howard County, Iowa, for passage of House bill 5353—to the Committee on Agriculture.

Also, resolution of Saratoga (Iowa) Alliance, No. 1521, for same measure—to the Committee on Agriculture.

Also, petition of F. H. Longjoy and 22 others, citizens of Rock Creek, Mitchell County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition from Farmers' Alliance, No. 1537, of Rock Creek, Iowa, for same measure—to the Committee on Agriculture.

By Mr. TURNER, of New York: Petition of John Britton, to accompany bill for his relief—to the Committee on Invalid Pensions.

SENATE.

SATURDAY, *January* 10, 1891.

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

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

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a communication from Messrs. William H. Clagett and J. R. De Lamar, transmitting a protest signed by 23 members of the Legislature of Idaho against allowing Hon. Fred. T. Dubois to take his seat in the Senate.

The VICE PRESIDENT. The communication will be referred to the Committee on Privileges and Elections.

Mr. STEWART. Let it be printed. I think it may as well be printed, so that we can see what it is.

Mr. EDMUNDS. Yes, it should be printed and referred to the Committee on Privileges and Elections.

The VICE PRESIDENT. That order will be made.

The VICE PRESIDENT presented a communication from the adjutant general of the Grand Army of the Republic, transmitting a copy of resolutions adopted at the Twenty-fourth National Encampment of the Grand Army of the Republic, recommending certain legislation in regard to the civil employment of honorably discharged soldiers, sailors, or marines, tendering thanks for liberal pension laws, the retirement of commissioned officers and enlisted men, etc.; which was referred to the Committee on Pensions.

He also presented a petition of the secretary of the International Copyright Association, praying for the passage of the copyright bill now pending; which was ordered to lie on the table.

Mr. VOORHEES. I present the memorial of James Owen, William Cartright, and 19 other citizens of Logansport, Ind., remonstrating against the passage of the Conger lard bill, which they declare to be class legislation, robbing one American industry in order to enrich another. I move that the memorial lie on the table.

The motion was agreed to.

Mr. SHERMAN presented the petition of Solon L. Good and 45 other citizens of Ohio, praying for the passage of the Paddock pure-food bill; which was ordered to lie on the table.

Mr. McMILLAN presented the petition of R. B. Noble and 90 other dentists in active practice in the District of Columbia, praying for the passage of the bill to regulate the practice of dentistry in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of citizens of Stanton, Mich., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. DAVIS presented the following petitions of citizens and Farmers' Alliances of Minnesota, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of Joseph Penner and 39 other citizens of Douglas County, Minnesota;

Petition of Peter Schmitt and 23 other citizens of Helen, McLeod County, Minnesota;

Petition of Wm. Enke and 13 other citizens of Olmstead County, Minnesota;

Petition of Joseph Brossard and 15 other citizens of Waterville, Le Sueur County, Minnesota;

Petition of Dan. Maloney and 18 other citizens of Houston County, Minnesota;

Petition of Solomon Sear and 23 other members of Maxwell Alliance, No. 527, Minnesota;

Petition of Fred. Smith, jr., and 11 other citizens of Mower County, Minnesota;

Petition of C. Fairbanks and 16 other members of Center Farmers' Alliance, Minnesota;

Petition of J. B. Johnson and 5 other citizens of Rock County, Minnesota;

Petition of Charles Gilruth and 11 other citizens of Yellow Medicine County, Minnesota;

Petition of L. I. Leeland and 16 other citizens of Yellow Medicine County, Minnesota;

Petition of J. C. Brown and 14 other citizens of Lyon County, Minnesota;

Petition of H. M. Iverson and 9 other citizens of Clay County, Minnesota;

Resolutions of the Alliance of the town of Salem, Olmsted County, Minnesota;

Resolutions of the Northwestern Helen Alliance, No. 996, of McLeod County, Minnesota;

Resolutions of Maxwell Farmers' Alliance, No. 547, Lac qui Parle County, Minnesota;

Resolutions of Graceville Farmers' Alliance, Big Stone County, Minnesota (380 members);

Resolutions of Battle Plain Alliance, No. 1043, Rock County, Minnesota;

Resolutions of Farmers' Alliance of Yellow Medicine County, Minnesota (No. 583);

Resolutions of the town of Wergeland Farmers' Alliance, Minnesota;

Resolutions of Moland Alliance, No. 963, Clay County, Minnesota; and

Resolutions of Edward Stangler, School Hann Alliance, of Waterville, Minn.

Mr. DAVIS presented the memorial of Walter Colleran, of Brownsville, Minn., and 14 citizens of the States of Illinois, Missouri, and Wisconsin, remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

He also presented the petition of J. P. Colleran, of Brownsville, Minn., a stock-raiser and cattle-owner, and 22 citizens of the States of Nebraska, Missouri, Kansas, Illinois, Ohio, and Arkansas, praying for the passage of the Paddock pure-food bill, and remonstrating against the passage of any partial, incomplete, or inadequate measure; which was ordered to lie on the table.

Mr. SHOUP presented a memorial of W. D. Clayton, of Albuquerque, N. Mex.; G. B. Smith, of Las Vegas, N. Mex., and 48 farmers, signed while visitors at the St. Louis (Mo.) fair, October 11, 1890, remonstrating against the passage of the Conger compound-lard bill; which was ordered to lie on the table.

He also presented the petition of 22 citizens of St. Louis, Mo., praying for the passage of the Paddock pure-food bill; which was ordered to lie on the table.

Mr. VEST. I present a memorial of Andrew T. Todd and 241 other citizens of St. Louis, Mo., remonstrating against the passage of the Conger lard bill on the ground that it would throw hundreds of men out of employment. I move that the memorial lie on the table.

The motion was agreed to.

Mr. VEST presented the memorial of Walter J. Bushell and 19 other employés of the R. B. Brown Oil Company, remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. WILSON, of Iowa, presented a petition of Bluff City Typographical Union, No. 203, of Council Bluffs, Iowa, praying for the passage without amendment of House bill 8046, to revise the wages of certain employés in the Government Printing Office; which was ordered to lie on the table.

He also presented a petition of Farmers' Alliance, No. 1519, of Winnebago County, Iowa, and the petition of 13 citizens of Boone County, Iowa, praying for the passage of the Conger lard bill; which were ordered to lie on the table.