By Mr. O'GRADY: Petition of churches of Clarksville, N. Y., against the sale of intoxicating liquors to the inhabitants of the New Hebrides and other islands—to the Committee on the Judiciary.

By Mr. ROBINSON of Indiana: Petition of Paul G. Klinkenberg, of Kendallville, Ind., for the repeal of the special tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. RYAN of New York: Petition of Union No. 43, of Buffalo, N. Y., Brotherhood of Painters, Decorators, and Paper Hangers, in favor of the Newlands reclamation bill—to the Committee on Irrigation of Arid Lands.

By Mr. SHOWALTER: Petition of voters of the Twenty-fifth Congressional district of Pennsylvania, in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. SPERRY: Petition of citizens of North Haven and Branford, Conn., urging the passage of House bill No. 12551, for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. THAYER: Petition of the Woman's Christian Temperance Union of Worcester, Mass., favoring the passage of the Gillett bill for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

Also, petition of citizens of the Third Congressional district of Massachusetts, in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. VREELAND: Petition of the First Presbyterian Church of Dunkirk, N. Y., favoring the passage of the Gillett bill for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. WADSWORTH: Petition of a union meeting in Wyoming, N. Y., favoring the passage of the Gillett bill for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. WRIGHT: Petitions of Woman's Christian Temperance Union, Baptist Young People's Union, Christian Endeavorers, and Epworth League of Tunkhannock, Pa., favoring the passage of the Gillett bill for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. YOUNG: Petitions of Woman's Christian Asssociation and 59 citizens of Philadelphia, Pa., favoring the passage of the Gillett and Littlefield bills for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

SENATE.

THURSDAY, *February 28, 1901.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

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

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

DEATH OF QUEEN VICTORIA.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of State, inclosing, for the information of the Senate, a copy of a dispatch from the ambassador of Great Britain, transmitting a note of the British secretary of state for foreign affairs, in which the thanks of His Majesty the King are expressed for the respect shown by the United States Senate to the memory of his royal mother, the late Queen, as evidenced by the Senate's resolution of the 22d ultimo. Accompanying the communication is a letter from the American ambassador, which will be read.

The Secretary read as follows:

No. 511.] AMERICAN EMBASSY,
London, February 16, 1901.

SIR: With reference to your instruction, No. 536, of the 29th ultimo, transmitting an engrossed copy of the resolution adopted by the United States Senate relating to the death of Queen Victoria, I have the honor to inclose herewith a copy of a note from Lord Lansdowne, expressing the appreciation of the King and his thanks for this mark of respect shown by the Senate to the memory of the late Queen.

I have the honor to be, sir, your obedient servant,
JOSEPH H. CHOATE.

Hon. JOHN HAY,
Secretary of State.

The PRESIDENT pro tempore. The letter from Lord Lansdowne will also be read.

The Secretary read as follows:

LONDON, *February 14, 1901.*

YOUR EXCELLENCY: The prime minister duly laid before the King the copy of the resolution of the Senate of the United States of America which your excellency forwarded in your note to me of the 8th instant.

By command of the King, I am to request your excellency to be so kind as to express to the President of the Senate His Majesty's most sincere thanks for the mark of respect shown by the Senate of the United States to the memory of her deeply lamented Majesty Queen Victoria, Empress of India.

The terms of the resolution are highly appreciated by His Majesty.

I have the honor to be, etc.,
LANSDOWNE.

His excellency Hon. JOSEPH H. CHOATE, etc.

The PRESIDENT pro tempore. The communication and accompanying papers will lie on the table.

MONUMENT TO PRISON-SHIP MARTYRS.

The PRESIDENT pro tempore. The Chair has received a letter from Mrs. Daniel Manning, president-general of the National Society of the Daughters of the American Revolution; which will be read.

The Secretary read as follows:

To the Senate of the United States.

GENTLEMEN: I have the honor to transmit to you a rising vote of thanks tendered by the National Society of the Daughters of the American Revolution in congress assembled for the passage by your honorable body of a bill appropriating $100,000 to the erection of a monument in memory of the prison-ship martyrs of the Revolution.

The great interest taken in this commendable project by our "committee on prison ships," has been productive of some excellent work, and the generous appropriation recently made by your honorable body is indeed good news to our Daughters in congress assembled.

Very sincerely,
M. MARGARETTA MANNING,
President-General National Society Daughters American Revolution.

FEBRUARY 23, 1901.

The PRESIDENT pro tempore. The letter will lie on the table.

DEPARTMENTAL EMPLOYEES.

The PRESIDENT pro tempore laid before the Senate a communication from the Commissioner of Fish and Fisheries stating, in response to a resolution of the 25th instant calling for certain information respecting the employees of that Commission, that it will be necessary to communicate with some of the employees who are on duty at distant points, and that the data called for by the resolution will be transmitted to the Senate at the earliest possible moment; which was referred to the Committee on Fisheries, and ordered to be printed.

DEFICIENCY ESTIMATES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting supplemental estimates of deficiencies in appropriations required by the several Departments of the Government to complete the service of the fiscal year ending June 30, 1901, and for prior years, and for the postal service; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of the Banner Association, Patrons of Industry, of Saratoga County, N. Y., praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was ordered to lie on the table.

He also presented petitions of George L. Shearer and sundry other citizens of New York City; of the Woman's Christian Temperance Union and sundry citizens of Port Chester, and of the congregation of the First Presbyterian Church of Dunkirk, all in the State of New York, praying for the enactment of legislation to prohibit the sale of intoxicating liquors, firearms, and opium in the New Hebrides and other islands of the Pacific; which were ordered to lie on the table.

Mr. KENNEY presented a petition of the State Grange, Patrons of Husbandry, of Dover, Del., praying that an appropriation be made for the improvement of the public roads of the country; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Wilmington; of the congregation of the Mount Salem Methodist Episcopal Church, of Wilmington; of sundry citizens of Newport, and of sundry citizens of Middletown, all in the State of Delaware, praying for the enactment of legislation providing better rations for the soldiers of the Army; which were referred to the Committee on Military Affairs.

Mr. PERKINS presented the following joint resolution of the legislature of California; which was ordered to lie on the table and be printed in the RECORD:

[Senate joint resolution No. 10, introduced by Senator Laird January 21, 1901. Referred to committee on Federal relations.]

Senate joint resolution No. 10, relative to the establishment of a boarding school for Pit River Indians in Modoc County, Cal.

Whereas the Pit River Indians, with the assistance of the white citizens of Modoc County, Cal., have forwarded to the Congress of the United States a petition asking for the establishment of an Indian boarding school at or near Alturas, Cal.; and

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Whereas the Pit River Indians entered into a solemn covenant with Gen. George Crook, about the year 1865, to remain peaceful, and by said agreement were required to remain within certain territory, namely Hot Spring and South Fork valleys, and being unfriendly with the tribe known as the Paiutes, whose territory was and is east of the Warner range of mountains, were by this treaty to refrain from crossing said range and coming in contact with the Paiutes, who were a more powerful and warlike tribe; and

Whereas the Government has established at Fort Bidwell, in the said county, a boarding school for Indians within the limits occupied by the Paiutes, and, it being distasteful to the Pit River Indians for the reason of jealousies existing and the domineering spirit of the Paiutes, but few will attend while there is an existing friction between the children of the two tribes; and

Whereas it is impossible for the Pit River Indians to journey back and forth to the school so situate during the winter months on account of heavy snows in the mountains and passes, and it being some 50 to 75 miles distant from their territory; and

Whereas the Pit River Indians have faithfully kept their pledge and have at all times remained friendly to the white settlers, and during the Modoc war of 1872 and 1873 they rendered such excellent service as guides, friends, and protectors of the whites; and

Whereas the chief of the Pit River Indians has felt that in consequence of the treaty spoken of and the friendship so truly preserved and assistance rendered the Government as stated, and they now having become farmers, laborers, and stock raisers of this section, they ask that the Government to which they have been so loyal now grant them the advantage of education by establishing a school as requested, so that they may educate their children, now numbering some 250, at such a place as they may desire, said school to be a boarding school such as is customary for the Government to establish for this purpose: Therefore, be it

Resolved by the senate of the State of California (the assembly concurring), That our Senators be instructed and our Representatives in Congress be requested to use their best endeavors to secure such legislation and appropriations as will establish the school petitioned for: And be it further

Resolved, That the secretary of the senate be instructed so transmit by mail a copy of these resolutions to the Hon. GEORGE C. PERKINS, Senator, and Hon. J. A. BARHAM, Congressman, at Washington, D. C., and also that a copy be forwarded to the Hon. Frank L. Coombs, Congressman-elect, at San Francisco, Cal.

I hereby certify that this is a true and correct copy of senate joint resolution No. 10.

F. J. BRANDON,
Secretary of Senate.

INDIANS AND WHITES.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

Your petitioners most respectfully represent and show: That the Pit River Indians, a tribe properly so called, have from time immemorial lived and occupied a territory almost exclusively within the boundaries of Modoc County, Cal.

That since the year 1865 they have been at peace and always obedient to the laws of the State and Government.

That they have assimilated with the white population, and have become an integral part of our community, conforming to our laws, customs, and civilization.

With few exceptions, they have acquired lands and homes under the laws of the United States.

That they have here lived among the whites for nearly forty years without a reservation or recognition by the General Government.

That they are a steady, industrious, and moral people.

That they have always been and are now without any educational facilities, except as hereafter stated.

That there are 225 children between the ages of 5 and 18 years who have no opportunity for obtaining an education.

That the children and their parents are exceedingly anxious for an education of their young, and they are, as a class, apt and ready scholars when given the advantage of instruction.

That in the year 1893 a small schoolhouse of rude construction, 20 by 30 feet, was built for this tribe in Hotspring Valley of this county, and a school maintained there for two seasons, which was well attended, notwithstanding the fact that such school was remote from any considerable Indian settlement, and those who attended were compelled to camp in the open and away from their homes and avocations; but since said time no school has been supplied to these Indians.

That the General Government has very generously furnished a boarding school, and supplied the same with all necessaries, at Fort Bidwell, which is situated in the extreme northeastern corner of this county and State, and in the territory always occupied by the Piute tribe of Indians, and separated from the Pit River territory by a lofty range of mountains known as the Warner Range.

That the Pit River Indians and the Piute Indians are traditional enemies, and as far back as the history and traditions of these people serve us, they have been in a state of hostility toward each other and are radically distinct in their characteristics.

That the Piutes have always considered the Pit Rivers as legitimate prey, and were accustomed to make incursions into the Pit River country, levying tribute and carrying off their females and property and even forbade them the ownership of horses or homes until the the settlement of the country by the whites; when the whites, not the Government, interfered and protected the Pit Rivers against the Piutes, and thereby cemented their friendship for the white man and made them a different and a prosperous people.

While the Fort Bidwell School is, of course, open to the Pit Rivers, yet by reason of these jealousies and the domineering spirit of the Piute, but few of the Pit River children attend this school, and there is always more or less distracting friction between the children of the two tribes.

The Piutes, on the other hand, are in, at least, a semisavage state and, in a great measure, decline to accept the civilization tendered them, and live apart to themselves upon reservations supplied them by the Government in an unwilling and enforced peace.

Wherefore, your memorialists respectfully and earnestly pray that a law be passed and an appropriation be made for the establishment of an Indian school for the Pit River Indians, and the construction of buildings and appliances sufficient for the accommodation of 225 scholars, to the end that these children be educated in the elementary sciences, practical arts, and trades; and that a capable corps of instructors be supplied and, altogether, that such institution be established at a distance from the towns or centers of population of the whites, at such place as shall appear the more suitable for the attainment of the object sought—and your petitioners will ever pray.

Dated in the county of Modoc, State of California, A. D. 1900.

Mr. PERKINS presented the following joint resolution of the legislature of California; which was ordered to lie on the table and be printed in the RECORD:

[Amended in assembly February 15, 1901. Amended in senate February 6, 1901. Senate joint resolution No. 12. Introduced by Senator Rowell, January 22, 1901. Referred to committee on Federal relations.]

Senate joint resolution No. 12, relative to attempted location of mineral oil lands as agricultural lands.

Whereas there is now pending in the Land Department at Washington, D. C., numerous applications of persons seeking to locate the oil mineral lands of this State in lieu of agricultural lands contained in various reservations pursuant to the act of June 4, 1897; and

Whereas bona fide locators of said lands as mineral lands have contested such application to select said oil lands under said act; and

Whereas the mineral locators and miners engaged in the development of oil lands in this State have developed an industry of great importance and value to this State and to its people; and

Whereas [certain of] said matters having been judiciously investigated before Judge E. M. Ross, judge of the ninth circuit court, southern district of California, and by him adjudged as to matters before him to be fraudulent and void applications for the selection of said oil lands as lieu lands; and

Whereas said matters are pending for consideration and decision before the honorable Secretary of the Interior at Washington, D. C., and believing that the acquiring of title to said lands as agricultural lands under said act would be an injustice to the miners of this State and the persons who have actually developed the valuable character of said lands, and would, as we believe, amount to a fraud upon the Government of the United States: Now, therefore, be it

Resolved by the senate and assembly of the State of California, jointly, That the said honorable Secretary of the Interior is hereby requested and urged to fully and thoroughly investigate said matters on behalf of the Government of the United States, and to thoroughly and carefully examine into the truth and honesty of the applications made to select said lands as agricultural lands, and he is hereby requested to take all necessary steps on behalf of the Government of the United States to fully examine into said matters and ascertain if frauds have been committed in the attempted selection of said mineral lands as agricultural lands, and if the same be adjudged to have been fraudulent, then we request the said Secretary of the Interior to use all lawful ways and means to prevent the consummation of [any] attempted fraudulent selection of said lands.

[*Resolved*, That the secretary of the senate be instructed to immediately transmit a copy of this resolution by mail to the Secretary of the Interior, and to our Senators and Representatives in Congress.]

I hereby certify that the foregoing is a true copy of senate joint resolution No. 12, as adopted in senate and assembly.

F. J. BRANDON,
Secretary of Senate.

Mr. PERKINS presented the following joint resolution of the legislature of California; which was ordered to lie on the table and be printed in the RECORD:

No. 1113. STATE OF CALIFORNIA, DEPARTMENT OF STATE.

I, C. F. Curry, secretary of state of the State of California, do hereby certify that I have carefully compared the annexed copy of Chapter XXIII, resolutions 1901, with the original now on file in my office, and that the same is a correct transcript therefrom, and of the whole thereof. Also, that this authentication is in due form and by the proper officer.

Witness my hand and the great seal of State, at office in Sacramento, Cal., the 22d day of February, A. D. 1901.

[SEAL.] C. F. CURRY, *Secretary of State.*

Assembly joint resolution No. 11, adopted in assembly January 25, A. D. 1901. Clio Lloyd, chief clerk of the assembly. Adopted in Senate February 20, A. D. 1901. F. J. Brandon, secretary of the senate. This resolution was received by the governor this 23d day of February, A. D. 1901. W. I. Foley, private secretary of the governor.

Chapter XXIII. Assembly joint resolution No. 11, relative to what are commonly known as and called the "California war claims."

Whereas the just claims of the State of California against the Government of the United States for furnishing, equipping, and paying volunteers during the civil war, aggregating over $4,000,000, are still unsettled;

Whereas the equity and justness of these claims have often been admitted and never successfully disputed;

Whereas the two Houses of Congress have heretofore passed bills relating to and providing for the refunding of at least three million nine hundred and fifty-one thousand nine hundred and fifteen and forty-two one hundredths dollars of the said claims; but have failed to agree finally upon the terms thereof, so that the same have not been enacted into laws; and

Whereas this State has so long been deprived of its rights respecting these claims that the delay is becoming oppressive and intolerable: Therefore, be it, and it is,

Resolved by the assembly of the State of California (the senate concurring), That we respectfully instruct our Senators and request our Representatives in the Congress of the United States to use all honorable means to secure the enactment by that body of a law providing for the refunding to this State without further delay of at least the sum of three million nine hundred and fifty-one thousand nine hundred and fifteen and forty-two one hundredths dollars in settlement of the claims aforesaid; that his excellency the governor of the State of California be requested to forward to each of our Senators and Representatives in Congress a properly certified copy of this resolution.

CORNELIUS W. PENDLETON,
Speaker of the Assembly.
THOS. FLINT, JR.,
President pro tempore of the Senate.

Attest:

C. F. CURRY, *Secretary of State.*

[Indorsed and filed in the office of the secretary of state the 22d day of February, A. D. 1901. C. F. Curry, secretary of state; by J. Hoesch, deputy. Record book —, page —.]

Mr. PERKINS presented the following joint resolution of the legislature of California; which was ordered to lie on the table and be printed in the RECORD:

Resolution of the California State senate, adopted February 14, 1901.

Whereas there are now pending in Congress bills to provide for the reimbursement of Mrs. Jessie Benton Fremont for her property seized by the United States Government for military purposes at Point San Jose (Black Point), in San Francisco, in 1863, and for the relief of all other persons claiming under the same title, and having been ejected at the same time; and

Whereas Mrs. Fremont is now a resident of California, and is, by reason of her age and physical disability, in need of the financial aid which is her just due; and

Whereas the nobility of character of Mrs. Fremont, and the distinguished services to this State and this coast of herself and her illustrious husband, Gen. John C. Fremont, the historic "Pathfinder," entitle her to special consideration not only from Californians, but from all Americans: Therefore, be it

Resolved, That this senate of California most earnestly petitions the Congress of the United States, and respectfully urges the Senators and Representatives to favorably pass the claim of Mrs. Jessie Benton Fremont, and give her the speedy relief and financial aid which are her just due, of which she is now in need; and

Resolved, That copies of these resolutions be at once forwarded by the president of the senate to the honorable Senators THOMAS R. BARD and GEORGE C. PERKINS, and to our California Congressmen.

THOMAS FLINT, JR.,
President pro tempore of the Senate.

F. J. BRANDON,
Secretary of the Senate.

Mr. PERKINS presented a petition of sundry citizens of California, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Hemet, Cal., praying for the enactment of legislation to prohibit the sale of intoxicating liquors, firearms, and opium in the New Hebrides and other Pacific islands; which was ordered to lie on the table.

He also presented petitions of the Engineers and Architects' Association of Southern California, the Southern California Good Roads' Association, and the Southern California Chapter of the American Institute of Architects, praying that an appropriation be made providing for the improvement of the public roads of the country; which were referred to the Committee on Agriculture and Forestry.

Mr. FOSTER presented a petition of sundry citizens of Eagle City, Alaska, praying for the completion of a military road and telegraph line from Port Valdez to the Yukon River; which was referred to the Committee on Military Affairs.

Mr. McENERY presented the petition of Catharine Stubbs, of New Orleans, La., praying that she be granted relief; which was referred to the Committee on Military Affairs.

Mr. MASON presented a petition of the West End Woman's Club, of Chicago, Ill., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. LODGE presented resolutions adopted at the Thirty-fifth Annual Encampment of the Department of Massachusetts, Grand Army of the Republic, of Boston, Mass., favoring the enactment of legislation to equalize the rank and pay of certain officers of the Navy; which was referred to the Committee on Naval Affairs.

Mr. PENROSE presented a petition of the Philadelphia branch of the National League of Commission Merchants of the United States, praying for a modification of the revenue law, provided that the same can be made without hampering the Government in necessary expenditures; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Darby, Pa., praying that an appropriation be made for the improvement of the post exchanges; which was referred to the Committee on Military Affairs.

He also presented a petition of the Farmers' Institute of New Richmond, Pa., praying for the enactment of the so-called Grout bill to regulate the manufacture and sale of oleomargarine; which was ordered to lie on the table.

He also presented a petition of Local Union No. 316, Cigarmakers' International Union, of McSherrystown, Pa., praying that all of the remaining public lands of the United States be held for the benefit of the whole people, and that no grants of title to these lands shall be made to any but actual settlers and home builders thereon; and also for the construction of storage reservoirs to save the flood waters of the country; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented petitions of the congregations of the Gethsemane and Eleventh Baptist churches and of 10 citizens of Philadelphia, Pa., praying for the enactment of legislation providing for certain reforms in the Indian Bureau; which were referred to the Committee on Indian Affairs.

He also presented the petitions of W. Russell and sundry other citizens of Kane, of the Christian Endeavor Society of the Presbyterian Church of Ambler, and of the Methodist preachers' meeting of Philadelphia, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors, firearms, and opium in the New Hebrides and other islands of the Pacific; which were ordered to lie on the table.

He also presented petitions of 51 citizens of Philadelphia, of the congregation of the Princeton Presbyterian Church, of Philadelphia, of 37 citizens of Utica, of 147 citizens of Philadelphia, and of 135 citizens of Duke Center, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. THURSTON presented a petition of sundry citizens of Dawson and Lincoln counties, Nebr., praying that an appropriation be made for the construction of reservoirs for irrigating purposes in those counties; which was referred to the Committee on Appropriations.

Mr. CULLOM presented a petition of the Illinois State Teachers' Association, praying for the reorganization of the Bureau of Education upon broader lines; which was referred to the Committee on Education and Labor.

He also presented a petition of the Young People's Society of Christian Endeavor of the Union Park Congregational Church, of Chicago, Ill., praying for the enactment of legislation to prohibit the sale of intoxicating liquors, opium, and firearms in the New Hebrides and other islands in the Pacific; which was ordered to lie on the table.

Mr. FRYE presented the following resolution of the legislature of Maine; which was ordered to lie on the table and be printed in the RECORD:

STATE OF MAINE:

Resolve favoring legislation by Congress to equalize extra pay to United States volunteers.

Resolved, That the Senators and Representatives comprising the Maine delegation in Congress be, and they hereby are, requested and urged to use all honorable means in their power to secure from Congress the passage of an amendment proposed by Senator SPOONER, of Wisconsin, to the Army appropriation bill (H. R. 14017).

IN HOUSE OF REPRESENTATIVES, *February 25, 1901.*

Read and passed finally.

JOSEPH H. MANLEY, *Speaker.*

IN SENATE, *February 26, 1901.*

Read and passed finally.

HANNIBAL E. HAMLIN, *President.*

FEBRUARY 26, 1901.

Approved.

JOHN F. HILL, *Governor.*

A true copy.
Attest:

BYRNE BOYD,
Secretary of State.

Mr. FRYE presented the following resolution of the legislature of Maine; which was ordered to lie on the table and be printed in the RECORD:

STATE OF MAINE:

Resolve in favor of the passage of the ship-subsidy bill.

Resolved, That this legislature gives its hearty approval to the ship-subsidy bill which has been so ably presented in the United States Senate by Hon. WILLIAM P. FRYE, of Maine, and that the same ought to become a law, thereby giving the United States a chance to secure an honest share of the ocean carrying trade of the world, which would eventually be instrumental in increasing the demand abroad for our merchandise and more especially our farm products, the surplus of which at this time is in very limited demand from our State for exportation. The many tenantless farms in the rural districts of Maine call loudly for legislation which shall be instrumental in restoring them to their former productiveness. The subsidy bill now pending in becoming a law, together with increased reciprocity with foreign countries, would stimulate shipbuilding in Maine and load our ships with the surplus of our farm products for our foreign neighbors. The struggle now going on for existence in most towns remote from markets would disappear with the increase in demand for our products, which demand would surely increase if the quality and prices of our products sustained us in remaining in the foremost ranks among the food supplying nations of the world. This struggle disposed of, the farming industries of Maine would be on the road to prosperity, and the price per acre of our now tenantless farms would equal the price per acre of land now under cultivation. The United States also, in the excellence of the manufacture of its wares as a whole, can undoubtedly compete with the world and should introduce into the Orient such goods as are in demand, in competition with Germany and other nations. We therefore pray that all possible means be employed favoring the passage of the above-mentioned bill.

IN HOUSE OF REPRESENTATIVES, *February 25, 1901.*

Read and passed finally.

JOSEPH H. MANLEY, *Speaker.*

IN SENATE, *February 26, 1901.*

Read and passed finally.

HANNIBAL E. HAMLIN, *President.*

FEBRUARY 26, 1901.

Approved.

JOHN F. HILL, *Governor.*

A true copy.
Attest:

BYRNE BOYD, *Secretary of State.*

Mr. FRYE presented the petition of Carver & Nichols and 70 other members of the Maritime Association of the port of New York, praying for the enactment of legislation to establish a first order light at or near Hillsboro Point, Florida; which was referred to the Committee on Commerce.

ARMY POST EXCHANGE.

Mr. GALLINGER. Mr. President, I present some brief papers relative to the post exchange in the army of Great Britain and of this country, which are of interest. I move that they be printed as a document.

The motion was agreed to.

SYSTEMS OF TAXATION.

Mr. BUTLER. I hold in my hand the report of the revenue commission of Colorado, appointed by authority of the senate of that State to investigate the State and local revenue laws, and, so far as possible, to discover their defects, and a just, wise, and complete remedy therefor, and particularly to investigate the tax laws of New Zealand and the Australian colonies and the effect of such laws. The commission has gone over many countries in the world studying their systems of taxation. It is an official report and contains very valuable information. Whatever a man's views may be, he ought to have the benefit of this information, and I move that it be printed as a document for the use of the Senate.

The motion was agreed to.

WILLIAM E. WOODBRIDGE.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 149) referring to the Court of Claims the claim of William E. Woodbridge for compensation for the use by the United States of his invention relating to projectiles, for which letters patent were ordered to issue to him March 25, 1852.

Mr. PLATT of Connecticut. The House nonconcurred in the amendment of the Senate, and I move that the Senate recede from its amendment. That will pass the bill.

The PRESIDENT pro tempore. The Senator from Connecticut moves that the Senate recede from its amendment.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. CULLOM on the 27th instant proposing to appropriate $250,000 for the construction of a revenue cutter for use in the waters of the Territory of Hawaii, intended to be proposed by him to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

Mr. MCMILLAN, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. MCBRIDE on December 19, 1900, proposing to appropriate $15,000 for the purchase or construction of a suitable launch for the customs service at and in the vicinity of Astoria, Oreg., intended to be proposed by him to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriation and printed; which was agreed to.

Mr. SIMON, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1946) for the erection of additional buildings, workshops, prison walls, and wharf at the United States penitentiary at McNeils Island, and for other purposes, reported it without amendment, and submitted a report thereon.

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

A bill (H. R. 13068) to waive and release all claims of the United States by way of escheat to the real estate in the District of Columbia of which Patrick Kavanagh or his sons, Charles W. Kavanagh and William Kavanagh, died seized; and

A bill (H. R. 12331) to amend an act entitled "An act conferring on the supreme court of the District of Columbia jurisdiction to take proof of the execution of wills affecting real estate, and for other purposes," approved June 8, 1898.

Mr. PROCTOR, from the Committee on Agriculture and Forestry, to whom was referred the bill (H. R. 13609) to incorporate the Society of American Florists and Ornamental Horticulturists within the District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. PETTUS, 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. 3040) for the relief of William S. Laney;

A bill (S. 4497) for the relief of Palmer Tilton; and

A bill (H. R. 6323) for the relief of John McDonald, alias John Shannon.

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

A bill (H. R. 11828) to remove charge of desertion from military record of Charles F. Kramer; and

A bill (H. R. 4204) to correct the military record of George A. Winslow.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 13707) authorizing the Citizens' Bridge Company to construct a bridge across the Mississippi River, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 6054) authorizing the Texas and Pacific Railway Company to construct a bridge across Red River, Louisiana, reported it with amendments.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the amendment submitted by Mr. SHOUP on the 26th instant proposing to appropriate $250 to pay and reimburse C. W. De Knight in full for his services and necessary assistance in preparing and furnishing a revised and complete index for the war-revenue law, intended to be proposed by him to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. SEWELL (for Mr. CARTER), from the Committee on Military Affairs, to whom was referred the bill (S. 4027) to correct the military record of Peter Connell, reported it with an amendment, and submitted a report thereon.

Mr. THURSTON, from the Committee on Patents, to whom was referred the bill (S. 5342) to authorize the registration of the names of persons, firms, or corporations engaged in transportation business, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 10701) to amend section 6, chapter 119, United States Statutes at Large, No. 24, reported it without amendment, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 2472) to correct the military record of John H. Finfrock, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 8270) for the relief of Herman Von Marsdorf, late a lieutenant of Company D, First Maryland Cavalry, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5924) for the relief of Herman Von Marsdorf, late a lieutenant of Company D, First Maryland Cavalry, reported adversely thereon, and moved that the bill be postponed indefinitely; which was agreed to.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (H. R. 10758) granting a pension to Sallie B. Wilson, reported it without amendment, and submitted a report thereon.

DOCUMENTS FOR LIBRARY OF CONGRESS.

Mr. PLATT of New York. I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 259) to regulate the distribution of public documents to the Library of Congress for its own use and for international exchange, which went over yesterday on the request of the Senator from Maine [Mr. HALE]. I submit a letter from the Librarian on the subject.

The PRESIDENT pro tempore. The Senator from New York asks for the consideration of the joint resolution reported yesterday from the Committee on Printing and which was read yesterday to the Senate. He submits a letter from the Librarian, which will now be read.

The Secretary read as follows:

THE LIBRARY OF CONGRESS, THE LIBRARIAN'S OFFICE,
Washington, February 27, 1901.

SENATOR: You may recall that last year I spoke to you of the very unsatisfactory provisions of the present law relating to the distribution of Government documents to the Library of Congress for its own uses and for international exchange.

There is, as you know, a system of international exchanges which is carried on by the Government at a considerable expense, and from which, under the present law, it has been impossible to secure the fullest benefit. The purpose of the exchange is to bring to the Library of Congress the public documents of foreign countries and the publications of institutions and learned societies abroad. The material which is sent out is the public documents of the United States. Of these, in general, 50 copies are supposed to be placed at the disposal of the Library. The difficulty under the existing law is that there are some documents that are not supplied at all; there are others of which much less than 50 copies are supplied, and there are none of which 50 copies suffice to cover all the governments and institutions with which we should exchange.

My secretary has seen Senator HALE and Senator HAWLEY, to whom Senator HALE referred him, and explained the intent of the resolution, and particularly explained that the purpose was not to accumulate more copies of public documents in the Library building, but primarily to promote the system of international exchange. I understand that both the Senators were satisfied with the explanation.

Sincerely hoping that the resolution may be brought up and passed, so that proceedings under it may be taken in the long recess, I am,

Very respectfully,

HERBERT PUTNAM,
Librarian of Congress.

I inclose herewith copy of a letter to Senator HAWLEY, which covers the points raised by him.

Hon. T. C. PLATT,
Chairman Committee on Printing, United States Senate.

Mr. PLATT of New York. I will state also that the joint resolution involves an expense of something less than $900.

The PRESIDENT pro tempore. The Senator from New York

asks unanimous consent for the present consideration of the joint resolution. Is there objection?

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

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

CHICKAMAUGA AND CHATTANOOGA BATTLEFIELDS.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed 4,000 extra copies of the Atlas of the Chickamauga and Chattanooga Battlefields, with such additional positions as have been identified, 2,000 copies of which shall be for the use of the House of Representatives, 1,000 for the use of the Senate, and 1,000 for the use of the Secretary of War and the Chickamauga and Chattanooga National Military Park Commission.

GENERAL STAFF OF THE ARMY.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the following concurrent resolution, submitted by Mr. HAWLEY on the 25th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate and House of Representatives 6,000 copies of the Legislative History of the General Staff of the Army of the United States, of which 1,500 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 1,500 copies for the use of the War Department.

REPORT ON GEOGRAPHIC NAMES IN THE PHILIPPINES.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the resolution submitted by the Senator from Washington [Mr. FOSTER] on the 26th instant, to report it with an amendment changing the form of the resolution from a concurrent to a Senate resolution, and I ask for its present consideration.

The PRESIDENT pro tempore. The resolution will be read in the form now reported.

The resolution was read, as follows:

Resolved, That there be printed 15,000 copies of the Special Report of the United States Board on Geographic Names, relating to geographic names in the Philippine Islands, transmitted to Congress by the President February 21, 1901, 3,000 copies of which shall be for the use of the Senate, 5,000 copies for the use of the House of Representatives, and 7,000 copies for distribution by said board among the Government Departments, public libraries, and other suitable depositories.

The PRESIDENT pro tempore. Will the Senate agree to the resolution?

The resolution was agreed to.

TENNESSEE CENTENNIAL EXPOSITION.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. J. Res. 249) providing for the publication of the report of the board of management of the United States Government exhibit at the Tennessee Centennial Exposition, to report it without amendment, and I ask for its present consideration.

The Secretary read the joint resolution; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to apply so much as may be necessary of the unexpended balance of the appropriation of $100,000 provided in section 3 of the act to aid and encourage the holding of the Tennessee Centennial Exposition at Nashville in 1897, approved December 22, 1896, to the preparation of illustrations and the printing and binding at the Government Printing Office of 6,000 copies of the report of the board of management of the United States Government exhibit at the exposition, under the direction of the chairman of the board.

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

PAYMENT OF STENOGRAPHER.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. WOLCOTT on the 23d instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the stenographer employed to report the hearings before the Committee on Post-Offices and Post-Roads be paid out of the contingent fund of the Senate.

MARTIN MAGINNIS.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. HOAR on the 23d instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That there be paid out of the contingent fund of the Senate to Martin Maginnis the sum of $2,000 in payment of expenses necessarily incurred by him in prosecuting his title to a seat in the Senate from the State of Montana under appointment of the governor of Montana.

INVESTIGATION BY FINANCE COMMITTEE.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. ALDRICH on the 26th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Finance be, and they are hereby, authorized and directed, by subcommittee or otherwise, to make an investigation of internal revenue, customs, currency, and coinage matters, and to report from time to time to the Senate the result thereof; and for this purpose they are authorized to sit, by subcommittee or otherwise, during the recess or sessions of the Senate, at such times and places as they may deem advisable, to send for persons and papers, to administer oaths, and to employ such stenographic, clerical, and other assistance as may be necessary, the expense of such investigation to be paid from the contingent fund of the Senate.

RICHARD R. KENNEY.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution reported by Mr. PETTUS from the Committee on Privileges and Elections on the 22d instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That there should be paid out of the contingent fund of the Senate to Senator RICHARD R. KENNEY, of Delaware, the sum of $488, the amount expended by him in defending his right to a seat in the Senate.

PAYMENT OF STENOGRAPHER.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. HALE on the 26th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the stenographer employed to report the hearings before the Committee on Naval Affairs be paid out of the contingent fund of the Senate.

ASSISTANT CLERK TO COMMITTEE.

Mr. McMILLAN, from the Committee on the District of Columbia, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the resolution of the Senate, adopted January 18, 1900, authorizing the Committee on the District of Columbia to employ an assistant clerk, be, and the same is hereby, amended by striking out the words "during the Fifty-sixth Congress."

BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 6062) to further promote the study of military science and tactics at institutes of learning; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BACON introduced a bill (S. 6063) for the relief of Edward Haile, surviving partner of Savage & Haile; which was read twice by its title, and referred to the Committee on Claims.

Mr. LODGE introduced a bill (S. 6064) for the relief of Samuel M. Blair; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MASON submitted an amendment proposing to appropriate $182,844.96 to pay amounts found by commissioners of the Court of Claims to be due letter carriers under the act of May 24, 1888, entitled "An act to limit the hours that letter carriers in cities shall be employed per day," intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BUTLER submitted an amendment proposing that on and after the 1st day of July, 1901, and during the next fiscal year Senators, Representatives, and Delegates in Congress whose claim to a seat has not been adversely decided shall receive $7,500 per annum each, which shall be paid in lieu of all pay and allowances, etc., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to lie on the table, and be printed.

Mr. HOAR submitted an amendment proposing to amend sections 2529 and 2544 of the Revised Statutes of the United States so that there shall be one appraiser of merchandise at each of said ports instead of two, and increasing the salaries of the appraisers from $3,000 to $4,000 each, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. THURSTON submitted an amendment proposing to appropriate $15,000 for the relief of Rasmussen & Strehlow, contractors on Government work, on account of damages done to the main building at the Pan-American Exposition, etc., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. CHANDLER submitted an amendment proposing to appropriate $86,018.26 in payment of amounts due as salaries for various persons who served as United States Senators between

March 4, 1867, and March 29, 1870, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and ordered to be printed.

Mr. HEITFELD submitted an amendment providing that all moneys received from the sale and disposal of public lands in the arid and semiarid regions of the United States, beginning with the fiscal year ending June 30, 1901, except money set aside by law for educational purposes, shall be, and are hereby, reserved, set aside, and appropriated as a special fund in the Treasury, to be known as the "arid-land-reclamation fund," etc., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to lie on the table and be printed.

STATUTES RELATING TO PATENTS.

Mr. PRITCHARD submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That 500 extra copies of the report of the commissioners to revise the statutes relating to patents, etc., as submitted to the Committee on Patents, with an index and other matter and corrections made by the commissioners, be printed for the use of the Committee on Patents.

CORPORATIONS IN THE DISTRICT OF COLUMBIA.

Mr. TILLMAN. I ask for the present consideration of the resolution of inquiry which I send to the desk.

The resolution was read, as follows:

Resolved, That the Commissioners of the District of Columbia be directed to report to the Senate the list of persons and corporations in arrears to the District of Columbia for personal taxes to the amount of $472,185.05, as noted in the report of the collector of taxes for the year ended June 30, 1900; and that the Commissioners of the District of Columbia be directed to report to the Senate the names of all banks, trust companies, safe deposit companies, railroad companies, gas companies, electric lighting companies, telephone companies, local insurance companies, title insurance companies, market companies, etc., doing business in the District of Columbia, giving the capital (and surplus and undivided profits, if any) of each, and the amount of tax (other than real estate tax) paid by each to the District of Columbia for the year ended June 30, 1900.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. SEWELL. I object, Mr. President.

The PRESIDENT pro tempore. The resolution goes over under the rule.

SHIPPING INTERESTS.

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

Resolved, That the Committee on Commerce of the Senate be authorized to employ an experienced and competent person skilled in the legislative history of Congress, who shall compile, under the direction of said committee or subcommittee thereof, legislation or proposed legislation relating to the maritime or shipping interests of the United States in chronological order, who shall be paid therefor such compensation, out of the contingent fund of the Senate, as may be certified by the Committee on Commerce, subject to the approval of the Committee to Audit and Control the Contingent Expenses of the Senate.

LETTERS OF JEFFERSON ON CUBAN ANNEXATION.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. HANSBROUGH on the 18th instant, as follows:

Resolved, That the Secretary of State be, and he hereby is, directed to send to the Senate copies of letters written by Thomas Jefferson to President Madison and President Monroe concerning the annexation of Cuba.

The PRESIDENT pro tempore. Will the Senate agree to the resolution?

Mr. HOAR. Are not those letters in our edition of the Jefferson and Madison papers?

Mr. BURROWS. The Senator from North Dakota [Mr. HANSBROUGH] is not here.

Mr. PLATT of Connecticut. The Senator from North Dakota is not present, and the resolution might lie over. I think all those letters are to be found in public documents.

The PRESIDENT pro tempore. It will lie over, retaining its place?

Mr. PLATT of Connecticut. Yes.

The PRESIDENT pro tempore. Without objection, the resolution will lie over, retaining its place.

HOURS OF LABOR ON GOVERNMENT WORK.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The SECRETARY. Senate resolution 557, by Mr. PETTIGREW:

Resolved, That the Committee on Education and Labor be discharged from the further consideration of the bill (H. R. 6882) limiting the hours of daily service——

Mr. PLATT of Connecticut. There are two resolutions offered by the Senator from South Dakota coming over. I ask him if he is not willing to take the other one this morning first?

Mr. PETTIGREW. I wish to dispose of this one. I am willing that one or the other shall go over.

Mr. SEWELL. I understand that it will cause debate.

Mr. PLATT of Connecticut. This one will cause debate, possibly.

Mr. PETTIGREW. I hope it will be disposed of, because it is near the close of the session.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution submitted by Mr. PETTIGREW on the 26th instant, as follows:

Resolved, That the Committee on Education and Labor be discharged from the further consideration of the bill (H. R. 6882) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or any Territory or the District of Columbia, thereby securing better products, and for other purposes, and that the Senate proceed to consider the same.

Mr. PETTIGREW. Mr. President, this resolution ought to be considered and passed and the legislation enacted to which it refers.

Last year the House of Representatives passed the bill. It is an eight-hour law. The House evidently considered it good legislation, and the labor organizations of this country insist upon its being enacted into a law.

On the 23d of May this bill was referred to the Committee on Education and Labor. That committee did not act upon it. On the 4th or 5th of June I offered a resolution similar to the one just read at the desk, asking the Senate to discharge the committee from the consideration of the bill and report it to the Senate so that we might act upon it. Upon a roll call my resolution was referred to the Committee on Education and Labor.

The majority of this body voted unanimously to so refer it; and the bill has remained there ever since. Representatives of the Federation of Labor have importuned that committee every week during this whole session to try to secure immediate action upon this proposed legislation. The committee has utterly refused to take up the matter and report the bill either adversely or favorably. Under these circumstances I believe the laboring men of this country are entitled to have this committee discharged as incompetent to perform its functions as a committee of this body, and that we should proceed to the consideration of the measure.

In this connection, for the purpose of not taking up the time of the Senate, I desire to have printed in the RECORD, from the American Federationist, a history of this legislation in the last session of Congress. This article is signed by Andrew Furuseth, George Chance, and T. F. Tracy, the legislative committee of the Federation of Labor. I ask that it may be printed in the RECORD without reading.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from South Dakota? The Chair hears none.

The matter referred to is as follows:

THE EIGHT-HOUR BILL.

The eight-hour bill (H. R. 6882; S. 4521), "A bill limiting the hours of daily service of laborers and mechanics employed upon public works of, or work done for, the United States, or any Territory, or the District of Columbia."

This bill was drafted in the early part of the second session of the Fifty-fifth Congress by Representative GARDNER of New Jersey. It passed the House in the same session. It was introduced in the Senate by Senator KYLE, of South Dakota, and after extensive hearings, reported to the Senate by the Senate committee without recommendation. It was called up by Senator Cannon, of Utah, during the same session, but was headed off by a motion made by Senator WOLCOTT, of Colorado, to go into executive session, and the session finally adjourned without any action being taken on the bill.

In the first meeting after the Christmas holidays in the third session of the Fifty-fifth Congress, Senator KYLE, of South Dakota, moved to re-refer the bill to the Committee on Education and Labor and the motion was adopted. Then began again extensive hearings, and finally the bill was re-reported back to the Senate by a majority and a minority report, the minority report being signed by Senators KYLE, of South Dakota, and CAFFERY, of Louisiana. It was called up by Senator Turley, of Tennessee, by a motion to go into a consideration of the bill, which motion was carried, but was immediately side tracked by one of the appropriation bills. There being no further time left, it thus died in the Fifty-fifth Congress.

It was re-introduced in the Fifty-sixth Congress, on January 19, by Representative GARDNER, of New Jersey, as H. R. 6882, and after hearings which lasted about three months it was reported to the House with amendments. These hearings, 9 in all, 8 of which were given to the opposition, were attended by representatives of the Carnegie Steel Works (armor makers), the Bethlehem Steel Works (armor), the Midvale Steel Works (shells), the Newport News Shipbuilding Company, the Cramp Shipbuilding Company, the New York Shipbuilding Company, of New Jersey, the Bath Shipbuilding Company, of Bath, Me., the Union Iron Works, of California, sundry small-arms manufacturers in Connecticut, and other firms who contract with the United States Government.

The final hearing on the bill was on April 12, when it was closed by an extensive argument of Samuel Gompers, president of the American Federation of Labor, whereupon the next meeting of the committee was to take up and consider the bill in executive session. There was considerable difficulty in obtaining a quorum, but through the efforts of the chairman of the committee, Representative GARDNER, of New Jersey, and the loyal support given by Representatives BARTHOLDT, of Missouri; SHOWALTER, of Pennsylvania; RHEA, of Kentucky; CALDWELL, of Illinois, and CUMMINGS and REARDON, of New York, the bill was finally ordered to be reported.

Your committee then obtained a copy of the bill as indorsed by the Committee on Labor of the House and requested Senator PENROSE, of Pennsylvania, a member of the Committee on Education and Labor of the Senate, to introduce the bill in the Senate, a request which he promptly complied with

on May 1, 1900. Below find in parallel columns the bill as introduced in the House and as reported to the House and also introduced in the Senate:

H. R. 6882. A bill limiting the hours of daily services of laborers, workmen, and mechanics employed upon the public works of or work done for the United States, or any Territory, or the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time of service of all laborers, workmen, and mechanics employed upon any public work of or work done for the United States, or any Territory, or the District of Columbia, whether said work is done by contract or otherwise, is hereby limited and restricted to eight hours in any one calendar day; and it shall be unlawful for any officer of the United States, or of any Territory, or the District of Columbia, or any person acting for or on behalf of the United States, or any Territory, or said District, or any contractor or subcontractor for any part of any public works of, or work done for the United States, or any Territory, or said District, or any person whose duty it shall be to employ or to direct and control the services of such laborers, workmen, or mechanics, or who has in fact the direction or control of the services of such laborers, workmen, or mechanics, to require or permit them, or any of them, to labor more than eight hours in any one calendar day, except in cases of extraordinary emergency caused by fire, flood, or danger to life or property, and work upon public military or naval works or defenses in time of war.

SEC. 2. That each and every contract to which the United States, any Territory, or the District of Columbia is a party, and every contract made for or on behalf of the United States, or any Territory, or said District, which contract may involve the employment of laborers, workmen, or mechanics, shall contain a stipulation that no laborer, workman, or mechanic in the employ of the contractor or any subcontractor doing or contracting to do any part of the work contemplated by the contract, shall be required or permitted to work more than eight hours in any one calendar day; and each and every such contract shall stipulate a penalty for each violation of the stipulation directed by this act of $10 for each laborer, workman, or mechanic, for each and every calendar day in which he shall labor more than eight hours; and the inspector or other officer or person whose duty it shall be to see that the provisions of any such contract are complied with, shall report to the proper officer of the United States, or any Territory, or the District of Columbia, all violations of the stipulation in this act provided for in each and every such contract, and the amount of the penalties stipulated in any such contract shall be withheld by the officer or person whose duty it shall be to pay the moneys due under such contract, whether the violations for which said penalties were imposed were by the contractor, his agents or employees, or any subcontractor, his agents or employees. No person on behalf of the United States, or any Territory, or the District of Columbia, shall rebate or remit any penalty imposed under any stipulation herein provided for, unless upon a finding which he shall make up and certify that such penalty was imposed by reason of an error of fact.

SEC. 3. That any officer of the United States, or any Territory, or the District of Columbia, or any person acting for or on behalf of the United States, or any Territory, or the District of Columbia, who shall violate the provisions of this act, shall be deemed guilty of a misdemeanor and be subject to a fine or imprisonment, or both, at the discretion of the court, the fine not to exceed $500, nor the imprisonment one year.

SEC. 4. That all acts and parts of acts inconsistent with this act, in so far as they are inconsistent, be, and the same are hereby, repealed. But nothing in this act shall apply to any existing contract or to soldiers and sailors enlisted, respectively, in the Army or Navy of the United States, or to seamen on seagoing vessels.

S. 4521. A bill limiting the hours of daily services of laborers and mechanics employed on work for the United States or any Territory or the District of Columbia, thereby securing better products, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each and every contract hereafter made to which the United States, any Territory, or the District of Columbia is a party, and every such contract made for or on behalf of the United States, or any Territory, or said District, which may require or involve the employment of laborers or mechanics, shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of the said work, shall be required or permitted to work more than eight hours in any one calendar day; and each and every such contract shall stipulate a penalty for each violation of the provision directed by this act of $5 for each laborer or mechanic for each and every calendar day in which he shall labor more than eight hours; and any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall, upon observation or investigation, report to the proper officer of the United States, or any Territory, or the District of Columbia all violations of the provisions in this act directed to be made in each and every such contract, and the amount of the penalty stipulated in any such contract shall be withheld by the officer or person whose duty it shall be to pay the money due under such contract, whether the violation of the provisions of such contract is by the contractor, his agents, or employees, or any subcontractor, his agents, or employees. No person on behalf of the United States, or any Territory, or the District of Columbia shall rebate or remit any penalty imposed under any provisions or stipulations herein provided for, unless upon a finding which he shall make up and certify that such penalty was imposed by reason of an error in fact.

Nothing in this act shall apply to contracts for transportation by land or water, nor shall the provisions and stipulations in this act provided for affect so much of any contract as is to be performed by way of transportation or for such material as may usually be bought in the open market, whether made to conform to particular specifications or not.

The proper officer on behalf of the United States, any Territory, or the District of Columbia may waive the provisions and stipulations in this act provided for as to contracts for military or naval works or supplies during time of war or at a time when war is imminent. No penalties shall be exacted for violation of such provisions due to extraordinary emergency caused by fire, flood, or danger to life or property. Nothing in this act shall be construed to repeal or modify chapter 352 of the laws of the Fifty-second Congress, approved August 1, 1892, or as an attempt to abridge the pardoning power of the Executive.

Immediately after the introduction of the bill in the Senate we went to the Senate Committee on Education and Labor, endeavoring to obtain some information as to what course would be followed by the Senate committee. Senator KYLE referred us to his clerk, who informed us that while he was not speaking for the committee he felt satisfied that there would be no necessity for any hearings, owing to the extensive hearings that had been held by the Senate committee during the previous Congress, and the further and still more extensive hearings which had been held by the House Committee on Labor in the present Congress, both of which hearings had been printed, and further, that as soon as the House had acted upon the bill the committee would no doubt then take up and consider the bill in executive session.

The bill having been reported to the House, we sought an interview with the Speaker of the House for the purpose of urging that a special time be set aside for the consideration of the eight-hour bill and the convict-labor bill. The Speaker accorded us the interview, in which Representatives DALZELL, of Pennsylvania, and GROSVENOR, of Ohio, members of the Committee on Rules, were present. After the Speaker and Committee on Rules had listened to what we had to say, they stated that they would take the matter under advisement. We reported this to Representative GARDNER, chairman of the Committee on Labor, and arrangements were entered into by which he was authorized and instructed to call up these two bills at the first opportunity. A few days later bills were being taken up by unanimous consent, but our bills could not be taken up that day from the fact that Representative BAILEY of Texas had served notice that he was opposed to the bill and would object, and sat in his seat all that day for the purpose of objecting in the event of the bills being called up. Our next recourse was to have the bills taken up under a suspension of the rules, which requires a two-thirds vote. This method was adopted, and we again met with a strong opposition from Representative BAILEY; in fact he was the only man who spoke in opposition to the bills, but despite this opposition the eight-hour bill passed the House, only 24 votes being cast against it, and the prison-labor bill passing by a unanimous vote on May 21, 1900.

On the next day, Tuesday, May 22, we went to the committee room of the Committee on Education and Labor of the Senate to call attention that the bills had passed the House and to urge immediate consideration by the Senate committee, and were then informed that the Senate Committee on Education and Labor would hold no more meetings during that session of Congress. We then went to see the members of the committee. We saw Senator TURLEY, of Tennessee, and were informed by him and Senator LINDSAY, of Kentucky, that they had been informed by the chairman that the business before the committee was cleared up and disposed of, and that there was a tacit understanding based upon that presumption that there would be no more meetings of the committee. They did state, however, that they were perfectly willing to meet, consider, and report upon these two bills. We then saw Senator KYLE, who informed us that he did not think anything could be done with the bills this session, and that the new members of the committee would desire hearings upon the bills. The new Senators on the committee are Senators MCCOMAS, of Maryland, and DANIEL, of Virginia. We saw them and were assured by them that they desired no hearings; that the hearings already had and in print were sufficient for them. We went to Senators PERKINS, of California, and PENROSE, of Pennsylvania, to urge that the committee be called together, and they promised that they would request Senator KYLE to call a meeting, and that they would attend the same. We received the same assurance from Senators LINDSAY, TURLEY, MCCOMAS, and DANIEL, whereupon we went to Senator KYLE and reported the matter to him. He then, on Tuesday, May 29, stated that he would call a meeting for Thursday, May 31.

On Wednesday we again saw the Senators to remind them of the meeting, and were surprised to ascertain that they had received no official notice of any meeting. They again stated that they would attend upon receiving such a notice. Senator LINDSAY said that he had business in New York on that day, but he had made arrangements so as to remain in Washington and attend the meeting.

Thursday, May 31, we called at the office of Senator PENROSE, and found that no official notice had been received. At 11 o'clock we called at the committee room on Education and Labor, and were there told by Senator KYLE that a meeting had been called by him and that everything had been prepared for the meeting, but that none of the Senators on the committee had appeared. We informed Senator KYLE that the different Senators on the committee which we had seen had been waiting an official call and had received none, whereupon the Senator stated that he had asked them personally on May 29 (Tuesday) to attend the committee meeting.

We saw Senators TURLEY, PENROSE, and other Senators about this matter and were informed that they had not understood Senator KYLE to call a meeting, but that he had endeavored to ascertain whether he could obtain a quorum, and that they had promised to be present upon a call.

The bills had passed the House on May 21, and would, under ordinary circumstances, be reported to the Senate on the 22d and referred to the Committee on Education and Labor. The following letter, under date of May 23, written by Senator KYLE to George W. Perkins, president of the Cigar Makers' International Union, is interesting in connection with the statements above made:

MAY 28, 1900.

GEORGE W. PERKINS, Esq.,
President Cigar Makers' International Union,
Monon Building, Chicago, Ill.

MY DEAR SIR: Yours of the 21st duly received. In reply will state that the House bill 6882, to which you refer, was referred to my committee only three or four days ago, after we had held our last committee meeting for this session. Since the passage of the bill by the House, scores of protests have come from all parts of the country, and it is the impression of the committee that it will be impossible to consider the case at this time. The Senate is holding sessions beginning at 11 o'clock in the morning, all committees having given up hearings except the Committee on Appropriations.

Very truly, yours, JAMES H. KYLE.

The fact that Senator ELKINS, of West Virginia, on Tuesday, May 29, introduced Senate 4906, a "bill providing for leaves of absence to certain employees of the Government," which bill was reported from the committee by Senator KYLE on Thursday, May 31, is another interesting incident, and would indicate that if there had been any desire on the part of Senator KYLE to report upon these two bills, H. R. 6882 and H. R. 5450, it might have been done.

Immediately after obtaining the information about the adjournment of the Senate Committee on Education and Labor for the session, we reported the matter to President Gompers, and steps were taken to inform the executive officers of the different national and international unions of the existing situation. Daniel J. Keefe, president of the International Longshoremen's Association; John Mitchell, president of the United Mine Workers of America; M. M. Garland, ex-president of the Iron and Steel Workers, and Harry White, secretary of the Garment Workers, upon request, came to Washington with a view of urging the passage of these two bills at this session of Congress. They had interviews with Senators CULLOM, of Illinois; HANNA and FORAKER, of Ohio; ELKINS, of West Virginia, and PLATT of New York, seeking to enlist their sympathy, and succeeded to the extent of obtaining the

promise from them that when the bills came before the Senate they would vote for them. As to what they did, see the vote taken.

It was remembered that the President of the United States had, in his message to the Fifty-fifth Congress, recommended amendments to the eight-hour law which would make it more effective, and the President was appealed to in the matter. On Tuesday, the 29th, we were assured that the bills would come out of the Senate committee on Thursday, be reported to the Senate, and considered.

On Thursday afternoon, in an interview with Senator KYLE, we were again promised by him that he would call the committee together so that the bills could be acted upon. We had in the meantime seen members of the "steering committee" about our bill; we had urged the justice of, and the necessity for, the adoption of especially the eight-hour bill, using as an argument that if it is not enacted during this session of Congress, the appropriations made for the increase of the Navy would be contracted for, and hence all the war ships and the armor for the same would be made under such conditions as to hours of labor as the contractors might decide, or be able to compel their employees to accept.

We received assurance that they "favored an eight-hour workday," and the other statements were such as to justify our hope that the bill would be considered and passed during this session. Friday came and went; no committee meeting; no action taken. Saturday came and went; no committee meeting; no action taken. So far as your committee was able to ascertain, there was no intention on the part of the majority in the Senate to pass this bill during this session of Congress. On Monday, June 4, after consultation, it was decided to ask Senator ALLEN, of Nebraska, to offer a motion to discharge the Committee on Education and Labor from further consideration of the *eight-hour bill*, and to put it on its passage, which he promised to do.

During an interview with Senator PETTIGREW we were informed by him that during that day the Senate had taken the following action with reference to bills H. R. 5450, H. R. 6882, and H. R. 10539:

"Mr. PETTIGREW. Here is a bill, House bill 5450, that ought to engage the attention of the Senate. It is a bill 'to limit the effect of the regulation of interstate commerce between the several States in goods, wares, and merchandise, wholly or in part manufactured by convict labor, or in any prison or reformatory.' I have received many letters from all over the country with regard to the evil proposed to be corrected by this legislation. This bill ought to be passed before we adjourn, and I am going to insist upon placing it in antagonism to any other unanimous consent that may be asked until we act upon it.

"There is another bill, House bill 6882, 'limiting the hours of daily services of laborers and mechanics employed upon work done for the United States, or any Territory, or the District of Columbia, thereby securing better products, and for other purposes.' This is a bill with regard to labor, and it ought also to be considered.

"There is still another bill, Mr. President, and that is the proposed anti-trust law which was passed by the House of Representatives. The Senate ought to take up that bill and dispose of it at this session of Congress; and there is no special reason why we should adjourn until we do it. As far as I am concerned, I am going to antagonize and oppose every request for unanimous consent that less important subjects may be considered which leaves out these important measures." (Page 7015, CONGRESSIONAL RECORD.)

On page 7037, CONGRESSIONAL RECORD, we find the following record of an endeavor on the part of Senator ALLEN, of Nebraska, to have the Committee on Education and Labor discharged from further consideration of H. R. 6882 and to place it on the Calendar. This colloquy between Senators ALLEN, of Nebraska, PLATT of Connecticut, and ALDRICH, of Rhode Island, is very interesting:

"Mr. ALLEN. I desire to enter a motion to discharge the committee having in charge the consideration of House bill 6882 and to place it on the Calendar.

"Mr. HALE. What bill is that?

"Mr. ALLEN. It is what is known as the eight-hour bill.

"Mr. PLATT of Connecticut. That is not in accordance with the unanimous-consent agreement.

"Mr. ALLEN. I desire to enter that motion at this time.

"Mr. ALDRICH. You can not do that.

"Mr. PLATT of Connecticut. I object to that.

"Mr. ALLEN. Does the Senator from Rhode Island object to it?

"Mr. ALDRICH. It is in violation of the unanimous-consent agreement.

"Mr. ALLEN. Does the Senator from Rhode Island object to it?

"Mr. ALDRICH. I do object. I object to anything which is contrary to the unanimous-consent agreement.

"Mr. ALLEN. Let it be noted, then, that the Senator from Rhode Island objects.

"Mr. ALDRICH. Of course it will be noted."

On page 7039 we find the following:

"Mr. PETTIGREW. I ask unanimous consent to have the resolution laid on the table and printed without reading.

"Mr. ALDRICH. What is it about?

"The PRESIDENT pro tempore. Is there objection?

"Mr. ALDRICH. I should like to have the resolution read for information.

"The PRESIDENT pro tempore. The resolution will be read.

"The Secretary read as follows: 'Resolved that the Committee on Education and Labor'——

"Mr. ALDRICH. I object to it, anyhow. It is out of the unanimous-consent agreement. I object to its reception.

"The PRESIDENT pro tempore. Objection is made."

This was the resolution to discharge the committee from further consideration of H. R. 6882 and H. R. 5450, and to place these bills on the Calendar.

As will be seen, it was objected to by Senator ALDRICH, of Rhode Island. On the next day, the 5th, it was regularly introduced, and would therefore become the regular order under morning business on the 6th.

After some consultation between your committee and the president and secretary of the Federation, it was decided that the following letter be sent to all the Senators:

WASHINGTON, D. C., *June 5, 1900.*

Hon. NELSON W. ALDRICH,
United States Senator, Washington, D. C.

DEAR SIR: As you are no doubt aware, there are now pending in Congress two bills, one commonly known as the eight-hour bill (H. R. 6882) and the other the prison labor bill (H. R. 5450). Both of these bills passed the House of Representatives by practically a unanimous vote, and both have been referred to the Senate Committee on Education and Labor.

On May 1, 1900, the eight-hour bill was introduced in the Senate by Hon. BOISE PENROSE, identically as it subsequently passed the House. Despite the efforts of the friends of the bill, a meeting of the Committee on Education and Labor has not been held for its consideration and report thereon, this, too, in view of the fact that we have every reason to believe that a majority of the committee favor its passage.

It may not be amiss to call attention to the fact that the eight-hour law of 1892 proved a sad disappointment to those who favored it; for it was found to be ineffective in so far as its scope and operations are concerned, and from that time until the present there have been uninterrupted efforts on the part of the working people, organized and unorganized, to secure its amendment in each subsequent Congress. In the Fifty-fifth Congress practically the pending bill was introduced, passed the House by unanimous vote, and failed of enactment in the closing hours of the Congress by reason of the then pressing appropriation bills to carry on the war with Spain. Though greatly disappointed at the failure of the passage of the eight-hour bill, we realized the grave situation which confronted our country, and comforted ourselves in the firm conviction that at the earliest opportunity in this Congress the bill would be enacted into law. The bill was introduced in the House and its opponents requested us not to have it introduced in the Senate, and thus abstain from taking an unfair advantage of them by diffusing their efforts. To this we consented. The bill was introduced in the House, referred to the Committee on Labor, and nine hearings were had thereon, covering a period of nearly ten weeks. Eight of these hearings were devoted exclusively to the hearings and arguments of the opposition, and they finally exhausted all their resources to oppose its passage. The Committee of Labor unanimously reported the bill favorably to the House; and, as stated above, it passed by a practically unanimous vote. It should be stated too that these hearings and arguments have been printed as are also the hearings and arguments upon the same bill for the Senate Committee on Education and Labor in the last Congress. Thus opponents have no good ground to claim that further hearings should be had on the bill, and the evidence and arguments have for nearly two months been at the disposal of the Senators and Members of the House.

Nor is it out of place to correct the impression which the opponents have endeavored to create in the minds of some Senators that the bill contains a penalty of imprisonment for violation of its provisions. Even a casual examination of the bill will demonstrate its eminent practicability and its freedom from any provision against the interests of the people or the policy and interests of the Government. That the principle involved in this bill for a shorter workday is economically and socially right and just is not even questioned by its opponents; that the demand for the eight-hour day is universal among the toilers of the United States can not be questioned. In the language of one of the most prominent citizens of our country, "the eight-hour day is as great a shibboleth and principle with the working people of the United States as is the Gospel to the devout Christian and the Declaration of Independence to the patriotic American."

What is true of the eight-hour bill is equally true of the bill to regulate prison labor.

It is said that there is now not sufficient time to pass this bill at the present session of Congress. It is not out of place to say that there is a grave suspicion in the minds of many working people that unless the bill does pass before this session of Congress adjourns that their interests have been trifled with and their credulity imposed upon. There can be no question but if there is a real disposition to pass this bill it can be enacted, ample hearings and arguments having been had thereon.

The wage-workers of America, who are expecting relief, will be unable to understand why it is not granted when the Congress has power to do so. There can be no question but that the failure to grant this relief at this session of Congress will contribute largely to destroy the belief held by earnest, thinking, conservative workers that when their grievances are intelligently presented to Congress they will be remedied by legislative action.

If this subject-matter and the bill itself had not received ample discussion, I should hesitate to make the suggestion I now do; that is, to favor the proposition now pending in the Senate, and which will be before that body for consideration to-morrow—Wednesday, June 6, 1900—to discharge the Senate Committee on Education and Labor from further consideration of the eight-hour bill and the prison-labor bill and put them on their passage.

For the above reasons, and in the name of the workers of our country, both organized and unorganized, I earnestly beseech you to work and vote to secure the passage of these bills.

Very respectfully yours, SAML. GOMPERS,
President A. F. of L.

This letter was delivered to the Senators during the night session between the 5th and 6th.

In the CONGRESSIONAL RECORD, pages 7332 and 7333, we find the following:

"Mr. PETTIGREW. I move that the Senate proceed to the consideration of Senate resolution No. 397, which is on the table.

"Mr. HAWLEY. I move to lay the motion on the table.

"The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Senator from South Dakota moves that the Senate proceed to the consideration of Senate resolution No. 397, and the Senator from Connecticut moves to lay the motion on the table.

"Mr. PETTIGREW. On that I ask for the yeas and nays.

"Mr. CHANDLER. Is a motion to proceed to the consideration of a measure subject to be laid on the table?

"The PRESIDING OFFICER. No; the Chair will rule that it is not. The question is on agreeing to the motion of the Senator from South Dakota, that the Senate proceed to the consideration of a resolution which will be read.

"Mr. ALLISON. Is the resolution pending before the Senate?

"The PRESIDING OFFICER. The Chair so understands.

"Mr. LODGE. No; it has never been reported.

"Mr. ALLISON. The motion of the Senator from South Dakota is to discharge the committee from the further consideration of the bill, and therefore the bill is not before the Senate.

"Mr. PETTIGREW. I simply ask to have the resolution considered.

"Mr. ALLISON. The resolution to discharge the committee from the further consideration of the bill?

"Mr. PETTIGREW. Yes; it comes over from yesterday.

"Mr. CULLOM. Read the resolution.

"The PRESIDING OFFICER. The Secretary will read the resolution.

"The SECRETARY. Senate resolution No. 397——

"Mr. HAWLEY. I want this thing distinctly understood. Does the Chair rule that my motion is not in order?

"Mr. CULLOM. What was the motion?

"Mr. HAWLEY. To lay on the table.

"Mr. LODGE. To lay on the table the motion to proceed to the consideration of the resolution.

"Mr. CHANDLER. It is not in order pending the motion to proceed to the consideration of the resolution.

"Mr. HAWLEY. I move to lay the motion of the Senator from South Dakota on the table.

"Mr. CHANDLER. If the resolution is taken up, it will be in order to move to lay it on the table.

"The PRESIDING OFFICER. The Chair is constrained to rule against the Senator from Connecticut. A motion to lay on the table is not in order under the rules of the Senate. The motion being nondebatable, it can not be laid on the table.

"Mr. PLATT of Connecticut. When the resolution is once before the Senate, then a motion to lay it on the table will be in order.

"The PRESIDING OFFICER. Unquestionably.

"Mr. PETTIGREW. Is not the resolution in order as coming over from yesterday, and therefore before the Senate, and any proper motion is in order?

"The PRESIDING OFFICER. The present occupant of the chair is not aware of any arrangement or suggestion that may have been made concerning the resolution. He will be pleased to be informed.

"Mr. PETTIGREW. The resolution was offered yesterday and went over, on objection, under the rule. It therefore comes up regularly.

"The PRESIDING OFFICER. If that is the status of the resolution, it undoubtedly would come in its regular order without a motion.

"Mr. PETTIGREW. Yes.

"The PRESIDING OFFICER. And it is now before the Senate.

"Mr. CULLOM. Read it.

"Mr. PETTIGREW. Let it be read.

"Mr. HAWLEY. I move to lay the resolution on the table.

"The PRESIDING OFFICER. Let it be read first.

"The Secretary read the resolution submitted by Mr. PETTIGREW on the 5th instant, as follows:

"*Resolved*, That the Committee on Education and Labor be discharged from further consideration of H. R. 6882, an act limiting the hours of daily services of laborers and mechanics employed upon work done for the United States or any Territory or the District of Columbia, thereby securing better products, and for other purposes, and that said committee be also discharged from the further consideration of H. R. 5450, an act to limit the effect of the regulation of interstate commerce between the several States in goods, wares, and merchandise wholly or in part manufactured by convict labor or in any prison or reformatory, and that both of said bills be placed upon the Calendar.

"Mr. HAWLEY. I move to lay the resolution on the table.

"The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Connecticut to lay the resolution on the table.

"Mr. PETTIGREW and Mr. TELLER called for the yeas and nays, and they were ordered.

"The Secretary proceeded to call the roll.

"Mr. BUTLER (when his name was called). I have a general pair with the Senator from Maryland [Mr. WELLINGTON], but I transfer it to the Senator from Nebraska [Mr. ALLEN], and will vote. I vote 'nay.'

"Mr. DAVIS (when his name was called). I have a general pair with the Senator from Texas [Mr. CHILTON].

"Mr. JONES of Arkansas (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH]. I should vote 'nay' if he were present.

"Mr. LODGE (when his name was called). I have a general pair with the junior Senator from Georgia [Mr. CLAY]. Not seeing him in the Chamber, I withhold my vote. If he were present, I should vote 'yea.'

"Mr. MORGAN (when his name was called). I am paired with the junior Senator from Iowa [Mr. Gear].

"Mr. PETTUS (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. HOAR].

"Mr. BATE (when Mr. TURLEY's name was called). My colleague is absent. He is paired, however, with the Senator from Wisconsin [Mr. SPOONER]. If my colleague were here, he would vote 'nay.'

"The roll call was concluded.

"Mr. LODGE. I announced my pair with the Senator from Georgia [Mr. CLAY]. I transfer that pair to the Senator from North Dakota [Mr. MCCUMBER], and will vote. I vote 'yea.'

"Mr. BURROWS. I am paired with the senior Senator from Louisiana [Mr. CAFFERY]. I withhold my vote.

"Mr. BACON. My colleague [Mr. CLAY] has been unavoidably called to attend to some urgent business in one of the Departments. He left under an arrangement to pair with the junior Senator from Massachusetts [Mr. LODGE]. If my colleague were present, he would vote 'nay.'

"The result was announced—yeas 33, nays 28; as follows:

YEAS—33.

Allison, R.	Hansbrough, R.	Ross, R.
Baker, R.	Hawley, R.	Scott, R.
Beveridge, R.	Kean, R.	Sewell, R.
Chandler, R.	Kyle, R.	Shoup, R.
Deboe, R.	Lodge, R.	Simon, R.
Fairbanks, R.	McComas, R.	Stewart, R.
Foraker, R.	McMillan, R.	Thurston, R.
Foster, R.	Platt, Conn., R.	Vest, D.
Gallinger, R.	Platt, N. Y., R.	Warren, R.
Hale, R.	Proctor, R.	Wetmore, R.
Hanna, R.	Quarles, R.	Wolcott, R.

NAYS—28.

Bacon, D.	Harris, D.	Nelson, R.
Bard, R.	Heitfeld, P.	Penrose, R.
Bate, D.	Jones, Nev., R.	Pettigrew, P.
Berry, D.	Kenney, D.	Sullivan, D.
Butler, P.	Lindsay, D.	Taliaferro, D.
Carter, R.	McBride, R.	Teller, R.
Clark, R.	McEnery, D.	Tillman, D.
Culberson, D.	Mallory, D.	Turner, D.
Cullom, R.	Mason, R.	
Daniel, D.	Money, D.	

NOT VOTING—25.

Aldrich, R.	Elkins, R.	Perkins, R.
Allen, P.	Frye, R.	Pettus, D.
Burrows, R.	Gear, R.	Pritchard, R.
Caffery, D.	Hoar, R.	Rawlins, D.
Chilton, D.	Jones, Ark., D.	Spooner, R.
Clay, D.	McCumber, R.	Turley, D.
Cockrell, D.	McLaurin, D.	Wellington, R.
Davis, R.	Martin, D.	
Depew, R.	Morgan, D.	

So the resolution was laid on the table.

In conclusion, we desire to say that of the sundry measures above referred to it is worthy of note that when they passed the House they were buried in the Senate, and when they passed the Senate they were, with one exception (the abolition of slavery in Hawaii), buried in the House.

Respectfully submitted.

ANDREW FURUSETH,
GEO. CHANCE,
T. F. TRACY,
Legislative Committee.

Mr. PETTIGREW. Now, I desire to have the Secretary read a letter handed to me by this legislative committee, dated February 26.

The PRESIDENT pro tempore. Is there objection to the reading of the letter? The Chair hears none, and it will be read.

The Secretary proceeded to read the letter.

Mr. GALLINGER. I desire to ask who wrote that letter? It seems to be a letter in criticism of the action of a committee of this body.

Mr. PETTIGREW. The letter was written by the representatives of the Federation of Labor—their legislative committee. It is not a criticism, but is a statement of facts.

Mr. GALLINGER. The letter will go into the RECORD, I have no doubt; and yet I want to protest against some party outside writing a letter in criticism of a committee of this body and having it spread upon the record, without any knowledge on our part as to whether the facts are as stated or not. I think it is a very bad custom to pursue in the Senate. I do not, however, object to the reading.

The PRESIDENT pro tempore. Before the reading of the letter began the Chair inquired if there was objection, and no objection was made. The Secretary will continue the reading.

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

WASHINGTON, D. C., *February 26, 1901.*

DEAR SIR: We desire to call your attention to the status of the bills now pending in the Senate, particularly H. R. 6882, and the manner in which consideration of that bill has been treated during the present session of Congress.

We have endeavored all during the session to have a committee meeting to consider this bill among others. The chairman of the committee, Senator KYLE, has insisted that before our bills could receive consideration there must be present at the meeting a quorum of the committee. Many meetings have been called, and to our full knowledge there has not been a quorum present at any meeting of the committee held during this session.

We have also been promised that meetings would be called on certain days; and we found upon investigation that no call had been sent out. In interviewing some of the Senators who are on the committee, they took objection to the time of day at which the meeting was called, to wit, 11 o'clock a. m., stating that the Senate going into session at that hour it was necessary for them to be on the floor of the Senate instead of attending committee meetings. This fact was brought to the attention of Senator KYLE, and he informed us that he would again call a meeting of the committee for that hour, and assured us that it would be easier to get a quorum at that time than at any hour earlier in the day. That meeting was supposed to have been called for a week ago last Friday; but, on going to the committee room, we were informed that the chairman of the committee had not called a meeting for that day.

It was again promised us that a meeting would be called for the following Tuesday; and on that day there was not a quorum present.

We then pressed for another meeting, and it was agreed that there should be a meeting on last Saturday at 10.30 o'clock a. m. Two of the members of the committee—Senators PERKINS and TURLEY—were present at that time, and waited in the committee room until 11 o'clock, when they had to leave to attend to their duties on the floor of the Senate. Later, Senators MCCOMAS and DANIEL appeared at the committee room and stayed there for some time, presumably considering the eight-hour bill. At no one time was there a quorum of the committee present.

From interviews held with the various members of the committee, we are firmly of the opinion that had the committee had the opportunity of meeting at an hour that would not have conflicted with their other duties the bill would have been reported from the committee early in this session.

It is peculiar to notice that on page 207 of the July issue of the American Federationist that Senator KYLE says, over his own signature, to G. W. Perkins, president of the Cigar Makers' International Union, in reply to a letter received by him, and answered on May 28, 1900, that one of the reasons for the committee, during the last session of Congress, not holding meetings to consider these bills was from the fact that the Senate began meeting at 11 o'clock in the morning, and for that reason the committee could not be gotten together. It is also strange to notice that every meeting, or every supposed meeting, of the committee that was called during this session, with the exception of the meeting last Saturday, which was called at 10.30, was called at the very hour at which the chairman of the committee contended it was impossible to get a meeting during the last session of Congress.

Further than this, we beg to note that while there was not a quorum present at the meeting last Saturday, the chairman of the committee yesterday reported to the Senate from the committee an amendment to the sundry civil bill calling for an appropriation in the direction of extending the life of the Industrial Commission for another two years.

We feel that we are justified in asking you to press the resolution which you have introduced, as, in any event, it is as well that our bill dies on the floor of the Senate as to have it practically strangled in a pocket or pigeonhole in the desk of the chairman of the Committee on Education and Labor.

We inclose herein copy of our report on the eight-hour bill during the last session of Congress, which will be found on page 205 and succeeding pages.

With every expression of good wishes, we remain, yours, very truly,

ANDREW FURUSETH,
THOS. F. TRACY,
Legislative Committee, American Federation of Labor.

Hon. R. F. PETTIGREW,
United States Senate.

Mr. PLATT of Connecticut. Mr. President, I make the point of order that this resolution is not in order during the morning hour; that it is a resolution not only to discharge the committee, but to proceed to the consideration of the bill named; and that that part of the resolution clearly is not in order, and when such a motion is made it must be decided without debate. That portion of the resolution to proceed to the consideration of a bill can only be made when the morning hour has expired.

Mr. HOAR. The Senator means when the morning business has been concluded.

Mr. PLATT of Connecticut. Yes; when the morning business has been concluded, and the Calendar of the Senate is in order.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. PETTIGREW. I desire to amend the resolution so as to strike out the last two lines, which provide that the Senate

proceed to the consideration of the bill. I offer the resolution in that way.

The PRESIDENT pro tempore. The Senator from South Dakota modifies his resolution. The modification will be stated.

The SECRETARY. In line 6, after the word "purposes," strike out "and that the Senate proceed to consider the same."

Mr. PETTIGREW. As modified, I desire that the resolution shall be adopted.

The PRESIDENT pro tempore. The question is on agreeing to the resolution as modified.

Mr. PLATT of Connecticut. Mr. President, I do not think this resolution ought to be adopted, especially after the criticism of this committee, which, the Senator from South Dakota says, is insisting on this legislation, and which has been spread upon the record, reflecting upon the chairman of a committee of the Senate.

Mr. HOAR. I rise to a question of order, Mr. President.

The PRESIDENT pro tempore. The Senator from Massachusetts will state his point of order.

Mr. HOAR. I do not like to cut off the Senator from Connecticut, but I think he is out of order. My proposition is that this resolution, having been ruled out of order as containing in it a motion to proceed to the consideration of the bill named before the morning business is over, and the Chair having sustained the point of order, the resolution can not then be amended and made in order. The Senator from South Dakota must introduce a new resolution, which would go over until the next day under the ordinary rule of the Senate.

So I submit that the resolution can not now be proceeded with, even if an amendment is made to the resolution. That would be out of order. The matter has been ended and terminated by the ruling of the Chair, and the resolution can not be amended and presented and take precedence of all other business.

Mr. PETTIGREW. I insist that the point of order was prematurely made. I had a right to modify the resolution before it was ruled upon, and therefore the rule of the Senate as practiced would be to consider the question open and not ruled upon.

Mr. HOAR. If the resolution was ruled out of order, it could bring nothing before the Senate for action. It is out of order and is not here, it having been so ruled, and the Senator can not take such lines of it as are in order and have the right of way and precedence by dropping the rest. He must introduce a new resolution; he has a right to do that and let it go over until to-morrow. That is my point.

Mr. PLATT of Connecticut. I think that course was pursued under the ruling of the Chair by the Senator from Arkansas [Mr. JONES], who moved to discharge a committee from the consideration of a bill and that the Senate proceed to its consideration. It was held that the resolution was out of order. Thereupon he introduced a new resolution, which went over until the next day.

The PRESIDENT pro tempore. The Chair is of the opinion that the Senator from Massachusetts [Mr. HOAR] is clearly correct. The point of order having been made and having been ruled upon, there is no resolution before the Senate.

Mr. PETTIGREW. Then, as modified, I desire to reintroduce the resolution at this time.

The PRESIDENT pro tempore. Is there objection to the Senator from South Dakota presenting a resolution at this time? The Chair hears none.

Mr. HAWLEY. I object.

Mr. PLATT of Connecticut. I do not think there can be any objection to the Senator from South Dakota presenting a new resolution, with the last clause stricken out.

Mr. HAWLEY. All right.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The Senator from South Dakota offers a resolution, which will be read.

The Secretary read as follows:

Resolved, That the Committee on Education and Labor be discharged from the further consideration of the bill (H. R. 6882) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or any Territory or the District of Columbia, thereby securing better products, and for other purposes.

Mr. PLATT of Connecticut. Let the resolution go over.

The PRESIDENT pro tempore. Objection being made, the resolution goes over under the rule.

AUTOMATIC CAR COUPLERS.

Mr. PETTIGREW. I ask unanimous consent to submit another resolution, which I ask to have read and go over under the rule.

The PRESIDENT pro tempore. Is there objection to the Senator presenting the resolution at this time? The Chair hears none, and the resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That the Committee on Interstate Commerce be discharged from further consideration of H. R. 10302, an act to amend an act to promote the safety of employees, etc., by requiring common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes, etc., approved March 2, 1893.

The PRESIDENT pro tempore. The resolution goes over on the request of the Senator offering it.

The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. PETTIGREW on the 26th instant, as follows:

Resolved, That the Committee on Interstate Commerce be discharged from further consideration of H. R. 10302, an act to amend an act to promote the safety of employees, etc., by requiring common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes, etc., approved March 2, 1893, and that the Senate proceed to the consideration of said bill.

Mr. PETTIGREW. I wish to withdraw that resolution.

The PRESIDENT pro tempore. The resolution is withdrawn.

CORRESPONDENCE RELATIVE TO GUNNER CHARLES MORGAN.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution yesterday submitted by Mr. ALLEN, as follows:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to send to the Senate copies of the letter of Charles Morgan, gunner in the United States Navy, addressed to Admiral W. T. Sampson in the month of February, 1901, asking for a recommendation to the Secretary of the Navy for promotion to the office of ensign in the Navy, and Admiral Sampson's indorsement thereof, and all other letters and communications on the subject between Admiral Sampson and the Navy Department.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

SECURITIES OF INTERSTATE RAILROAD COMPANIES.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution yesterday submitted by Mr. PETTIGREW, as follows:

Resolved, That the Interstate Commerce Commission be, and is hereby, directed to furnish the Senate with a statement showing in detail the character and par value of all common stock, preferred stock, mortgage bonds, income bonds, car trust certificates, and other securities issued or authorized to be issued by each railroad company subject to the provisions of the act to regulate commerce, together with the par value of each class of such securities outstanding on June 30, 1900, the rate of interest or dividends paid thereon during the year ended June 30, 1900, and the market value of such securities on March 31, June 30, September 30, and December 31, 1900.

Mr. HOAR. Mr. President, I do not want to object. I think that if any Senator wants that information it certainly ought to be furnished, and so I shall favor the resolution.

Mr. KEAN. I think it had better go to the Committee on Interstate Commerce.

Mr. HOAR. The only question with me regarding the resolution is whether a sum of money should not be put at the command of the Interstate Commerce Commission, or whether they can procure and furnish information at their own cost.

Mr. PETTIGREW. I think unquestionably they can.

Mr. HOAR. Then I have no objection to the resolution.

Mr. SEWELL. Any gentleman can get from the Interstate Commerce Commission any information in possession of the commission at any time.

Mr. PETTIGREW. I think the commission can get information without any expenditure.

Mr. KEAN. I think the resolution had better be referred to the Committee on Interstate Commerce. Poor's Manual contains such information and is on sale almost everywhere.

The PRESIDENT pro tempore. The Senator from New Jersey [Mr. KEAN] moves that the resolution be referred to the Committee on Interstate Commerce.

Mr. PETTIGREW. If that motion is made for the purpose of killing the resolution, I am very much opposed to it; but if the Committee on Interstate Commerce wish to examine the matter and will act upon it—and it is pretty hard to make them act on anything—I shall not object to its reference.

Mr. CULLOM rose.

Mr. PETTIGREW. I do not refer to the chairman of the committee, but he has a committee that will probably not report the resolution.

Mr. CULLOM. I rise to inquire whether the resolution is to be referred to the Committee on Interstate Commerce or to the Commission on Interstate Commerce? I did not quite understand it.

The PRESIDENT pro tempore. The information is called for from the Interstate Commerce Commission.

Mr. CULLOM. I have no special objection to the Interstate Commerce Commission furnishing the Senate with the information.

Mr. ALLEN. Let the resolution be again read.

The PRESIDENT pro tempore. The resolution will be again read.

The Secretary again read Mr. PETTIGREW'S resolution.

Mr. CULLOM. I have no objection to the adoption of that resolution.

Mr. KEAN. I move that the resolution be referred to the Committee on Interstate Commerce.

The PRESIDENT pro tempore. The question is on the motion of the Senator from New Jersey.

Mr. HOAR. Mr. President, I hope that order will not be made. It seems to me the Senate ought to observe its usual custom in this matter, unless in a very extreme case, and that is when a Senator asks for information from one of the Departments of the Government the Senate, as a general rule, authorizes it. Here is information which the Interstate Commerce Commission can undoubtedly furnish. They have the mechanism; it is one of the things they are created for, and I think the Senator has just as much right to have that information, unless it is going to be expensive to furnish it, as if he had asked that a book be sent for from the Library.

Mr. MONEY. I desire to say that we have not heard one word uttered by the Senator from Massachusetts on this side of the Chamber.

Mr. CULLOM. It is only a question of an inquiry to the Interstate Commerce Commission, which was made by the Senator from South Dakota [Mr. PETTIGREW]. The Senator from New Jersey [Mr. KEAN] moved to refer the resolution to the Interstate Commerce Committee. I do not see any occasion for that reference. I do not see why the Interstate Commerce Commission might not be authorized to furnish the information.

Mr. STEWART. I should like to inquire of the chairman of the Interstate Commerce Committee if the information called for is in the records of the commission, or will they have to investigate outside of those records?

Mr. CULLOM. They will be required to investigate beyond their own records, but that is part of their duty.

Mr. HAWLEY. I rise for information.

Mr. STEWART. Has the Interstate Commerce Commission the means at hand for furnishing the information?

Mr. CULLOM. I think they have.

Mr. STEWART. Then I do not object.

Mr. HAWLEY. I want to ask some of the gentlemen who are more familiar with these questions than I am whether the whole of the information called for is not in Poor's Manual?

Mr. CULLOM. A great many of these things are in Poor's Manual.

Mr. SEWELL. My colleague [Mr. KEAN] suggested that the Senator who offered the resolution could get all the information called for in Poor's Manual, and in all probability the Interstate Commerce Commission will go to Poor's Manual to procure it.

Mr. HOAR. If all this information is in Poor's Manual and the commission will go to Poor's Manual to procure it, it can be done very easily, and they will send it here. We shall then have the advantage, when the information comes in, of that commission's indorsement of Poor's Manual, and it can be made a public document.

I wish to appeal to the Senate not to break, except for some very grave and serious reason, into the custom of the Senate, which, on the whole, has proved convenient and saved long discussions; and that is, when a Senator representing a State in this Union rises in his place and says, "I want some information in the discharge of my duties, or that it may be brought before the public in connection with the duties of the Senate," we grant that as a matter of course. I appeal to Senators not to break in upon that custom.

Mr. KEAN. I withdraw the motion I made, Mr. President, for the reference of the resolution.

The PRESIDENT pro tempore. The motion to refer is withdrawn. Will the Senate agree to the resolution?

The resolution was agreed to.

RIVER AND HARBOR BILL.

Mr. KYLE. Mr. President——

Mr. NELSON. I move that the Senate proceed to the consideration of the river and harbor bill.

Mr. MONEY. I ask the Senator to yield to me for a moment to have considered and passed a local bridge bill, which has passed the House and has been favorably reported by the Committee on Commerce.

Mr. NELSON. I hope the Senator will allow the river and harbor bill to be taken up, and then we can afterwards consider his bill.

Mr. MONEY. Very well.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Minnesota [Mr. NELSON] that the Senate proceed to the consideration of the bill named by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to the consideration of the bill (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which had been reported from the Committee on Commerce with amendments.

Mr. NELSON. I ask unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the amendments proposed by the Committee on Commerce be first considered.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Minnesota [Mr. NELSON]? The Chair hears none, and that order is made.

Mr. MONEY. Now, I ask unanimous consent of the Senate for the consideration of a local bridge bill.

Mr. BURROWS. Mr. President——

The PRESIDENT pro tempore. For what purpose does the Senator from Michigan rise?

Mr. BURROWS. To present a conference report.

The PRESIDENT pro tempore. The Senator has that right.

DANIEL COONAN.

Mr. BURROWS. I submit the conference report which I send to the desk, and ask to have read.

The PRESIDENT pro tempore. The Senator from Michigan submits a conference report, which will be read.

The Secretary 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. 3288) for the relief of Daniel Coonan, 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: In line 2 of the amendment strike out the word "pensions," and the House agree to the same.

J. C. BURROWS,
F. E. WARREN,
F. M. COCKRELL,
Managers on part of the Senate.
ADIN B. CAPRON,
F. C. STEVENS,
THOMAS M. JETT,
Managers on part of the House.

The report was agreed to.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. SEWELL. Mr. President, I rise to a privileged report. I present the report of the conference committee on the Military Academy appropriation bill.

The PRESIDENT pro tempore. The Senator from New Jersey presents a conference report, which will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12846) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1902, 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 amendments numbered 11 and 13.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 6, 7, 8, 9, 10, 12, 14, 15, 16, 17, 18, 19, 20, and 21, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

After the word "Navy," at the end of line 17, page 1 of the amendments, add "or Marine Corps, until two years after the graduation of the class of which he was a member;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with amendments as follows: On page 2 of the amendments, lines 17 and 18, strike out "allowances and emoluments," and on page 3, line 6, strike out "officers and;" and the Senate agree to the same.

W. J. SEWELL,
F. E. WARREN,
W. A. HARRIS,
Managers on the part of the Senate.
J. A. T. HULL,
CHARLES DICK,
JAMES L. SLAYDEN,
Managers on the part of the House.

Mr. SEWELL. I beg to say, in explanation of the report, that the House conferees recede from the eleventh and twelfth sections, which were proposed for the punishment of cadets, and we modified the original clause as adopted by the Senate by adding after the word "Navy," at the end of line 17, on page 1 of the amendment, "or Marine Corps, until two years after the graduation of the class of which he was a member." The punishment ceases at the end of two years from the graduation of the class of which the cadet was a member.

I think the report will be satisfactory to the Senate.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

AGRICULTURAL APPROPRIATION BILL.

Mr. PROCTOR. I present the report of the committee on conference on the Agricultural appropriation bill.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13801) making appropriations for the Department of Agriculture for the fiscal year ending June 30,

1902, 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 amendments numbered 53, 55, 70, 72, 73, and 83.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 54, 56, 57, 58, 59, 60, 61, 62, 63, 67, 68, 71, 74, 75, 76, 77, 78, 79, 80, 81, and 82; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2. and agree to the same with an amendment as follows: On page 8, line 23, in lieu of the words "forty-three" insert the words "forty-six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: On page 33, line 21, strike out the word "ten," stricken out by said amendment, and insert "twenty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: On page 33, line 22, strike out the word "sixty," stricken out by said amendment, and insert "sixty-three;" also, on page 33, line 24, after the word "Columbia," insert "of which sum $3,000 shall be immediately available;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: On page 34, lines 1 and 2, strike out the words "forty-six," stricken out by said amendment, and insert "fifty-six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: On page 39, in line 3, strike out the words "five hundred;" and the Senate agree to the same.

REDFIELD PROCTOR,
H. C. HANSBROUGH,
WILLIAM B. BATE,
Managers on part of the Senate.

J. W. WADSWORTH,
E. S. HENRY,
JOHN S. WILLIAMS,
Managers on part of the House.

Mr. BUTLER. I could not tell from the reading of the conference report, and of course no Senator could, just what is done. I should like to inquire with respect to the Senate amendment to increase the appropriation for the distribution of seeds. Did the House accept the Senate amendment or did the Senate conferees recede?

Mr. PROCTOR. The House by a vote, not by the act of the conferees, accepted the Senate amendment.

Mr. BUTLER. So the Senate amendment remains in?

Mr. PROCTOR. Yes.

The PRESIDENT pro tempore. The question is on agreeing to the report of the committee of conference.

The report was agreed to.

SPANISH WAR CLAIMS.

Mr. FORAKER. I move that the Senate proceed to the consideration of the conference report on the bill (S. 2799) to carry into effect the stipulations of Article VII of the treaty between the United States and Spain concluded on the 10th day of December, 1898.

The motion was agreed to; and the Senate proceeded to consider the report.

Mr. BUTLER. I wish to inquire whether this is the bill creating a commission to adjudicate claims?

Mr. FORAKER. It is.

Mr. BUTLER. I have myself, from what investigation I have been able to give it, very grave doubts about the wisdom of this legislation. It seems to me that it is an opening for a raid on the Treasury, the limit of which none of us can know. There is no Senator here who has any conception—unless it is the Senator in charge of the bill, and if he has he has not informed the Senate—how much appropriation this will lead to, how many claims it will cover.

Mr. FORAKER. This is to settle claims which the United States, by treaty with Spain, assumed and obligated itself to settle and pay. I do not know what will be the amount of those claims. I understand that there have been filed in the office of the Secretary of State claims amounting to something more than $20,000,000 in the aggregate. I do not know how just they are or to what extent they will be finally allowed, but the Senator will concede that the United States is under obligations to provide for the adjudication of those claims. It is an international obligation, a sacred compact, and one which we ought to proceed promptly to carry out.

When this measure was before the Senate and in the House it was debated as other measures are. It is now reported from a conference committee, and the only question is whether or not what the conferees have agreed upon shall be adopted by the respective Houses. The House of Representatives has adopted this report, and I hope the Senate will adopt it without further prolonging the consideration. I have had it passed over two or three times for further consideration, each time on account of a supposed constitutional question. I think all the lawyers in the Senate pretty much have examined the authorities in regard to that point, and are satisfied that there is no difficulty whatever about the provision on the ground of unconstitutionality.

Mr. BUTLER. Not being a member of the committee having the matter in charge, I do not feel familiar enough with the details of it to be justified in objecting or in detaining the matter further. Yet I do feel that it is a very serious piece of legislation, and that it is going to result in a great raid on the Treasury.

Mr. FORAKER. It can not. We are under obligations to hear and determine these claims, and whatever they are we have to pay them.

The PRESIDENT pro tempore. The question is on agreeing to the report of the committee of conference.

The report was agreed to.

FORT FETTERMAN MILITARY RESERVATION.

Mr. CLARK 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. 323) entitled "An act granting homesteaders on the abandoned Fort Fetterman Military Reservation in Wyoming the right to enter one quarter section of public land on said reservation as pasture or grazing land," 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 of Representatives numbered 1, 2, 3, 5, 6, and 7; and agree to the same.

That the House recede from its amendment numbered 4.

H. C. HANSBROUGH,
THOMAS H. CARTER,
C. D. CLARK,
Managers on the part of the Senate.

JOHN D. LINNEY,
CHARLES H. BURKE,
JOHN F. SHAFROTH,
Managers on the part of the House.

The report was agreed to.

CITIZENS' BRIDGE COMPANY.

Mr. DOLLIVER. I ask unanimous consent for the present consideration of the bill (H. R. 13707) authorizing the Citizens' Bridge Company to construct a bridge across the Mississippi River.

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Iowa?

Mr. NELSON. I trust that Senators will not ask unanimous consent. There are three or four bridge bills, and if we let in one we have to let in all. I suggest to Senators who ask unanimous consent that there will be ample time when the appropriation bills are in conference to consider these bills. I dislike to object to anyone, but if you admit one you have to admit another, and there will be no end of it. I suggest to the Senator from Iowa that he defer his request until later in the day.

Mr. DOLLIVER. I supposed, when the motion was made to take up the river and harbor bill, that the Senator from Minnesota signified his intention to yield to me on this matter, which is of pressing importance.

Mr. NELSON. I will yield if Senators will not continue to ask further consent.

Mr. BATE. There are only three of these bridge bills, and they are all short and undisputed.

Mr. NELSON. There are three.

Mr. BATE. They are all bridge bills about which there is no contest, and they will take no time.

Mr. NELSON. I will yield to the three bridge bills, but after that I hope Senators will not ask further unanimous consent.

Mr. BATE. Very well.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent for the present consideration of the bill (H. R. 13707) authorizing the Citizens' Bridge Company to construct a bridge across the Mississippi River. Is there objection?

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.

CUMBERLAND RIVER BRIDGE, CARTHAGE, TENN.

Mr. BATE. The next one of the three bills is the bill (H. R. 13992) authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn., and I ask unanimous consent for its present consideration.

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.

RED RIVER (LOUISIANA) BRIDGES.

Mr. McENERY. I ask unanimous consent to call up the bill (S. 6054) authorizing the Texas and Pacific Railway Company to construct a bridge across the Red River, Louisiana. It is a short bill and will take but little time.

The PRESIDENT pro tempore. The Senator from Minnesota agreed to yield to three bridge bills.

Mr. BERRY. The Senator from Minnesota declined to yield to the Senator from Nebraska, but if he yields to the Senator from Louisiana, I shall have nothing to say about it.

Mr. NELSON. I shall have to decline to yield unless it is a bridge bill. I agreed to yield to three bridge bills.

Mr. BERRY. All right.

The PRESIDENT pro tempore. This is a bridge bill.

Mr. CLAY. I understand the Senator from Minnesota to yield to a bridge bill of 12 lines which I have.

Mr. NELSON. If it is a short bridge bill, I will yield to it.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill indicated by the Senator from Louisiana.

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

The first amendment was, in section 1, page 1, line 5, after the word "Louisiana," to insert "at a point suitable to the interests of navigation;" so as to read:

That the Texas and Pacific Railway Company is hereby authorized and empowered to construct and maintain a bridge across the Red River, Louisiana, at a point suitable to the interests of navigation, at or near Turnbulls Island, so as to connect its lines south of Red River with proposed lines on the opposite or north bank of said river.

The amendment was agreed to.

The next amendment was, in section 2, page 1, line 10, after the word "secured," to insert "and maintained;" so as to read:

SEC. 2. That said bridge shall be so constructed that a reasonable, free, and unobstructed passageway may be secured and maintained by proper draws to all water craft navigating said river at the point aforesaid, and that said draw or draws shall be opened promptly upon reasonable signal for the passage of boats and vessels.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 5, after the word "been," to insert "submitted to and;" so as to make the section read:

SEC. 3. That said bridge shall not be built or commenced until the plans and location of the same shall have been submitted to and approved by the Secretary of War; that no change shall be made in this construction, and no alteration of it after its construction, unless such change or alterations shall in like manner receive the approval of the Secretary of War.

The amendment was agreed to.

The next amendment was to insert the following proviso at the end of section 3:

Provided, That if said bridge shall at any time substantially or materially obstruct the free navigation of said river or shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and such alteration shall be made and all such obstructions be removed at the expense of the owner or owners of said bridge.

The amendment was agreed to.

The next amendment was, in section 5, page 2, line 23, after the word "year," to strike out "after notification of the approval of plans" and insert "from the date of approval of this act;" so as to make the section read:

SEC. 5. This act shall be null and void if the actual construction of the bridge herein authorized be not commenced within one year from the date of approval of this act, etc., and completed within three years from the date thereafter.

The amendment was agreed to.

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

SEC. 6. That said bridge built under this act and subject to its limitations shall be a lawful structure and shall be recognized and known as a post route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and munitions of war of the United States than the rate per mile paid for the transportation over the railroad or public highways leading to the said bridge, and shall enjoy the rights and privileges of other post-roads in the United States; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across said bridge and its approaches for postal telegraph and telephone purposes.

The amendment was agreed to.

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

SEC. 7. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same and the approaches thereto upon payment of a reasonable compensation for such use; or, in case of disagreement, upon such terms and conditions as shall be prescribed by the Secretary of War upon hearing the allegations and proofs of the parties in interest.

The amendment was agreed to.

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

SEC. 8. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

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

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

PEARL RIVER BRIDGE, MONTICELLO, MISS.

Mr. MONEY. I ask unanimous consent for the present consideration of the bill (H. R. 14144) to authorize the construction of a bridge across Pearl River at Monticello, Miss. It is approved by the Engineer Corps; it has been passed by the House; it has been approved by the Senate committee, and it will take only a minute to pass it.

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. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7571) to prevent the failure of military justice, and for other purposes.

The message also announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 2 and 3 to the bill (H. R. 13729) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1902, further insists upon its disagreement to the said amendments to the bill, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUD, Mr. SMITH of Illinois, and Mr. SWANSON managers at the conference on the part of the House.

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 President pro tempore:

A bill (H. R. 1136) for the relief of parties for property taken from them by military forces of the United States;

A bill (H. R. 13575) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1902, and for other purposes; and

A bill (H. R. 13822) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

FLINT RIVER (GEORGIA) BRIDGE.

Mr. CLAY. I ask unanimous consent for the present consideration of the bill (H. R. 13307) to revive and amend an act entitled "An act to authorize the Georgia Pine Railway of Georgia to construct a bridge across the Flint River, a navigable stream, in Decatur County, Ga." It is a short bridge bill, which has passed the House. It will take but a minute to pass it.

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.

SENATOR FROM NORTH CAROLINA.

Mr. PRITCHARD. Will the Senator from Minnesota yield to me for a moment?

Mr. NELSON. I can not very well yield.

Mr. PRITCHARD. I simply desire to make a statement.

Mr. NELSON. I yield to the Senator from North Carolina to make a statement, if it is not long.

Mr. PRITCHARD. Mr. President, I intended to address the Senate this morning in regard to a motion which was recently made by my colleague to refer the credentials of Mr. Simmons, Senator-elect from the State which I have the honor in part to represent, to the Committee on Privileges and Elections, but inasmuch as the friends of the river and harbor bill are exceedingly anxious for the speedy consideration of that measure, I have decided not to address the Senate at this time, and I give notice that at the conclusion of the morning business to-morrow I will submit some remarks to the Senate on the subject.

Will the Senator from Minnesota yield to me to make a further statement?

Mr. NELSON. Certainly.

DISTRICT CODE.

Mr. PRITCHARD. I desire to make one more request in regard to the District code bill. That bill has passed the House with certain amendments; certain amendments have been made by the Senate District Committee in order to accommodate those who objected to the bill as it came from the House. I appeal to my distinguished friend the Senator from Minnesota to permit me to put the bill upon its passage at this time.

Mr. NELSON. I can not consent to that at this time.

Mr. PRITCHARD. I give notice that I will again call it up at the earliest opportunity.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 27th instant approved and signed the following acts:

An act (S. 879) for the relief of Levi Stolz;

An act (S. 2946) for the relief of William H. Wanamaker; and

An act (S. 5350) for the establishment of a subport of entry at Douglas, Ariz.

RIVER AND HARBOR APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Commerce was, on page 1, line 11, to increase the appropriation for continuing the improvement of the construction of breakwater from Mount Desert to Porcupine Island, Maine, from $12,500 to $25,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 9, to insert:

Improving Bucksport Harbor, Maine, in accordance with the project submitted in House Document No. 275, Fifty-sixth Congress, first session, completing improvement, $20,000.

The amendment was agreed to.

The next amendment was, on page 2, line 21, after the word "Vermont," to strike out "Continuing improvement, $25,000," and insert: "For the immediate renewal and repair of the existing breakwater, $57,750;" so as to make the clause read:

Improving harbor at Burlington, Vt.: For the immediate renewal and repair of the existing breakwater, $57,750.

The amendment was agreed to.

The next amendment was, on page 3, line 6, before the word "dollars," to strike out "two hundred thousand" and insert "one hundred and eighty-seven thousand five hundred;" and in the same line, after the word "dollars," to strike out:

Provided, That no part of this amount shall be expended until the said project shall have been examined by a board of engineers and a favorable report made by them upon the feasibility and advisability of continuing said project to completion. And the said board shall also report whether, with advantage, any part of said original project can be completed, and if so, what part, and whether any modification can be made therein with a view to diminishing the cost.

And insert:

A special board of three engineers shall examine and report, not later than September 1, 1901, upon the feasibility and advisability of continuing said project to completion.

So as to make the clause read:

Improving harbor of refuge at Sandy Bay, Cape Ann, Massachusetts: Continuing improvement, $187,500. A special board of three engineers shall examine and report, not later than September 1, 1901, upon the feasibility and advisability of continuing said project to completion.

The amendment was agreed to.

The next amendment was, on page 3, line 25, before the word "thousand," to strike out "one hundred" and insert "seventy-five;" and on page 4, line 5, after the word "aggregate," to strike out "$202,083.43" and insert "$227,083;" so as to make the clause read:

Improving harbor at Gloucester, Mass.: Continuing improvement, $75,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the approved project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $227,083, exclusive of amounts herein and heretofore appropriated.

Mr. NELSON. I move to amend the amendment in line 3, page 4, by striking out the word "complete" and inserting the word "prosecute."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 4, line 19, after the word "session," to insert "completing improvement;" so as to make the clause read:

Improving harbor at Beverly, Mass., in accordance with the report submitted in House Document No. 129, Fifty-sixth Congress, second session, completing improvement, $10,000.

The amendment was agreed to.

The next amendment was, on page 5, line 14, before the word "thousand," to strike out "and sixty-three;" so as to make the clause read:

Improving harbor at Boston, Mass.: For maintenance and general improvement, $100,000.

Mr. LODGE. Mr. President, the appropriation for Boston has been cut by the committee, cut in pursuance of what I understand is the general policy. Of course we feel the importance of the harbor very strongly and the need of deepening our channel with a view of getting in large ships and cheapening transportation. It is the second port of the United States, and we have not thought our request unreasonable; but I entirely approve of the general policy of the committee in reducing this bill. It came over here too large.

Mr. President, I only desire to say that if the general policy of the committee is to be carried out, I shall submit to it absolutely, shall make no debate and no attempt to raise the appropriation, as far as Massachusetts is concerned; but if other amendments are to be let in, raising the cuts made by the committee—and wisely made, I think—my colleague and I, and I know other Senators, will be forced in, in order to defend their own projects.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the Committee on Commerce.

The amendment was agreed to.

The next amendment was, on page 5, line 24, before the word "thousand," to strike out "six hundred" and insert "four hundred and fifty;" and on page 6, line 4, before the word "million," to strike out "three" and insert "two;" so as to make the clause read:

For improving said harbor in accordance with the report submitted in House Document No. 119, Fifty-sixth Congress, second session, by providing channels 35 feet deep, but modified in width so as to provide a channel 1,200 feet wide from the navy-yard at Charlestown and the Chelsea Bridge and Charles River Bridge to President Roads, and 1,500 feet wide from President Roads, by route designated as No. 3 through Broad Sound to the ocean, $450,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be required for prosecuting such improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $2,000,000, exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 6, line 10, before the word "dollars," to strike out "ten thousand" and insert "completing improvement, twenty-one thousand six hundred and seventy;" so as to make the clause read:

Improving harbor at Cohasset, Mass., in accordance with the report submitted in House Document No. 284, Fifty-sixth Congress, first session, completing improvement, $21,670.

The amendment was agreed to.

The next amendment was, on page 6, line 25, after the word "with," to insert "plan No. 1 in;" so as to make the clause read:

Improving harbor at Fall River, Mass., in accordance with plan No. 1 in the report submitted in House Document No. 56, Fifty-fifth Congress, first session, $38,000: *Provided*, etc.

The amendment was agreed to.

The next amendment was, on page 7, after line 12, to insert:

Improving harbor at Manchester, Mass.: Continuing improvement, $5,000.

The amendment was agreed to.

The next amendment was, on page 7, after line 14, to insert:

The Secretary of War be, and he is hereby, authorized and directed to appoint a board of officers of the Corps of Engineers, whose duty it shall be to make a thorough examination of the entire locality of Vineyard Haven and Nantucket sounds, with the view of selecting the best site or sites for a harbor or harbors of refuge, and after such selection to make the necessary surveys, plans, and estimates therefor.

Mr. LODGE. I ask the Senator from Minnesota if he will have any objection to striking out the word "Haven" after "Vineyard?" It is a mere mistake in description.

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

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. In line 18, after the word "Vineyard," strike out "Haven."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 8, after line 4, to strike out:

Improving harbors of refuge at Block Island, Rhode Island, and Great Salt Pond, Block Island, Rhode Island: For maintenance, $5,000.

The amendment was agreed to.

The next amendment was, on page 8, after line 7, to insert:

Improving harbor of refuge at Block Island, Rhode Island: Continuing improvement, $59,239.

The amendment was agreed to.

The next amendment was, on page 8, after line 10, to insert:

Improving harbor, Great Salt Pond, Block Island, Rhode Island: For extending south jetty, $30,000.

The amendment was agreed to.

The next amendment was, on page 9, line 1, after the word "session," to insert "completing improvement;" so as to make the clause read:

Improving harbor at Branford, Conn., in accordance with the report submitted in House Document No. 100, Fifty-sixth Congress, second session, completing improvement, $5,000.

The amendment was agreed to.

The next amendment was, on page 9, line 18, before the word "thousand," to strike out "ten" and insert "completing improvement, fifteen;" so as to make the clause read:

Improving harbor at Milford, Conn., in accordance with the report submitted in House Document No. 280, Fifty-sixth Congress, first session, completing improvement, $15,000.

The amendment was agreed to.

The next amendment was, on page 9, line 19, after the word "Connecticut," to strike out "continuing improvement, $5,000" and insert "completing improvement, $12,700;" so as to make the clause read:

Improving harbor at Southport, Conn.: Completing improvement, $12,700.

The amendment was agreed to.

The next amendment was, on page 11, after the word "session," to strike out "$5,000" and insert "completing improvement, $17,000;" so as to make the clause read:

Improving harbor at Echo Bay, New York, in accordance with the report

submitted in House Document No. 235, Fifty-sixth Congress, first session, completing improvement, $17,000."

The amendment was agreed to.

The next amendment was, on page 11, line 10, after the words "New York," to strike out:

In accordance with the report submitted in House Document No. 122, Fifty-sixth Congress, second session, so as to provide a channel 40 feet deep and 1,200 feet wide, $300,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be required to prosecute said improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $1,500,000, exclusive of the amounts herein and heretofore appropriated.

And insert:

Continuing improvement, $112,500.

So as to make the clause read:

Improving Buttermilk Channel, New York Harbor, New York: Continuing improvement, $112,500.

The amendment was agreed to.

The next amendment was, on page 12, after line 21, to strike out:

Improving harbor at Olcott, N. Y.: Continuing improvement, $15,000.

The amendment was agreed to.

The next amendment was, on page 13, before the word "dollars," to strike out "two hundred and fifty-seven thousand seven hundred" and insert "one hundred and ninety-three thousand two hundred and seventy-five;" so as to make the clause read:

Improving Tonawanda Harbor and Niagara River, New York: Continuing improvement, $193,275, including the dredging of Tonawanda Harbor in Erie County.

The amendment was agreed to.

The next amendment was, on page 13, line 6, after the word "maintenance," to strike out:

And improving harbor by construction of breakwater in accordance with the report submitted in House Document No. 74, Fifty-sixth Congress, first session, $84,827.50.

And insert "$20,000;" so as to make the clause read:

Improving harbor at Dunkirk, N. Y.: For maintenance, $20,000.

The amendment was agreed to.

The next amendment was, on page 14, line 2, before the word "dollars," to strike out "two hundred thousand" and insert "one hundred and fifty thousand;" in line 5, before the word "the," to strike out "complete" and insert "prosecute;" and in line 9, before the word "dollars," to strike out "six hundred and fourteen thousand six hundred and forty-three" and insert "four hundred and nine thousand seven hundred and sixty-two;" so as to make the clause read:

Improving Lake Erie entrance to Black Rock Harbor and Erie Basin, New York, in accordance with the report submitted in House Document No. 125, Fifty-sixth Congress, second session, $150,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to prosecute the said improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $409,762, exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 14, line 19, before the word "thousand," to strike out "one hundred" and insert "fifty;" in line 22, after the word "to," to strike out "complete the project" and insert "prosecute the improvement;" and on page 15, line 1, before the word "dollars," to strike out "five hundred and ninety-six thousand" and insert "four hundred and thirty thousand six hundred and sixty-seven;" so as to make the clause read:

Improving Arthur Kill, or Staten Island Sound, from Kill von Kull to Raritan Bay, New York and New Jersey, in accordance with the report submitted in House Document No. 393, Fifty-sixth Congress, first session, $50,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to prosecute the improvement recommended in said report, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $430,667, exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 15, line 4, after the word "dollars," to insert:

, twenty-five thousand dollars of which may be expended in dredging between the mouth of Raritan River and tail of Great Beds.

So as to make the clause read:

Improving Raritan Bay, New Jersey: Continuing improvement, $45,000, $25,000 of which may be expended in dredging between the mouth of Raritan River and tail of Great Beds.

The amendment was agreed to.

The next amendment was, on page 15, line 11, before the word "dollars," to strike out "one hundred and twenty-five thousand" and insert "ninety-three thousand seven hundred and fifty;" so as to make the clause read:

Improving harbor at Erie, Pa.: Continuing improvement, $93,750.

The amendment was agreed to.

The next amendment was, on page 15, line 18, before the word "thousand," to strike out "eighty-eight" and insert "fifty," and in line 24, before the word "thousand," to strike out "twenty-one" and insert "fifty-nine;" so as to make the clause read:

Improving harbor of Southwest Baltimore (Spring Garden), Md., in accordance with the report submitted, printed on pages 1005 et seq. of the Report of the Chief of Engineers for 1896, $50,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the project recommended in said report, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $259,000 exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 16, line 9, before the word "thousand," to strike out "five" and insert "ten;" so as to make the clause read:

Improving Queenstown Harbor, Maryland, in accordance with the report submitted in House Document No. 92, Fifty-sixth Congress, first session, $10,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 16, to insert:

Improving channel of Curtis Bay, Baltimore Harbor, Maryland, by deepening the same to 30 feet and widening to 250 feet, in accordance with plan submitted in Senate Document No. 118, Fifty-sixth Congress, second session, $50,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War to complete said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $146,000, exclusive of the amounts heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 17, line 1, after the word "project," to strike out "$5,000" and insert, "completing improvement, $8,120;" so as to make the clause read:

Improving Cambridge Harbor, Maryland, in accordance with the approved project: Completing improvement, $8,120.

The amendment was agreed to.

The next amendment was, on page 17, line 10, before the word "thousand," to strike out "ten" and insert "twenty;" so as to make the clause read:

Improving harbor at Cape Charles City, Va.: Continuing improvement, $20,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 11, to insert:

The Secretary of war is hereby authorized and directed to appoint a board of engineers, to consist of not less than three and not more than five, and to be taken from either the active or retired list of engineers in the service of the United States, to consider the entire subject of a waterway of not less than 16 feet depth from Norfolk Harbor, in the State of Virginia, to Beaufort Inlet, in the State of North Carolina, with instructions (first) to make surveys of all possible routes, if necessary, whether or not included in recent surveys made by Maj. James B. Quinn and Capt. E. W. Van C. Lucas and reported to Congress in Executive Document No. 202, Fifty-sixth Congress, second session; and (second) to submit a report with estimates and recommendations, and, in the event of a favorable recommendation, a description of the best route; such report to contain an estimate of the total cost of the construction of the route recommended for adoption, including the probable cost of the purchase and improvement to 16 feet depth of any private waterways that it may be to the interest of the United States to acquire and improve in connection with the above improvement. And said board, when appointed, is authorized to order such journeys for any or all of its members as may be necessary to investigate, not only any or all possible parts of proposed route, but also the commercial interests of any port or ports liable to be affected by the establishment of the proposed waterway.

The amendment was agreed to.

The next amendment was, on page 19, after line 14, to insert:

Beaufort Harbor, North Carolina: For maintenance, $3,000.

The amendment was agreed to.

The next amendment was, on page 20, line 12, after the word "project," to insert "including dredging of the channel up to Georgetown;" so as to make the clause read:

Winyah Bay, South Carolina: The dredge or dredges employed in connection with the work of improvement at the entrance to Winyah Bay, and such other dredges owned or controlled by the Government as are used on Winyah Bay river systems and canals, may be used in dredging the shoal places between the entrance and the city of Georgetown, S. C., over which the least channel depths may at any time be less than at the entrance of the bay; and any expense so caused shall be paid from amounts appropriated or that may be appropriated for said Winyah Bay: *Provided*, That the expense of said dredging, added to that of improving the entrance to said bay, shall not exceed the total sum authorized by act of June 3, 1896, to be appropriated. The provision in the said river and harbor act authorizing contracts to be made for improving said bay is hereby amended to read as follows: "*Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the present project, including dredging of the channel up to Georgetown," etc.

The amendment was agreed to.

The next amendment was, on page 21, line 4, before the word "recommended," to strike out "complete the project" and insert "prosecute improvement;" and in line 8, before the word "dollars," to strike out "one million" and insert "six hundred and sixty-six thousand six hundred and sixty-seven;" so as to make the clause read:

Improving Savannah Harbor, Georgia: For maintenance, $50,000. The unexpended balance of amounts heretofore appropriated and now available for the present project is hereby made available for continuing improvement in accordance with the report submitted in House Document No. 123, Fifty-sixth Congress, second session: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to prosecute improvement recommended in said report, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $666,667, exclusive of the amounts herein and heretofore appropriated, and in the prosecution of said project materials may be purchased and work done otherwise than by contract, in the discretion of the Secretary of War.

Mr. NELSON. I have an amendment to offer at the end of line 11, page 21. The words I ask to have inserted there I ask to

have stricken out on page 62. The amendment is found on page 62.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. Add at the end of line 11, after the words "Secretary of War," the following:

And the Secretary of War is directed to report whether, in his opinion, any work is necessary and advisable for affording protection to rice plantations along the Savannah River, in the State of South Carolina; and, if so, in what way such protection should be given—whether by raising the rice-field embankments, or by means of a canal or otherwise for drainage through Wrights River or other waterway, or by any other means—also the estimated cost of the same.

The PRESIDENT pro tempore. If there be no objection, the amendment will be agreed to.

Mr. NELSON. I ask to have the same words stricken out on page 62 and page 63, the words in italics.

Mr. CHANDLER. I did not understand where the Senator moved to put in this amendment.

Mr. NELSON. It was put in at the end of line 11 on page 21. It is transposed from page 62. The same amendment is in the bill on page 62.

Mr. BUTLER. I suggest to the Senator that it is not now in the bill.

Mr. NELSON. It is in the bill.

Mr. BUTLER. It is simply an amendment. It has not been agreed to.

Mr. NELSON. I mean that it is an amendment reported in the bill.

Mr. BUTLER. The proper way is to wait until we reach page 62 and then disagree to the committee amendment.

Mr. CHANDLER. It was my intention to ask for some explanation of this amendment, and I ought to do it now, because the motion to strike out made by the Senator from Minnesota calls for the adoption of the same thing somewhere else in the bill. So I will ask the Senator from South Carolina [Mr. TILLMAN], who I see is rising for that purpose, to explain this provision.

Mr. TILLMAN. I will explain it now or later, just as the Senator in charge of the bill desires.

Mr. BERRY. Let us go on with the bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Minnesota to insert at the end of line 11, page 21, the words which have been read.

Mr. CHANDLER. Let it be passed over, then.

Mr. TILLMAN. I prefer to explain it now. It will take no longer to explain it at one time than another.

In the scheme of improvement for deepening the harbor at Savannah the engineers found it necessary to close one of the outlets of the river which flowed around through the South Carolina side, and in shutting up that outlet the flood water of freshets from the up-country when it reaches Savannah now overflows rice plantations which formerly were not inundated. The result has been that several thousand acres of very valuable rice land on our side of the river has been practically confiscated by the Government or rendered worthless.

The proposition which first came to me from my constituents in regard to their rights in this matter was a request that a provision be inserted authorizing them to go into the Court of Claims to have their rights determined and the damages assessed. But the committee finding that that would open too much of a floodgate, so to speak, of similar suits for all improvements of the Mississippi River and elsewhere, were unwilling to consider such a proposition.

Then I asked them whether they were willing to have the Government confiscate the private property of citizens of South Carolina in order to improve the harbor of Savannah, or would they accept the alternative proposition of letting the engineers in charge of the harbor improvements make a reconnoissance or survey of the conditions which have been brought about by the change in the river, and report what they can do, or what it would cost the Government, or what in the judgment of the Secretary of War would be necessary to protect this private property from the injury resulting from the improvements made by the Government of the harbor of Savannah.

Mr. CHANDLER. Will the Senator allow me to ask him a question?

Mr. TILLMAN. With pleasure.

Mr. CHANDLER. Instead of asking him a question I think I will make a little speech. The Senator has kindly yielded.

It is not clear to me, from the amendment on page 62, whether the protection to the rice plantations that inquiry is to be made about is protection from public works hitherto constructed or to be constructed under the bill. The Senator will notice that the improvement of the Savannah River is referred to, and then it says the Secretary of War is to report whether the rice plantations need protection; but the clause does not say protection against what: and while——

Mr. TILLMAN. It means, of course, from flood; and I am perfectly willing for the Senator to put in anything which will elaborate the idea. I merely drew a crude amendment and suggested it to the committee, and they incorporated it in its present form.

Mr. CHANDLER. The question with me is this: Protection from natural floods, which from time immemorial have come to that section, or from floods caused by some Government work?

Mr. TILLMAN. From floods caused by the closing of the estuary above, which I spoke of, which used to let the flood water off; but now since it is closed it has to flow by and the result is that the water is higher and these places are inundated and the crops destroyed; whereas formerly, under the embankments which the planters themselves had, their crops were saved.

Mr. CHANDLER. Now, that idea ought to be in the amendment.

Mr. TILLMAN. I wish the Senator would turn his acute mind to an amendment of the amendment which will protect the Government and at the same time give our people the protection which they seek.

Mr. CHANDLER. I think the idea ought to be conveyed that it is to protect the rice plantations from injury resulting from work done by the Government.

Mr. TILLMAN. I am perfectly willing to have the Senator incorporate those words.

Mr. CHANDLER. A Senator yesterday suggested to me that if there was any bill before the Senate that would have a softening and soothing effect upon the Southern section of the country it was this bill, and as I am in entire accord with anything that will soften and soothe the South, including South Carolina, when my eye lighted upon this clause it occurred to me that possibly here was a scheme for building up embankments and draining the rice plantations of South Carolina without any real cause for it except that of softening and soothing.

Now, Mr. President, when it is explained to me that the theory is that there has already been constructed, or will be constructed by this enormous sum of $1,000 appropriated for the Savannah River, an embankment or some public work that would produce floods——

Mr. TILLMAN. If the Senator will pardon me right there——

Mr. CHANDLER. Not right there, but in a moment. Then I at once see the propriety of not only appropriating the $1,000, but also of building up embankments and digging canals and creating, so to speak, a very large crop of rice next year in South Carolina, which I hope will sell at a large price.

Mr. TILLMAN. If the Senator had not gone off half-cocked, which he will do sometimes, he would have seen that the appropriation of $1,000 which he speaks of there for the improvement of the Savannah River above Augusta is not involved here, because we have transposed the amendment from the position in which it was erroneously placed to the place in the bill where the harbor improvements of Savannah are involved.

Mr. CHANDLER. I have not gone off half-cocked. It is the committee and the Senator who put their amendment in the wrong place.

Mr. TILLMAN. I did not put it in anywhere. I left it on the committee table, and the clerk, I dare say, is responsible for putting it in the wrong place. The Senator has gone off half-cocked in charging that we are spending only $1,000 on the improvement when it is upwards of a million.

Mr. CHANDLER. Anyone would infer that spending that thousand dollars was going to make it necessary to have an elaborate scheme reported here for building embankments and drainage ditches to produce a large rice crop in South Carolina. That is the legitimate inference. I am not responsible for the amendment being in the wrong place.

Mr. NELSON. Will the Senators from South Carolina and New Hampshire allow me to suggest an amendment which I think will close the debate on this proposition?

Mr. CHANDLER. It will not close the debate.

Mr. TILLMAN. I am perfectly willing to let the chairman of the committee offer an amendment to see whether the Senator from New Hampshire can be soothed into letting a decent and just thing be done.

Mr. NELSON. I offer a suggestion to the Senator from New Hampshire for the sake of closing up this matter. After the word "Carolina" I propose to insert the words "from the effect of Government works on the river;" so as to read:

And the Secretary of War is directed to report whether, in his opinion, any work is necessary and advisable for affording protection to rice plantations along the Savannah River, in the State of South Carolina, from the effect of Government works on the river; and if so, in what way such protection should be given, etc.

Mr. CHANDLER. That will be perfectly satisfactory to me if the Senator from South Carolina will not say a word.

Mr. TILLMAN. Well, it is very hard not to have a little something to say to the Senator about his soothing proposition, but I will be soothed into silence for once.

Mr. NELSON. I move that amendment to the amendment.

The PRESIDING OFFICER (Mr. GALLINGER in the chair).

Without objection, the amendment will be so modified. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

NAVAL APPROPRIATION BILL.

Mr. HALE. I ask the Chair to lay before the Senate the action of the House of Representatives upon the naval appropriation bill.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to the bill (H. R. 13705) making appropriations for the naval service for the fiscal year ending June 30, 1902, and for other purposes, and still further insisting on its disagreement to certain amendments and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate still further insist on its amendments and agree to the conference asked by the House.

Mr. MORGAN. I should like to know what are the subjects of disagreement between the two Houses.

Mr. HALE. This is not a new conference. It is only agreeing to the conference which I explained the other day. The Senate has already acted on the conference report and now the House asks for a new conference. The same subjects are in disagreement now that were at that time, with the exception of one. There has been no change in the situation.

Mr. MORGAN. What is that exception?

Mr. HALE. The House refused to adopt the report of the conference and instructed their conferees to strike out the amendment touching assistant secretaries in the bureaus.

Mr. CHANDLER. The Naval Observatory item, I will say to the Senator, is still in disagreement.

The PRESIDING OFFICER. The question is on agreeing to the motion made by the Senator from Maine.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate at the further conference; and Mr. HALE, Mr. CHANDLER, and Mr. TILLMAN were appointed.

RIVER AND HARBOR APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 21, line 17, before the word "thousand," to strike out "twenty-five" and insert "forty;" and in the same line, after the word "dollars," to insert the following proviso:

Provided, That C. P. Goodyear, his heirs and assigns, shall be paid for 50 feet excess of width over the contract width of 24 feet depth at mean high tide on the outer bar of Brunswick, Ga., obtained, as shown by the report of H. L. Marinden, the officer detailed to make survey of such work, made to the Secretary of War on the 4th day of December, 1899, in the same proportion as he was paid for 100 feet widths of such depth, namely, $20,000; and that for the 50 feet excess of width over contract width of 25 feet depth at mean high tide, shown by said report, he or they shall be paid in the same proportion as he was paid for 100 feet width of 25 feet depth, namely, $25,000.

So as to make the clause read:

Improving Brunswick Harbor, outer bar, Georgia: Continuing improvement, $40,000: *Provided*, That C. P. Goodyear, his heirs and assigns, etc.

The amendment was agreed to.

The next amendment was, on page 22, line 10, before the word "dollars," to strike out "completing improvement, one hundred and twenty-five thousand seven hundred" and insert "continuing improvement, ninety-three thousand seven hundred and fifty;" so as to make the clause read:

Improving Brunswick Harbor, inner harbor, Georgia: Continuing improvement, $93,750, in accordance with the report submitted in House Document No. 49, Fifty-sixth Congress, first session, of which sum $5,000, or so much thereof as may be necessary, shall be used to maintain the present depth of water in Academy Creek to old Altamaha Canal, the same being a part of the inner harbor.

The amendment was agreed to.

The reading of the bill was continued to the end of line 21 on page 23.

PROPOSED REDUCTION OF REVENUE.

Mr. ALDRICH. I present a privileged report, the report of the committee of conference on House bill 12394.

The PRESIDING OFFICER. The Senator from Rhode Island presents a conference report, which will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 12394) to amend an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898, and to reduce taxation thereunder, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment to the House bill, and agree to the same amended so as to read as follows:

That section 1 of the act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898, is hereby amended so as to read as follows:

"That there shall be paid, in lieu of the tax of $1 now imposed by law, a tax of $1.60 on all beer, lager beer, ale, porter, and other similar fermented liquors, brewed or manufactured and sold, or stored in warehouse, or removed for consumption or sale, within the United States, by whatever name such liquors may be called, for every barrel containing not more than 31 gallons; and at a like rate for any other quantity or for the fractional parts of a barrel authorized and defined by law. And section 3339 of the Revised Statutes is hereby amended accordingly: *Provided*, That in lieu of or in addition to the present requirements of law in that respect, all stamps used for denoting the tax upon fermented liquors or other taxes may, in the discretion of the Commissioner of Internal Revenue, be canceled by perforations to be made in such manner and form as the commissioner may by regulations prescribe."

SEC. 2. That section 2 of said act is hereby amended so as to read as follows:

"SEC. 2. That special taxes shall be, and hereby are, imposed annually as follows, that is to say:

"1. Bankers using or employing a capital not exceeding the sum of $25,000 shall pay $50; when using or employing a capital exceeding $25,000, for every additional $1,000 in excess of $25,000, $2, and in estimating capital surplus shall be included. The amount of such annual tax shall in all cases be computed on the basis of the capital and surplus for the preceding fiscal year. In the case of bankers who were not in business in the preceding fiscal year, the tax shall be computed on the capital at the time of commencing business. Every person, firm, or company, and every incorporated or other bank, having a place of business where credits are opened by the deposit or collection of money or currency, subject to be paid or remitted upon draft, check, or order, or where money is advanced or loaned on stocks, bonds, bullion, bills of exchange, or promissory notes, or where stocks, bonds, bullion, bills of exchange, or promissory notes are received for discount or sale shall be a banker under this act: *Provided*, That any savings bank having no capital stock, and whose business is confined to receiving deposits and loaning or investing the same for the benefit of its depositors, and which does no other business of banking, shall not be subject to this tax.

"2. Brokers shall pay $50. Every person, firm, or company whose business it is to negotiate purchases or sales of stocks, bonds, exchange, bullion, coined money, bank notes, promissory notes, or other securities for themselves or others, shall be regarded as a broker: *Provided*, That any person having paid the special tax as a banker shall not be required to pay the special tax as a broker.

"3. Pawnbrokers shall pay $20. Every person, firm, or company whose business or occupation it is to take or receive, by way of pledge, pawn, or exchange, any goods, wares, or merchandise, or any kind of personal property whatever, as security for the repayment of money loaned thereon, shall be deemed a pawnbroker.

"4. Custom-house brokers shall pay $10. Every person, firm, or company whose occupation it is, as the agent of others, to arrange entries and other custom-house papers, or transact business at any port of entry relating to the importation or exportation of goods, wares, or merchandise, shall be regarded as a custom-house broker.

"5. Proprietors of theaters, museums, and concert halls in cities having more than 25,000 population, as shown by the last preceding United States census, shall pay $100. Every edifice used for the purpose of dramatic or operatic or other representations, plays, or performances, for admission to which entrance money is received, not including halls rented or used occasionally for concerts or theatrical representations, shall be regarded as a theater: *Provided*, That whenever any such edifice is under lease at the passage of this act, the tax shall be paid by the lessee, unless otherwise stipulated between the parties to said lease.

"6. The proprietor or proprietors of circuses shall pay $100. Every building, space, tent, or area where feats of horsemanship or acrobatic sports or theatrical performances are exhibited shall be regarded as a circus: *Provided*, That no special tax paid in one State, Territory, or the District of Columbia shall exempt exhibitions from the tax in another State, Territory, or the District of Columbia, and but one special tax shall be imposed for exhibitions within any one State, Territory, or District.

"7. Proprietors or agents of all other public exhibitions or shows for money not enumerated in this section shall pay $10: *Provided*, That a special tax paid in one State, Territory, or the District of Columbia shall not exempt exhibitions from the tax in another State, Territory, or the District of Columbia, and but one special tax shall be required for exhibitions within any one State, Territory, or the District of Columbia.

"8. Proprietors of bowling alleys and billiard rooms shall pay $5 for each alley or table. Every building or place where bowls are thrown or where games of billiards or pool are played, and that are open to the public with or without price, shall be regarded as a bowling alley or a billiard room, respectively."

SEC. 3. That the internal-revenue tax on cigars weighing more than 3 pounds per thousand shall be $3 per thousand; and the tax on cigars weighing not more than 3 pounds per thousand shall be 18 cents per pound, and on cigarettes weighing not more than 3 pounds per thousand and of a wholesale value or price of not more than $2 per thousand shall be 18 cents per pound; and the tax on cigarettes weighing not more than 3 pounds per thousand and of a wholesale value or price of more than $2 per thousand shall be 36 cents per pound; and all such cigars and cigarettes weighing not more than 3 pounds per thousand shall for purposes of taxation be held and considered as weighing 3 pounds.

SEC. 4. That there shall be allowed a discount of 20 per cent on all sales by collectors to manufacturers of tobacco and snuff upon the stamps provided for the payment of internal-revenue taxes upon manufactured tobacco and snuff: *Provided*, That in addition to the packages of smoking tobacco now authorized by law there shall be packages of 2 ounces, 3 ounces, and 4 ounces: *And provided further*, That on all original and unbroken factory packages of smoking and manufactured tobacco and snuff, and cigars, held by manufacturers or dealers at the time such discount or reduction of tax shall go into effect, upon which the tax has been paid, there shall be allowed a drawback or rebate of the full amount of such discount or reduction of tax, but the same shall not apply in any case where the claim has not been presented within sixty days following the date of the reduction; and no claim shall be allowed or drawback paid for a less amount than $10. It shall be the duty of the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to adopt such rules and regulations and to prescribe and furnish such blanks and forms as may be necessary to carry this section into effect.

SEC. 5. That section 6 of said act is hereby amended by striking out the words "medicines, preparations, matters, and things," in the last paragraph of said section, and inserting in lieu thereof the word "wines," so that the section as amended shall read as follows:

"ADHESIVE STAMPS.

"SEC. 6. That on and after the 1st day of July, 1898, there shall be levied, collected, and paid, for and in respect of the several bonds, debentures, or certificates of stock and of indebtedness, and other documents, instruments,

matters, and things mentioned and described in Schedule A of this act, or for or in respect of the vellum, parchment, or paper upon which such instruments, matters, or things, or any of them, shall be written or printed by any person or persons, or party who shall make, sign, or issue the same, or for whose use or benefit the same shall be made, signed, or issued, the several taxes or sums of money set down in figures against the same, respectively, or otherwise specified or set forth in the said schedule.

"And there shall also be levied, collected, and paid, for and in respect to the wines mentioned and described in Schedule B of this act, manufactured, sold, or removed for sale, the several taxes or sums of money set down in words or figures against the same, respectively, or otherwise specified or set forth in Schedule B of this act."

SEC. 6. That section 9 of said act is hereby amended by striking out the proviso, so that the section as amended shall read as follows:

"SEC. 9. That in any and all cases where an adhesive stamp shall be used for denoting any tax imposed by this act, except as hereinafter provided, the person using or affixing the same shall write or stamp thereupon the initials of his name and the date upon which the same shall be attached or used, so that the same may not again be used. And if any person shall fraudulently make use of an adhesive stamp to denote any tax imposed by this act without so effectually canceling and obliterating such stamp, except as before mentioned, he, she, or they shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than fifty nor more than five hundred dollars, or be imprisoned not more than six months, or both, at the discretion of the court."

SEC. 7. That section 13 of said act is hereby amended by striking out the words "Schedule A of," and also by inserting in the first proviso, after the words "bonds, debentures, or certificates of stock or of indebtedness," the words "or any instrument, document, or paper of any kind or description whatsoever mentioned in Schedule A of this act;" so that said section as amended shall read as follows:

"SEC. 13. That any person or persons who shall register, issue, sell, or transfer, or who shall cause to be issued, registered, sold, or transferred, any instrument, document, or paper of any kind or description whatsoever mentioned in this act, without the same being duly stamped, or having thereupon an adhesive stamp for denoting the tax chargeable thereon, and canceled in the manner required by law, with intent to evade the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $50, or by imprisonment not exceeding six months, or both, in the discretion of the court; and such instrument, document, or paper, not being stamped according to law, shall be deemed invalid and of no effect: *Provided*, That hereafter, in all cases where the party has not affixed to any instrument the stamp required by law thereon at the time of issuing, selling, or transferring the said bonds, debentures, or certificates of stock or of indebtedness, or any instrument, document, or paper of any kind or description whatsoever mentioned in Schedule A of this act, and he or they, or any party having an interest therein, shall be subsequently desirous of affixing such stamp to said instrument, or, if said instrument be lost, to a copy thereof, he or they shall appear before the collector of internal revenue of the proper district, who shall, upon the payment of the price of the proper stamp required by law, and of a penalty of $10, and, where the whole amount of the tax denoted by the stamp required shall exceed the sum of $50, on payment also of interest, at the rate of 6 per cent, on said tax from the day on which such stamp ought to have been affixed, affix the proper stamp to such bond, debenture, certificate of stock or of indebtedness or copy, or instrument, document or paper of any kind or description whatsoever mentioned in Schedule A of this act, and note upon the margin thereof the date of his so doing and the fact that such penalty has been paid; and the same shall thereupon be deemed and held to be as valid to all intents and purposes as if stamped when made or issued: *And provided further*, That where it shall appear to said collector, upon oath or otherwise, to his satisfaction, that any such instrument has not been duly stamped, at the time of making or issuing the same, by reason of accident, mistake, inadvertence, or urgent necessity, and without any willful design to defraud the United States of the stamp, or to evade or delay the payment thereof, then and in such case, if such instrument, or, if the original be lost, a copy thereof, duly certified by the officer having charge of any records in which such original is required to be recorded, or otherwise duly proven to the satisfaction of the collector, shall, within twelve calendar months after the making or issuing thereof, be brought to the said collector of internal revenue to be stamped, and the stamp tax chargeable thereon shall be paid, it shall be lawful for the said collector to remit the penalty aforesaid and to cause such instrument to be duly stamped. And when the original instrument, or a certified or duly proven copy thereof, as aforesaid, duly stamped so as to entitle the same to be recorded, shall be presented to the clerk, register, recorder, or other officer having charge of the original record, it shall be lawful for such officer, upon the payment of the fee legally chargeable for the recording thereof, to make a new record thereof, or to note upon the original record the fact that the error or omission in the stamping of said original instrument has been corrected pursuant to law; and the original instrument or such certified copy, or the record thereof, may be used in all courts and places in the same manner and with like effect as if the instrument had been originally stamped: *And provided further*, That in all cases where the party has not affixed the stamp required by law upon any such instrument issued, registered, sold, or transferred at a time when and at a place where no collection district was established, it shall be lawful for him or them, or any party having an interest therein, to affix the proper stamp thereto, or, if the original be lost, to a copy thereof. But no right acquired in good faith before the stamping of such instrument, or copy thereof, as herein provided, if such record be required by law, shall in any manner be affected by such stamping as aforesaid."

SEC. 8. That Schedule A of said act is hereby amended so as to read as follows:

"SCHEDULE A.

"STAMP TAXES.

"1. Bonds, debentures, or certificates of indebtedness issued after the 1st day of July, A. D., 1898, by any association, company, or corporation, on each $100 of face value or fraction thereof, 5 cents, and on each original issue, whether on organization or reorganization, of certificates of stock by any such association, company, or corporation, on each $100 of face value or fraction thereof, 5 cents, and on all sales, or agreements to sell, or memoranda of sales or deliveries or transfers of shares or certificates of stock in any association, company, or corporation, whether made upon or shown by the books of the association, company, or corporation, or by any assignment in blank, or by any delivery, or by any paper or agreement or memorandum or other evidence of transfer or sale whether entitling the holder in any manner to the benefit of such stock, or to secure the future payment of money or for the future transfer of any stock, on each $100 of face value or fraction thereof, 2 cents: *Provided*, That in case of sale where the evidence of transfer is shown only by the books of the company the stamp shall be placed upon such books; and where the change of ownership is by transfer certificate the stamp shall be placed upon the certificate; and in cases of an agreement to sell or where the transfer is by delivery of the certificate assigned in blank there shall be made and delivered by the seller to the buyer a bill or memorandum of such sale, to which the stamp shall be affixed; and every bill or memorandum of sale or agreement to sell before mentioned shall show the date thereof, the name of the seller, the amount of the sale, and the matter or thing to which it refers. And any person or persons liable to pay the tax as herein provided, or anyone who acts in the matter as agent or broker for such person or persons, who shall make any such sale, or who shall in pursuance of any such sale deliver any such stock, or evidence of the sale of any such stock or bill or memorandum thereof, as herein required, without having the proper stamps affixed thereto, with intent to evade the foregoing provisions, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than five hundred nor more than one thousand dollars, or be imprisoned not more than six months, or both, at the discretion of the court.

"2. Upon each sale, agreement of sale, or agreement to sell any products or merchandise at any exchange, or board of trade, or other similar place, either for present or future delivery, for each $100 in value of said sale or agreement of sale or agreement to sell, 1 cent, and for each additional $100 or fractional part thereof in excess of $100, 1 cent: *Provided*, That on every sale or agreement of sale or agreement to sell as aforesaid there shall be made and delivered by the seller to the buyer a bill, memorandum, agreement, or other evidence of such sale, agreement of sale, or agreement to sell, to which there shall be affixed a lawful stamp or stamps in value equal to the amount of the tax on such sale. And every such bill, memorandum, or other evidence of sale or agreement to sell shall show the date thereof, the name of the seller, the amount of the sale, and the matter or thing to which it refers; and any person or persons liable to pay the tax as herein provided, or any one who acts in the matter as agent or broker for such person or persons, who shall make any such sale, or agreement of sale, or agreement to sell, or who shall, in pursuance of any such sale, agreement of sale, or agreement to sell, deliver any such products or merchandise without a bill, memorandum, or other evidence thereof as herein required, or who shall deliver such bill, memorandum, or other evidence of sale, or agreement to sell, without having the proper stamps affixed thereto, with intent to evade the foregoing provisions, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than five hundred nor more than one thousand dollars, or be imprisoned not more than six months, or both, at the discretion of the court: *Provided*, That no bill, memorandum, agreement, or other evidence of such sale, or agreement of sale, or agreement to sell, in case of products or merchandise actually delivered to, and while in vessel, boat, or car, and actually in course of transportation, shall be subject to this tax, provided such bill, memorandum, agreement, or other evidence of such sale, or agreement of sale, or agreement to sell shall be accompanied by bills of lading or vouchers showing that the said products are actually in course of transportation as aforesaid.

"3. From and after the 1st day of April, 1901, every person, association, copartnership, or corporation who or which shall in his, its, or their own behalf, or as agent, engage in the business of making or offering to make contracts, agreements, trades, or transactions respecting the purchase or sale, or purchase and sale, of any grain, provisions, raw or unmanufactured cotton, stock, bonds, or other securities wherein both parties thereto, or such person, association, copartnership, or corporation above named, contemplate or intend that such contracts, agreements, trades, or transactions shall be or may be closed, adjusted, or settled according or with reference to the public market quotations of prices made on any board of trade or exchange upon which the commodities or securities referred to in said contracts, agreements, trades, or transactions are dealt in, and without a bona fide transaction on such board of trade or exchange, or wherein both parties, or such person, association, copartnership, or corporation above named, shall contemplate or intend that such contracts, agreements, trades, or transactions shall be or may be deemed closed or terminated when the public market quotations of prices made on such board of trade or exchange for the articles or securities named in such contracts, agreements, trades, or transactions shall reach a certain figure, and every person, association, copartnership, and corporation who or which shall in his or its own behalf, or as agent, conduct what is commonly known as a 'bucket shop' shall pay a stamp tax of 2 cents on each $100 in value or fraction thereof of the merchandise covered or pretended to be covered, and also a tax of 2 cents on each $100 on the face value or fraction thereof of all stocks, bonds, or other securities covered or pretended to be covered by each and all of such contracts, agreements, trades, or transactions: *Provided, however*, That the payment of any tax imposed by this paragraph shall not be held or construed to exempt any such person, association, copartnership, or corporation from any penalty or punishment provided by the laws of any State for carrying on such business, or the making of such contracts, agreements, trades, or transactions within such State, or in any manner to authorize the commencement or continuance of such business or the making of any such contracts, agreements, trades, or transactions contrary to the laws of such State, or in any place prohibited by municipal law; and on or before the 1st day of April, 1901, every such person, association, copartnership, or corporation, as aforesaid, shall, for each office or place of business and for each branch office or place of business, wherever established, pay a special tax of $12.50, and on or before the 1st day of July, 1901, and annually thereafter, for every such office or branch office, a special tax of $50, and such taxes shall be in addition to all other special taxes imposed by this act.

"Every person, association, copartnership, or corporation proposing to engage in or continue the business aforesaid shall, before commencing such business, file with the collector or proper deputy collector of the district in which it is proposed to carry on such business a notice in writing, under oath, and in such form as the Commissioner of Internal Revenue may prescribe, stating the name of the person, association, copartnership, or corporation intending to engage in such business, the names of the members of any such association or copartnership, and the names of the officers of any such corporation, together with the residences of all the individuals whose names are thus required and the place (including street number) where such business is to be carried on; and it shall be the duty of the collector of internal revenue to keep in his office a book in which shall be recorded a complete copy of all such notices, and such book shall be open to public inspection.

"Every person, association, copartnership, or corporation conducting or transacting the business aforesaid shall keep or cause to be kept just and true books of account, wherein shall be plainly and legibly recorded on the day of the making of every such contract, agreement, trade, or transaction a complete and exact specification thereof, including the date thereof, the other party thereto, and the quantity, price, and the gross amount in value of each article or commodity covered or pretended to be covered by each such contract, agreement, trade, or transaction, and such books shall at all reasonable times and hours be subject to the inspection of the collector, deputy collector, and the inspector of internal revenue or any duly authorized agent of the Internal Revenue Department, and every such person, association, copartnership, or corporation shall deliver to the other party to each such contract, agreement, trade, or transaction, at the time of making the same, a written memorandum also containing the complete and exact specification thereof, above referred to, to which the proper stamp shall be, before delivery, affixed.

"Every person, association, copartnership, or corporation who shall, in his or their own behalf, or as agent, engage in or continue in the business hereinbefore defined without having filed the notice herein required, or who shall fail or refuse to keep any such book or make any return, report, or affidavit required as aforesaid, or shall make a false, fraudulent, or partial return, report, or affidavit, or shall fail or refuse to deliver a written memorandum, as hereinbefore required, or shall in any other respect violate any of the provisions of this paragraph, shall, besides being liable for the amount of the tax or taxes herein prescribed, be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such offense, pay a fine of not less than five hundred nor more than five thousand dollars, or be imprisoned not less than three months nor more than two years, or both, in the discretion of the court. All provisions of law now in force relating to the collection recovery, and enforcement of taxes, fines, and penalties imposed under the law concerning internal revenue and not inconsistent with the provisions of this paragraph shall extend and apply to the recovery and enforcement of the taxes, fines, and penalties imposed by this paragraph.

"4. Bill of exchange (inland), draft, or order for the payment of any sum of money, otherwise than at sight or on demand, and for each renewal of the same, for a sum not exceeding $100, 2 cents; and for each additional $100 or fractional part thereof in excess of $100, 2 cents.

"5. Bill of exchange (foreign) or letter of credit (including orders by telegraph or otherwise for the payment of money issued by express or other companies or any person or persons), drawn in but payable out of the United States, if drawn singly or otherwise than in a set of three or more, according to the custom of merchants and bankers, shall pay for a sum not exceeding $100, 2 cents, and for each $100 or fractional part thereof in excess of $100, 2 cents. If drawn in sets of two or more: For every bill of each set, where the sum made payable shall not exceed $100, or the equivalent thereof, in any foreign currency in which such bill may be expressed, according to the standard of value fixed by the United States, 1 cent; and for each $100 or fractional part thereof in excess of $100, 1 cent. Excepting that bills of exchange drawn against the value of products or merchandise actually exported to foreign countries shall not be subject to this tax, provided that such bills of exchange shall be accompanied by proper invoices, and receipts, bills of lading, or vouchers, showing that goods of a value at least equal to the amount for which said bill of exchange may be drawn shall have been exported.

"6. Freight: It shall be the duty of every railroad or steamboat company, carrier, or corporation, or person whose occupation is to act as such, except persons, companies, or corporations engaged in carrying on a local or other express business, to issue to the shipper or consignor, or his agent, or person from whom any goods are accepted for transportation, a bill of lading, manifest, or other evidence of receipt and forwarding for each shipment received for carriage and transportation, whether in bulk or in boxes, bales, packages, bundles, or not so inclosed or included; and there shall be duly attached and canceled, as is in this act provided, to each of said bills of lading, manifest, or other memorandum, and to each duplicate thereof, a stamp of the value of 1 cent: *Provided*, That but one bill of lading shall be required on bundles or packages of newspapers when inclosed in one general bundle at the time of shipment. Any failure to issue such bill of lading, manifest, or other memorandum, as herein provided, shall subject said railroad or steamboat company, carrier, or corporation, or person, to a penalty of $50 for each offense, and no such bill of lading, manifest, or other memorandum shall be used in evidence unless it shall be duly stamped as aforesaid.

"7. Bond: For indemnifying any person or persons, firm, or corporation who shall have become bound or engaged as surety for the payment of any sum of money, or for the due execution or performance of the duties of any office or position, and to account for money received by virtue thereof, 50 cents.

"8. Certificate of profits, or any certificate or memorandum showing an interest in the property or accumulations of any association, company, or corporation, and on all transfers thereof, on each $100 of face value or fraction thereof, 2 cents.

"9. Contract: Broker's note, or memorandum of sale of any goods or merchandise, stocks, bonds, exchange, notes of hand, real estate, or property of any kind or description issued by brokers, or persons acting as such, for each note or memorandum of sale, not otherwise provided for in this act, 10 cents.

"10. Conveyance: Deed, instrument, or writing, whereby any lands, tenements, or other realty shall be sold, granted, assigned, transferred, or otherwise conveyed to or vested in the purchaser or purchasers, or any other person or persons, by his, her, or their direction, when the consideration or value exceeds $2,500 and does not exceed $3,000, 25 cents, and for each additional $500 or fractional part thereof in excess of $3,000, 25 cents.

"11. Entry of any goods, wares, or merchandise at any custom-house, either for consumption or warehousing, not exceeding $100 in value, 25 cents. Exceeding $100 and not exceeding $500 in value, 50 cents. Exceeding $500 in value, $1.

"12. Entry for the withdrawal of any goods or merchandise from customs bonded warehouse, 50 cents.

"13. Passage tickets: Ticket, order, contract, or certificate for passage by any vessel from any port in the United States to a foreign port, costing $50, 50 cents; and for each $50 or any part thereof in addition thereto, 50 cents."

SEC. 9. That Schedule B of said act is hereby amended so as to read as follows:

"SCHEDULE B.

"Sparkling or other wines, when bottled for sale, upon each bottle containing 1 pint or less, 1 cent. Upon each bottle containing more than 1 pint, 2 cents."

SEC. 10. That section 29 of said act is hereby amended by adding at the end of said section the following: "*Provided*, That nothing in this section shall be construed to apply to bequests or legacies for uses of a religious, literary, charitable, or educational character, or for the encouragement of art, or to legacies or bequests to societies for the prevention of cruelty to children, including all bequests or legacies of such character on which the tax imposed had not been paid or collected on the 1st day of March, 1901: *And provided further*, That the provisions of this act and of the act hereby amended shall not be held to apply to any estate where the testator or intestate died before June 13, 1898;" so that said section as amended shall read as follows:

"LEGACIES AND DISTRIBUTIVE SHARES OF PERSONAL PROPERTY.

"SEC. 29. That any person or persons having in charge or trust, as administrators, executors, or trustees, any legacies or distributive shares arising from personal property, where the whole amount of such personal property as aforesaid shall exceed the sum of $10,000 in actual value, passing, after the passage of this act, from any person possessed of such property, either by will or by the intestate laws of any State or Territory, or any personal property or interest therein, transferred by deed, grant, bargain, sale, or gift, made or intended to take effect in possession or enjoyment after the death of the grantor or bargainer, to any person or persons, or to any body or bodies, politic or corporate, in trust or otherwise, shall be, and hereby are, made subject to a duty or tax, to be paid to the United States, as follows—that is to say: Where the whole amount of said personal property shall exceed in value ten thousand and shall not exceed in value the sum of twenty-five thousand dollars the tax shall be:

"First. Where the person or persons entitled to any beneficial interest in such property shall be the lineal issue or lineal ancestor, brother, or sister to the person who died possessed of such property, as aforesaid, at the rate of 75 cents for each and every hundred dollars of the clear value of such interest in such property.

"Second. Where the person or persons entitled to any beneficial interest in such property shall be the descendant of a brother or sister of the person who died possessed, as aforesaid, at the rate of $1.50 for each and every hundred dollars of the clear value of such interest.

"Third. Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the father or mother, or a descendant of a brother or sister of the father or mother, of the person who died possessed, as aforesaid, at the rate of $3 for each and every hundred dollars of the clear value of such interest.

"Fourth. Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the grandfather or grandmother, or a descendant of the brother or sister of the grandfather or grandmother, of the person who died possessed, as aforesaid, at the rate of $4 for each and every hundred dollars of the clear value of such interest.

"Fifth. Where the person or persons entitled to any beneficial interest in such property shall be in any other degree of collateral consanguinity than is hereinbefore stated, or shall be a stranger in blood to the person who died possessed, as aforesaid, or shall be a body politic or corporate, at the rate of $5 dollars for each and every hundred dollars of the clear value of such interest: *Provided*, That all legacies or property passing by will, or by the laws of any State or Territory, to husband or wife of the person died possessed, as aforesaid, shall be exempt from tax or duty.

"Where the amount or value of said property shall exceed the sum of $25,000, but shall not exceed the sum or value of $100,000, the rates of duty or tax above set forth shall be multiplied by 1½; and where the amount or value of said property shall exceed the sum of $100,000, but shall not exceed the sum of $500,000, such rates of duty shall be multiplied by 2; and where the amount or value of said property shall exceed the sum of $500,000, but shall not exceed the sum of $1,000,000, such rates of duty shall be multiplied by 2½; and where the amount or value of said property shall exceed the sum of $1,000,000, such rates of duty shall be multiplied by 3: *Provided*, That nothing in this section shall be construed to apply to bequests or legacies for uses of a religious, literary, charitable, or educational character, or for the encouragement of art, or to legacies or bequests to societies for the prevention of cruelty to children, including all bequests or legacies of such character on which the tax imposed had not been paid or collected on the 1st day of March, 1901: *And provided further*, That the provisions of this act and of the act hereby amended shall not be held to apply to any estate where the testator or intestate died before June 13, 1898."

SEC. 11. That section 30 of said act is hereby amended so as to read as follows:

"SEC. 30. That the tax or duty aforesaid shall be due and payable in one year after the death of the testator and shall be a lien and charge upon the property of every person who may die as aforesaid for twenty years, or until the same shall, within that period, be fully paid to and discharged by the United States; and every executor, administrator, or trustee having in charge or trust any legacy or distributive share, as aforesaid, shall give notice thereof, in writing, to the collector or deputy collector of the district where the deceased grantor or bargainer last resided within thirty days after he shall have taken charge of such trust, and every executor, administrator, or trustee, before payment and distribution to the legatees, or any parties entitled to beneficial interest therein, shall pay to the collector or deputy collector of the district of which the deceased person was a resident, or in which the property was located in case of nonresidents, the amount of the duty or tax assessed upon such legacy or distributive share, and shall also make and render to the said collector or deputy collector a schedule, list, or statement, in duplicate, of the amount of such legacy or distributive share, together with the amount of duty which has accrued, or shall accrue, thereon, verified by his oath or affirmation, to be administered and certified thereon by some magistrate or officer having lawful power to administer such oaths, in such form and manner as may be prescribed by the Commissioner of Internal Revenue, which schedule, list, or statement shall contain the names of each and every person entitled to any beneficial interest therein, together with the clear value of such interest, the duplicate of which schedule, list, or statement shall be by him immediately delivered, and the tax thereon paid to such collector; and upon such payment and delivery of such schedule, list, or statement, said collector or deputy collector shall grant to such person paying such duty or tax a receipt or receipts for the same in duplicate, which shall be prepared as hereinafter provided.

"Such receipt or receipts, duly signed and delivered by such collector or deputy collector, shall be sufficient evidence to entitle such executor, administrator, or trustee to be credited and allowed such payment by every tribunal which, by the laws of any State or Territory, is, or may be, empowered to decide upon and settle the accounts of executors and administrators. And in case such executor, administrator, or trustee shall refuse or neglect to pay the aforesaid duty or tax to the collector or deputy collector, as aforesaid, within the time hereinbefore provided, or shall neglect or refuse to deliver to said collector or deputy collector the duplicate of the schedule, list, or statement of such legacies, property, or personal estate, under oath, as aforesaid, or shall neglect or refuse to deliver the schedule, list, or statement of such legacies, property, or personal estate, under oath, as aforesaid, or shall deliver to said collector or deputy collector a false schedule or statement of such legacies, property, or personal estate, or give the names and relationship of the persons entitled to beneficial interests therein untruly, or shall not truly and correctly set forth and state therein the clear value of such beneficial interest, or where no administration upon such property or personal estate shall have been granted or allowed under existing laws, the collector or deputy collector shall make out such lists and valuation as in other cases of neglect or refusal, and shall assess the duty thereon; and the collector shall commence appropriate proceedings before any court of the United States, in the name of the United States, against such person or persons as may have the actual or constructive custody or possession of such property or personal estate, or any part thereof, and shall subject such property or personal estate, or any portion of the same, to be sold upon the judgment or decree of such court, and from the proceeds of such sale the amount of such tax or duty, together with all costs and expenses of every description to be allowed by such court, shall be first paid, and the balance, if any, deposited according to the order of such court, to be paid under its direction to such person or persons as shall establish title to the same.

"The deed or deeds, or any proper conveyance of such property or personal estate, or any portion thereof, so sold under such judgment or decree, executed by the officer lawfully charged with carrying the same into effect, shall vest in the purchaser thereof all the title of the delinquent to the property or personal estate sold under and by virtue of such judgment or decree, and shall release every other portion of such property or personal estate

from the lien or charge thereon created by this act. And every person or persons who shall have in his possession, charge, or custody any record, file, or paper containing, or supposed to contain, any information concerning such property or personal estate, as aforesaid, passing from any person who may die, as aforesaid, shall exhibit the same at the request of the collector or deputy collector of the district, and to any law officer of the United States, in the performance of his duty under this act, his deputy or agent, who may desire to examine the same. And if any such person, having in his possession, charge, or custody any such records, files, or papers shall refuse or neglect to exhibit the same on request, as aforesaid, he shall forfeit and pay the sum of $500: *Provided*, That in all legal controversies where such deed or title shall be the subject of judicial investigation, the recital in said deed shall be prima facie evidence of its truth and that the requirements of the law had been complied with by the officers of the Government: *And provided further*, That in case of willful neglect, refusal, or false statement by such executor, administrator, or trustee, as aforesaid, he shall be liable to a penalty of not exceeding $1,000, to be recovered with costs of suit. Any tax paid under the provisions of sections 29 and 30 shall be deducted from the particular legacy or distributive share on account of which the same is charged."

SEC. 12. That from and after the passage of this act the Secretary of the Treasury, upon the recommendation of the Commissioner of Internal Revenue, is authorized to appoint a competent person, at an annual salary of $3,000, whose special duty it shall be to conduct such investigations as may be necessary to secure the efficient enforcement of the tax imposed upon legacies and distributive shares of personal property by this act, and the Commissioner of Internal Revenue may also from time to time assign one or more special agents to aid in such investigations.

SEC. 13. That section 35 of said act is hereby amended so as to read as follows:

"SEC. 35. That for the purposes of this act, the words 'mixed flour' shall be taken and construed to mean the food product resulting from the grinding or mixing together of wheat, or wheat flour, as the principal constituent in quantity, with any other grain, or the product of any other grain, or other material, except such material, not exceeding 5 per cent in quantity, and not the product of any grain, as is commonly used for baking purposes: *Provided*, That when the product resulting from the grinding or mixing together of wheat or wheat flour with any other grain, or the product of any other grain of which wheat or wheat flour is not the principal constituent as specified in the foregoing definition, is intended for sale, or is sold, or offered for sale as wheat flour, such product shall be held to be mixed flour within the meaning of this act."

SEC. 14. That section 18 of said act is hereby repealed.

SEC. 15. That the provisions of this act shall take effect on and after the 1st day of July, 1901, except where otherwise expressly provided.

And the House agree to the same.

NELSON W. ALDRICH,
WILLIAM B. ALLISON,
JAMES K. JONES.
Managers on the part of the Senate.

SERENO E. PAYNE,
JOHN DALZELL,
JAMES D. RICHARDSON,
Managers on the part of the House.

Mr. ALDRICH. I present and ask to have printed in the RECORD a detailed statement showing the effect of the conference action with reference to the House proposition and the Senate amendments.

The PRESIDENT pro tempore. Does the Senator desire to have it read?

Mr. ALDRICH. No; it is not necessary to read it.

The PRESIDENT pro tempore. It will be printed in the RECORD if there is no objection.

The statement is as follows:

Summary showing the effect of H. R. 12394 (as it passed the House and as it passed the Senate and as agreed to in conference) on the war-revenue act of June 13, 1898.

Articles taxed by act of June 13, 1898.	House action.	Senate action.	Conference action.	Revenue derived for fiscal year 1900.
Beer, $2 per barrel and 7½ per cent discount	Reduced to $1.60 per barrel and 7½ per cent discount repealed.	$2 per barrel and 25 per cent discount.	$1.60 per barrel and 7½ per cent discount repealed.	$72,776,831.57
Bankers' capital and surplus, $50 for $25,000, and $2 for each additional $1,000.	Retained	$1 for each $1,000	Present law retained.	3,513,850.01
Stockbrokers, $50	Retained	Retained	Retained	309,606.88
Pawnbrokers, $20	Retained	Retained	Retained	37,861.18
Commercial brokers, $20	Repealed	Repealed	Repealed	138,281.12
Custom-house brokers, $10	Repealed	Retained	Retained	6,167.18
Proprietors of theaters, museums, and concert halls, $100	Repealed	Retained	Retained	47,178.02
Proprietors of circuses, $100	Repealed	Retained	Retained	11,744.36
Proprietors of other public exhibitions, $10	Repealed	Retained	Retained	84,218.44
Proprietors of bowling alleys or billiard rooms, $5 for each alley or table.	Retained	Retained	Retained	44,194.81
Tobacco and snuff, 12 cents per pound	Retained	Discount of 25 per cent.	Discount of 20 per cent.	85,267,334.40
Cigars weighing more than 3 pounds per 1,000, $3.60 per 1,000	$3 per 1,000	$3.30 per 1,000	$3 per 1,000	19,138,584.82
Cigars weighing not more than 3 pounds per $1,000, $1 per 1,000	Retained	18 cents per pound	18 cents per pound	646,896.82
Cigarettes weighing more than 3 pounds per 1,000, $3.60 per 1,000	Retained	Retained	Retained	16,014.21
Cigarettes weighing not more than 3 pounds per 1,000, $1.50 per 1,000	Retained	Valued at not more than $2 per 1,000, 18 cents per pound; valued at more than $2 per 1,000, 36 cents per pound.	Valued at not more than $2 per 1,000, 18 cents per pound; valued at more than $2 per 1,000, 36 cents per pound.	3,953,177.09
Dealers in leaf tobacco, $6 to $24	Retained	Retained	Retained	72,030.04
Dealers in tobacco, $12	Retained	Retained	Retained	16,564.00
Manufacturers of tobacco, $6 to $24	Retained	Retained	Retained	18,207.70
Manufacturers of cigars, $6 to $24	Retained	Retained	Retained	222,301.38
Bonds, debentures, certificates of indebtedness, etc., 5 cents for each $100.	Retained	Retained	Retained	3,000,000.00
Certificates of stock, original issue, 5 cents for each $100	Retained	Retained	Retained	9,000,000.00
Certificates of stock, transfers, 2 cents for each $100	Retained	Retained and amended so as to include bucket shops.	Retained and amended so as to include bucket shops.	
Sales of products at exchanges, 1 cent for each $100	Retained	1 cent for each $200. Sales of merchandise in actual course of transportation exempted from tax.	1 cent for each $100. Sales of merchandise in actual course of transportation exempted from tax.	1,000,000.00
Bank checks, 2 cents	Repealed	Retained	Repealed	7,000,000.00
Drafts or bills of exchange, inland, 2 cents for each $100	Repealed	Retained	Retained	500,000.00
Certificates of deposit, 2 cents	Repealed	Repealed	Repealed	200,000.00
Promissory notes, 2 cents for each $100	Repealed	Repealed	Repealed	3,500,000.00
Money orders, 2 cents for each $100	Repealed	Retained	Repealed	602,000.00
Bills of exchange, foreign, 4 cents for each $100	Repealed	2 cents for each $100.	2 cents for each $100.	100,000.00
Bills of lading for export, 10 cents	Repealed	Repealed	Repealed	100,000.00
Express receipts, 1 cent	Repealed	Repealed	Repealed	800,000.00
Freight receipts or domestic bills of lading, 1 cent	Retained	Retained	Retained	400,000.00
Telephone messages, 1 cent	Repealed	Repealed	Repealed	315,000.00
Bonds of indemnity and bonds not otherwise specified, 50 cents	Repealed	Repealed, except bonds of indemnity.	Repealed, except bonds of indemnity.	250,000.00
Certificates of profits, 2 cents for each $100	Retained	Repealed	Retained	Very little.
Certificate of damage, 25 cents	Repealed	Repealed	Repealed	Very little.
Certificates not otherwise specified, 10 cents	Repealed	Repealed	Repealed	200,000.00
Charter party, $3 to $10	Repealed	Repealed	Repealed	100,000.00
Broker's contract, 10 cents	Repealed	Retained	Retained	100,000.00
Conveyance, 50 cents for each $500	Repealed	Exempted below $2,500. Above $2,500, 25 cents for each $500.	Exempted below $2,500. Above $2,500, 25 cents for each $500.	3,000,000.00
Telegraph messages, 1 cent	Repealed	Repealed	Repealed	800,000.00
Entry of goods at custom-house for consumption, 25 cents to $1	Retained	Retained	Retained	500,000.00
Entry for withdrawal, 50 cents	Retained	Retained	Retained	
Insurance, life, 8 cents on each $100	Repealed	4 cents on each $100	Repealed	
Marine, inland, fire, ¼ cent on each $1	Repealed	One-fourth per cent on gross premium receipts.	Repealed	3,000,000.00
Casualty, fidelity, and guaranty, ¼ cent on each $1	Repealed	One-fourth per cent on gross premium receipts.	Repealed	

Summary showing the effect of H. R. 12394, etc.—Continued.

Articles taxed by act of June 13, 1898.	House action.	Senate action.	Conference action.	Revenue derived for fiscal year 1900.
Lease, 25 cents to $1	Repealed	Repealed	Repealed	$200,000.00
Manifest for custom-house entry, $1 to $5	Repealed	Retained	Repealed	60,000.00
Mortgage or conveyance in trust, 25 cents for each $1,500	Repealed	Repealed	Repealed	1,000,000.00
Passage ticket, $1 to $5	Repealed	Exempted below $30 in value.	Exempted below $50 in value.	200,000.00
Power of attorney to vote, 10 cents	Repealed	Repealed	Repealed	100,000.00
Power of attorney to sell, 25 cents	Repealed	Repealed	Repealed	
Protest, 25 cents	Repealed	Repealed	Repealed	25,000.00
Warehouse receipts, 25 cents	Repealed	Repealed	Repealed	250,000.00
Proprietary medicines, one-eighth cent for each 5 cents	Repealed	One-tenth cent for 10 cents and one-twentieth cent for each additional 5 cents.	Repealed	3,948,283.19
Perfumery and cosmetics, one-eighth cent for each 5 cents	Repealed	Retained	Repealed	
Chewing gum, 4 cents each $1	Repealed	Retained	Repealed	
Sparkling or other wines, 1 pint, 1 cent; more than 1 pint, 2 cents	Retained	Retained	Retained	600,000.00
Petroleum and sugar refineries, one-fourth per cent gross receipts in excess of $250,000.	Retained	Retained	Retained	1,079,405.14
Sleeping and parlor car tickets, 1 cent	Retained	Retained	Retained	75,000.00
Legacies of every description, various rates	Excluded from tax, legacies of charitable, religious, literary, or educational character.	Same as House	Same as House	2,884,491.55
Mixed flour, 4 cents per barrel	Retained	Retained	Retained	7,439.46
Manufacturers of mixed flour, $12 per annum	Retained	Retained	Retained	
Tea, customs duty of 10 cents per pound	Retained	Retained	Retained	8,008,637.00

NOTE.—Such of the above amounts as are in round numbers are estimated.

Mr. ALDRICH. I ask that the report may be adopted.

Mr. VEST. I should like to ask the chairman of the Committee on Finance a question in regard to the reduction on tobacco and beer. As I heard the reading, the reduction in the conference report is 20 per cent on manufactured tobacco, and we go back to the House reduction of 25 cents a barrel on beer.

Mr. ALDRICH. I will state that the effect of the report as presented with reference to beer and tobacco leaves them in the same relative position with reference to the rates in force prior to the act of 1898; that is, the tax upon beer prior to 1898, was $1. The conference report makes the tax $1.60, which is 60 per cent increase. The tax upon tobacco was 6 cents prior to 1898. It is fixed by the report at 9.60, or 60 per cent above what it was then. The same rate of increase has taken place in both cases.

Mr. VEST. Does the Senator mean to say that the per cent of reduction on tobacco and beer is now the same?

Mr. ALDRICH. That is the net result, to leave them in the same relative position.

Mr. VEST. I should like to ask the chairman of the committee—I could not catch it in the reading—what was done in regard to proprietary medicines.

Mr. ALDRICH. The tax was taken off entirely. The House action in that respect was agreed to.

Mr. VEST. And the tax upon the capital of banks?

Mr. ALDRICH. That was restored as it was in the House provision.

Mr. VEST. It was restored. The tax on bank checks has been taken off?

Mr. ALDRICH. Yes, sir.

The PRESIDENT pro tempore. The question is on agreeing to the report of the committee of conference.

The report was agreed to.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13850) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1902, 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 amendments numbered 2, 10, and 11.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 5, 12, 13, 14, 15, 18, 19, 20, 21, and 22; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$390,000;" and the Senate agree to the same.

That the House recede from is disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: Strike out from the matter inserted by said amendment the word "Belgium;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Insert after the word "Turkey," in line 1 of said amendment, the following: ", who shall be an American student of the language of Turkey, and shall be allowed and required, under the direction of the Secretary of State, to devote his time to the acquisition of such language;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$71,100;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: Strike out in line 83 of said amendment the words "Lourenço Marquez, Africa," and insert between lines 143 and 144 of said amendment the words "Lourenço Marquez, Africa;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum named in lines 15 and 16 of said amendment insert the following: "$455,500;" and the Senate agree to the same.

EUGENE HALE,
S. M. CULLOM,
H. M. TELLER,
Managers on the part of the Senate.

R. R. HITT,
R. ADAMS, JR.,
HUGH A. DINSMORE,
Managers on the part of the House.

The report was agreed to.

RIVER AND HARBOR APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 23, line 24, before the word "dollars," to strike out "fifty thousand" and insert "twelve thousand five hundred;" so as to make the clause read:

Improving Hillsboro Bay, Florida: Continuing improvement, $112,500.

The amendment was agreed to.

The next amendment was, on page 24, line 9, before the word "thousand," to strike out "seventy" and insert "fifty;" so as to make the clause read:

Improving harbor at Pensacola, Fla.: Continuing improvement and for maintenance, $50,000; the same to be used toward securing a channel depth of 30 feet from the Gulf of Mexico to the dock line at the east end of the city of Pensacola.

The amendment was agreed to.

The next amendment was, on page 24, after line 12, to insert:

For the construction of a seagoing suction dredge, to be used in improving the harbors at Pensacola, Carrabelle, and Apalachicola, Fla., $150,000, and for the operation of said dredge, $50,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 24, to insert:

Improving Biscayne Bay, Florida, by obtaining a uniform depth of 18 feet of water in a harbor or basin on the east side of Biscayne Bay and a depth of 18 feet in a channel from said basin by way of the line north of Norris Cut to the sea, in accordance with the project submitted in House Document No. 662, Fifty-sixth Congress, first session, $150,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary for prosecuting the above-described improvement in accordance with said project, not to exceed in the aggregate $466,667, exclusive of the amount herein and heretofore appropriated: *And provided further*, That out of the amount herein appropriated the Secretary of War may, in his discretion, construct a dredge, to cost not exceeding $150,000, for use on said project.

The amendment was agreed to.

The next amendment was, on page 25, line 22, before the word "thousand," to strike out "four hundred" and insert "two hundred and fifty;" so as to make the clause read:

Improving harbor at Mobile, Ala.: Continuing improvement, with the view of ultimately securing a channel 23 feet deep and 100 feet wide at bottom, with appropriate side slopes, $250,000.

The amendment was agreed to.

The next amendment was, on page 26, after line 2, to insert:

Improving harbor at Mobile, Ala., by providing a channel 30 feet deep across the bar below Fort Morgan, in accordance with the project submitted in House Document No. 219, Fifty-sixth Congress, second session, $68,813.

The amendment was agreed to.

The next amendment was, on page 26, line 14, before the word "dollars," to strike out "five hundred and fifty thousand" and insert "four hundred and twelve thousand five hundred;" in the same line, after the word "dollars," to insert:

So much of which as may be necessary may, in the discretion of the Secretary of War, be applied to the completion of a dredge heretofore authorized for improving the outlet to the Mississippi River.

On page 27, line 1, before the word "dollars," to strike out "two million nine hundred and fifty thousand" and insert "one million nine hundred and sixty-six thousand six hundred and sixty-seven;" so as to make the clause read:

Improving the Southwest Pass of the Mississippi River, with a view to obtaining a navigable depth of 35 feet, in accordance with the report submitted in House Document No. 329, Fifty-sixth Congress, first session, $412,500; so much of which as may be necessary may, in the discretion of the Secretary of War, be applied to the completion of a dredge heretofore authorized for improving the outlet to the Mississippi River: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be required to prosecute the project recommended in said report, or said materials may be purchased and work done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $1,966,667, exclusive of the amounts herein and heretofore appropriated, and the Secretary of War may, in his discretion, modify the plans described in the said report, and the dredge *Beta* may be used in the South or Southwest pass if dredging is required in either of said passes.

The amendment was agreed to.

The next amendment was, on page 27, after line 5, to insert:

The Secretary of War is hereby authorized, in his discretion, to purchase from the heirs or legal representatives of the said James B. Eads the dredges and other plant, including real estate, now used by them for the maintenance of the channel at the South Pass of the Mississippi River, or such portion of said plant as he may deem desirable; and in case the Secretary of War and the heirs or legal representatives of the estate of James B. Eads, deceased, are unable to agree upon the price to be paid for said dredges and plant, including real estate, or so much thereof as the Secretary of War may deem necessary to purchase, then such price shall be assessed by a board of three appraisers to be appointed as follows: One appraiser to be appointed by the Secretary of War, one by the heirs or legal representatives of James B. Eads, deceased, and in case these two fail to agree, they shall jointly choose a third appraiser, and the three so appointed shall, by a majority vote, duly appraise the price to be paid for said dredges and plant, including real estate, and in case such appraisal is approved by the Secretary of War, the same shall be deemed to be the price which the Secretary of War is authorized to pay for said dredges and plant, including real estate, or so much thereof as the Secretary of War may deem necessary to purchase: *Provided*, That in no event shall more than $200,000 be paid for all the dredges, plant, and real estate owned or possessed by the heirs or legal representatives of James B. Eads, deceased, at or about the South Pass. And the sum of $200,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available, for the purchase of the whole or a part of said plant, or for otherwise providing a proper plant for the maintenance of said Pass. The Secretary of War is hereby directed to take charge of said channel, including the jetties, and all auxiliary works connected therewith, and thereafter to maintain with the utmost efficiency said South Pass Channel: and for that purpose he is hereby authorized to draw his warrants from time to time on the Treasurer of the United States, until otherwise provided for by law, for such sums of money as may be necessary, not to exceed in the aggregate for any one year $100,000. And section 3 of the act approved June 6, 1900, entitled "An act making provision for emergencies in river and harbor works, for certain surveys, and for the diversion of certain appropriations or modifications of provisions heretofore made," is hereby repealed.

The amendment was agreed to.

The next amendment was, on page 29, line 12, before the word "dollars," to strike out "thirty-five thousand" and insert "fifty-six thousand two hundred and fifty;" so as to make the clause read:

Improving mouth and passes of Calcasieu River, Louisiana: Continuing improvement, $56,250.

The amendment was agreed to.

The next amendment was, on page 29, line 14, before the word "repair," to insert "for;" and in line 15, before the word "thousand," to strike out "twenty-five" and insert "fifty;" so as to make the clause read:

Sabine Pass, Texas and Louisiana: For maintenance, and for repair of the jetties, $150,000: *Provided*, That $25,000, or so much thereof as may be necessary, shall be used to improve the main ship channel in accordance with the report submitted in House Document No. 70, Fifty-sixth Congress, second session.

The amendment was agreed to.

The next amendment was, on page 29, line 25, before the word "thousand," to strike out "five hundred" and insert "three hundred and seventy-five;" on page 30, line 2, after the word "to," to strike out "repair, restore, and complete" and insert "prosecute the work of repairing, restoring, and completing;" and in line 6, before the word "dollars," to strike out "one million" and insert "six hundred and sixty-six thousand six hundred and sixty-seven;" so as to make the clause read:

Improving Galveston Harbor, Texas, by restoration of the jetties and maintenance of the entrance to said harbor, in accordance with the report submitted in House Document No. 134, Fifty-sixth Congress, second session, $375,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to prosecute the work of repairing, restoring, and completing the jetties as recommended in the said report, not to exceed $666,667, exclusive of the amounts herein and heretofore appropriated: *Provided*, That appropriations heretofore made and unexpended for Galveston Harbor are hereby made available for the above purposes.

The amendment was agreed to.

The next amendment was, on page 30, after line 18, to insert:

For widening and deepening Galveston Channel from a point opposite Twentieth street to a point opposite Fifty-first street to a depth of 30 feet and a width of 1,200 feet, including the present channel: Continuing improvement in accordance with the report submitted in House Document No. 264, Fifty-sixth Congress, second session, $112,500: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such material and work as may be necessary to complete said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $150,000, exclusive of the amounts herein and heretofore appropriated: *And provided further*, That the Secretary of War shall cause the expenditure of the amount appropriated at such points as he shall direct.

Mr. NELSON. I desire to offer an amendment. In line 3, page 31, I move to strike out the word "complete" and insert the word "prosecute."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 32, line 1, after the word "paid," to insert:

Provided, That no payment shall be made for any section of 1,000 feet until the same contract depth has been found to exist in all previously completed sections of 1,000 feet.

In line 5, before the word "the," to strike out "upon said modification being made" and insert "before such modification shall take effect;" in line 9, after the word "work," to insert "as originally contracted for;" so as to make the clause read:

Deepening the channel from Galveston Harbor to Texas City, Tex.: The Secretary of War is hereby authorized and directed, with the consent of the contractors now engaged in said work, or any contractors who may hereafter undertake the same, to modify the contract heretofore entered into for the performance of said work so that payments of 5 per cent of the whole contract price shall be made from time to time to said contractors for each 1,000 linear feet along the length of said channel, whenever it shall satisfactorily appear to the Secretary of War, through Army engineers, that the same has been deepened to the depth of 25 feet and a width of 100 feet at the bottom, until the sum of $200,000 has been paid, after which no payments shall be made until the whole channel has been completed to the required width and depth, at which time the balance of the contract price shall be paid: *Provided*, That no payment shall be made for any section of 1,000 feet until the same contract depth has been found to exist in all previously completed sections of 1,000 feet. And before such modification shall take effect the contractors for said work shall give bond to the United States, with sufficient surety or sureties, to be approved by the Secretary of War, conditioned upon the complete and faithful performance of said work as originally contracted for within two years from the date of said modification, in the sum of $200,000. The Secretary of War is authorized to draw his warrant or requisition from time to time upon the Secretary of the Treasury to pay the amounts which shall be found due the contractors as provided herein, which warrants or requisitions shall be paid by the Secretary of the Treasury out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was, on page 32, line 21, before the word "thousand," to strike out "three hundred and fifty" and to insert "two hundred;" so as to make the clause read:

Improving Aransas Pass, Texas: Continuing improvement of the jetty partially built by Aransas Pass Harbor Company, not including the outer 1,000 feet thereof, $200,000.

The amendment was agreed to.

The next amendment was, on page 33, line 14, before the word "dollars," to strike out "seventy-five thousand" and insert "fifty-six thousand two hundred and fifty;" in line 17, after the word "the," to strike out "completion" and insert "prosecution;" and in line 20, before the word "thousand," to strike out "three hundred and forty two" and insert "two hundred and twenty-eight;" so as to make the clause read:

Improving Conneaut Harbor, Ohio: For maintenance, $10,000; continuing improvement, $56,250: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary for the prosecution of said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $228,000, exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

The reading of the bill was continued to the end of line 23 on page 33.

Mr. NELSON. After the word "for," in line 22, page 33, I move to insert the words "continuing improvement and;" so as to read:

Improving Ashtabula Harbor, Ohio: For continuing improvement and maintenance.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 34, line 2, before the word "dollars," to strike out "one hundred and fifty thousand" and insert "one hundred and twelve thousand five hundred;" so as to make the clause read;

Improving harbor at Fairport, Ohio: Continuing improvement and for maintenance, $112,500.

The amendment was agreed to.

The next amendment was, on page 34, line 8, before the word "dollars," to strike out "one hundred and twenty-five thousand"

and insert "ninety-three thousand seven hundred and fifty;" so as to make the clause read:

Improving harbor at Cleveland, Ohio: For maintenance and continuing improvement in accordance with the report printed in the report of the Chief of Engineers for 1899, on page 3057 et seq., $93,750.

The amendment was agreed to.

The next amendment was, on page 34, line 19, before the word "dollars," to strike out "six hundred thousand" and insert "four hundred and fifty thousand;" in line 25, before the word "dollars," to strike out "two million two hundred thousand" and insert "one million four hundred and sixty-six thousand six hundred and sixty-seven;" and on page 35, line 1, after the word "appropriated," to insert:

Provided further, That the east breakwater shall not be extended eastward beyond the prolongation of Case avenue until further legislation by Congress authorizing such extension;"

So as to make the clause read:

Improving said harbor in accordance with the report submitted in House Document No. 118, Fifty-sixth Congress, second session, by providing a safer and better entrance at the main entrance to the breakwater in said harbor and by the construction of a new breakwater, $450,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be required for prosecuting said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $1,466,667, exclusive of the amounts herein and heretofore appropriated: *Provided further*, That the east breakwater shall not be extended eastward beyond the prolongation of Case avenue until further legislation by Congress authorizing such extension.

The amendment was agreed to.

The next amendment was, on page 35, line 16, before the word "dollars," to strike out "one hundred thousand" and insert "seventy-five thousand;" so as to make the clause read:

Improving Sandusky Harbor, Ohio, in accordance with the report submitted in House Document No. 120, Fifty-sixth Congress, second session, and for maintenance, $75,000.

The amendment was agreed to.

The next amendment was, on page 35, after line 20, to insert:

Improving inner harbor at Michigan City, Ind.: For maintenance, $48,000.

Mr. NELSON. I desire to move an amendment to the amendment. After the word "Indiana" I move to insert the words "continuing improvement and," and after the word "dollars" I move to insert the proviso which I send to the desk:

The SECRETARY. On page 35, line 21, after the word "Indiana," it is proposed to insert the words "continuing improvement and," and after the word "dollars," in line 22, to insert:

Provided, That a sum not exceeding $20,000 of said appropriation may be used, in the discretion of the Secretary of War, for the construction of a turn basin in said harbor.

So as to make the clause read:

Improving inner harbor at Michigan City, Ind.: Continuing improvement and for maintenance, $48,000: *Provided*, That a sum not exceeding $20,000 of said appropriation may be used in the discretion of the Secretary of War for the construction of a turn basin in said harbor.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

SETTLERS ON RAILROAD LANDS.

Mr. CARTER. I ask the Chair to lay before the Senate Senate bill 4306, merely that the amendments of the House may be concurred in.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 4306) for the relief of settlers under the public-land laws to lands within the indemnity limits of the grant to the Northern Pacific Railroad Company.

The amendments of the House of Representatives were, on page 1, line 12, after the word "laws," to strike out "subsequent to August 15, 1887, and prior to July 1, 1898;" on page 2, line 2, after the word "time," to strike out the words "when the land was included within an existing Executive withdrawal on account of said grant or at a time;" in line 4, after the word "when," to strike out "it" and insert "the land;" and to strike out the following proviso at the end of the bill:

Provided, That this act shall only apply to land which the said company would be entitled to as indemnity land within the terms of said grant, and where the railroad has been completed.

So as to make the bill read:

Be it enacted, etc., That the provisions of the act of July 1, 1898, appearing in Thirtieth Statutes at Large, at pages 620, 621, and 622, providing a plan for the adjustment by the Land Department of conflicting claims to lands within the limits of the grant to the Northern Pacific Railroad Company, are hereby extended and made applicable to all instances where lands in odd-numbered sections within the indemnity limits of the grant to said company were patented to settlers under public-land laws of applications presented to or proceedings initiated in the local land office at a time the land was embraced in a pending indemnity selection made by said company in conformity with the regulations of the Land Department, which indemnity selection has not since been waived or abandoned.

Mr. CARTER. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

CARSON-NEWMAN COLLEGE, TENNESSEE.

Mr. SPOONER. Some days ago the Senate passed the bill (H. R. 1860) for the relief of the trustees of Carson-Newman College, at Mossycreek, Tenn., and I entered a motion to reconsider the vote by which it was passed. I ask leave to withdraw that motion.

The PRESIDENT pro tempore. The Senator from Wisconsin withdraws the motion to reconsider, and the bill stands passed.

REFUNDING OF EXCESSIVE POSTAGE.

Mr. ALLEN. I ask consent of the Senator in charge of the pending bill to allow me to call up for consideration the bill (H. R. 11161) to refund excessive postage paid on certain newspapers.

Mr. NELSON. I will yield if it will not lead to any debate.

Mr. ALLEN. It is a short House bill and it will not lead to any debate.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to the following persons the following amounts, being the sums, respectively, found by the Court of Claims as the difference between the postage at third-class rates, which they were required to pay and did pay on newspapers published by them, respectively, during the years 1893 and 1894, and the postage at second-class rates with which such papers were legally chargeable, as follows: To the Modern Woodmen of America, publisher of the Modern Woodman, of Springfield, Ill., $5,423.62; to David I. Lillard, publisher of The Anchor and Shield, of Paris, Ill., $1,980.09; to Frank G. Simmons, publisher of the Nebraska Workman, of Seward, Nebr., $1,090.91, all as found and set forth by the Court of Claims in its findings of fact in House Documents Nos. 590, 294, and 592, Fifty-sixth Congress, first session.

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

USE OF TIMBER.

Mr. CLARK. With the consent of the Senator from Minnesota, I ask leave to call up the bill (S. 6048) to amend chapter 559 of the Revised Statutes of the United States, approved March 3, 1891.

Mr. BERRY. Mr. President, I am not going to object to the bill called up by the Senator from Wyoming, but I wish to make a statement. Unless the river and harbor bill gets into conference soon it will be impossible, in conference, to get through with the amendments. While I will not object to the bill of the Senator from Wyoming, as one has already been called up and passed, I think we ought to get through with the river and harbor bill before unanimous consent is given to pass other bills. There will be plenty of time after the bill goes to conference.

Mr. CLARK. I think if the Senator will listen to the reading of the bill I have called up he will see the necessity for its present consideration.

Mr. BERRY. I shall not object to this one.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that the provisions of chapter 559 of the Revised Statutes of the United States, approved March 3, 1891, limiting the use of timber taken from public lands to residents of the State in which such timber is found, for use within said State, shall not apply to the south slope of Pryor Mountains, in the State of Montana, lying south of the Crow Reservation, west of the Big Horn River, and east of Sage Creek; but within the above-described boundaries the provisions of said chapter shall apply equally to the residents of the States of Wyoming and Montana, and to the use of timber taken from the above-described tract in either of the above-named States.

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

PARIS EXPOSITION.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, ordered to lie on the table and be printed:

To the Senate and House of Representatives:

I transmit herewith, in pursuance of the act of Congress approved July 1, 1898 (U. S. Stat. L., vol. 30, pp. 645, 646), the report of Mr. Ferdinand W. Peck, commissioner-general of the United States to the International Exposition held at Paris, France, during the year 1900.

WILLIAM McKINLEY.

EXECUTIVE MANSION,
Washington, Febuary 28, 1901.

AQUILLA DAUGHERTY.

Mr. STEWART. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 14028) for the relief of Aquilla Daugherty, to report it without amendment, and to submit a report thereon.

Mr. MASON. That is an emergency matter, and I ask unanimous consent for its present consideration.

Mr. BERRY. As it is absolutely necessary to pass the river

and harbor bill, so as to get it into conference as early as possible, I have just given notice that I must object to the consideration of other bills for the present.

Mr. MASON. Very well; then I withdraw the request.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

RIVER AND HARBOR APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 36, line 2, before the word "thousand," to strike out "one hundred" and insert "seventy-five;" so as to make the clause read:

Improving harbor at Waukegan, Ill.: Continuing improvement, in accordance with the report submitted in House Document No. 343, Fifty-sixth Congress, first session, $75,000: *Provided*, etc.

The amendment was agreed to.

The reading of the bill was continued to line 8 on page 36.

Mr. NELSON. In line 4, page 36, I move to strike out the word "complete" and to insert "prosecute."

The amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Commerce was, on page 36, line 22, after the word "dollars," to insert the following proviso:

Provided, That the Secretary of War may enter into a contract for such materials and work as may be necessary for the completion of the alternative project, involving a new cut to Lake Michigan, submitted in House Document No. 192, Fifty-fourth Congress, first session, to be paid for as appropriation may be made from time to time, to be made by law, not to exceed in the aggregate $150,000, exclusive of the amounts herein and heretofore appropriated.

So as to make the clause read:

Improving Saugatuck Harbor, Michigan: Continuing improvement and for maintenance, $15,000: *Provided*, That the Secretary of War may enter into a contract for such materials, etc.

Mr. NELSON. I move to amend the amendment by striking out the word "completion," in line 25, and inserting the word "prosecution."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Commerce was, on page 37, line 9, before the word "dollars," to strike out "seventy-three thousand" and insert "eighty-five thousand three hundred and fifty;" so as to make the clause read:

Improving harbor at Holland (Black Lake), Mich.: Continuing improvement and for maintenance, $85,350, of which not to exceed $5,000 may, in the discretion of the Secretary of War, be used to dredge a channel through the bar in Black Lake near the entrance thereof.

The amendment was agreed to.

The next amendment was, on page 37, line 18, before the word "dollars," to strike out "seventy-five thousand" and insert "fifty-six thousand two hundred and fifty;" so as to make the clause read:

Improving harbor at Muskegon, Mich., in accordance with the report submitted in House Document No. 104, Fifty-sixth Congress, second session, $56,250.

The amendment was agreed to.

The next amendment was, on page 38, line 12, before the word "thousand," to strike out "eighty-five" and insert "forty-nine;" so as to make the clause read:

Improving harbor at Ludington, Mich.: Continuing improvement and for maintenance and repairs, $86,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such materials and work as may be necessary for the completion of said project in accordance with the report sumitted in House Document No. 273, Fifty-fourth Congress, second session, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $149,000, exclusive of the amounts herein and heretofore appropriated, etc.

The amendment was agreed to.

Mr. NELSON. In line 7, I move to strike out the word "completion" and insert the word "prosecution."

The amendment was agreed to.

The next amendment was, on page 39, line 2, before the word "dollars," to strike out "fifty-four thousand five hundred" and insert "fifty thousand;" so as to make the clause read:

Improving harbor at Frankfort, Mich.: Completing improvement and for maintenance and repairs, $50,000.

The amendment was agreed to.

The next amendment was, on page 39, line 10, before the word "dollars," to strike out "seventy thousand" and insert "fifty-two thousand five hundred;" so as to make the clause read:

Improving harbor of refuge at Grand Marais, Mich.: Continuing improvement, $52,500.

The amendment was agreed to.

The next amendment was, on page 39, line 12, before the word "thousand," to strike out "twenty-six" and insert "twenty;" so as to make the clause read:

Improving harbor at Marquette, Mich.: Continuing improvement and for maintenance, $20,000, etc.

The amendment was agreed to.

The next amendment was, on page 40, line 6, before the word "thousand," to strike out "fifty-one" and insert "fifty;" so as to make the clause read:

Improving harbor at Milwaukee, Wis.: For maintenance and repairs, $50,000.

The amendment was agreed to.

The next amendment was, on page 40, after line 6, to insert:

The Secretary of War is hereby instruced and authorized to cause an examination and survey to be made of the Menominee, Milwaukee, and Kinnickinnick rivers at the city of Milwaukee, Wis., with a view to the improvement and enlargement of the harbor facilities at Milwaukee by the deepening of such rivers, and the construction of one or more turning basins, or otherwise, and to prepare and report suitable plans and an estimate of the cost of such improvements.

The amendment was agreed to.

The next amendment was, on page 40, line 18, before the word "dollars," to strike out "one hundred and nineteen thousand" and insert "eighty-nine thousand two hundred and fifty;" so as to make the clause read:

Improving harbor of refuge at Milwaukee, Wis.: For maintenance, rebuilding, and repairs to breakwater, $89,250.

The amendment was agreed to.

The next amendment was, on page 40, line 22, before the word "thousand," to strike out "ten" and insert "six;" so as to make the clause read:

Improving harbor at Ahnapee, Wis.: Continuing improvement and for maintenance, $6,000.

The amendment was agreed to.

The next amendment was, on page 41, line 24, before the word "thousand," to strike out "twenty" and insert "sixteen;" so as to make the clause read:

Improving harbor at Two Rivers, Wis.: Continuing improvement, and for maintenance, $16,000.

The amendment was agreed to.

The next amendment was, on page 43, line 11, before the word "thousand," to strike out "two hundred" and insert "one hundred and fifty," and in line 17, before the word "thousand," to strike out "two hundred and thirty-five" and insert "two hundred and eighty-five;" so as to make the clause read:

Improving Burlington Bay, Minnesota, in accordance with the report submitted in House Document No. 114, Fifty-sixth Congress, second session, $150,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $285,000, exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 43, after line 18, to insert:

Improving Warroad Harbor and Warroad River, Minnesota, in accordance with the report submitted in House Document No. 92, second session of the Fifty-sixth Congress, $45,000.

The amendment was agreed to.

The next amendment was, on page 44, after line 8, to insert:

Improving inner harbor at San Pedro, $112,500; and the Secretary of War is hereby authorized to use so much thereof as may be necessary for the construction of a suitable dredge.

The amendment was agreed to.

The next amendment was, on page 44, after line 20, to insert:

Improving Oakland Harbor, California: For providing a channel 500 feet wide and 25 feet deep from San Francisco Bay to Chestnut street; thence 300 feet wide and 25 feet deep to Fallon street; thence 300 feet wide and 17 feet deep to the tidal basin, and thence 300 feet wide and 12 feet deep around the said tidal basin, in accordance with the project and estimate contained in House Document No. 262, Fifty-sixth Congress, second session, $50,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to prosecute the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $612,135, exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 45, after line 16, to insert:

Improving waterway connecting Puget Sound with Lakes Union and Washington, Washington: Continuing improvement, $56,250.

The amendment was agreed to.

The amendment was, on page 45, line 23, before the word "thousand," to strike out "thirty" and insert "fifty;" and in the same line, after the word "dollars," to insert the following proviso:

Provided, That the Secretary of War may enter into a contract or contracts for such material and work as may be necessary for the prosecution of said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $262,667, exclusive of the amounts herein and heretofore appropriated.

So as to make the clause read:

Improving Tacoma Harbor, Washington: In accordance with the report submitted in House Document No. 76, Fifty-sixth Congress, second session, $50,000: *Provided*, That the Secretary of War may enter into a contract, etc.

The amendment was agreed to.

The next amendment was, on page 46, line 8, before the word "thousand," to strike out "fifteen" and insert "forty;" so as to make the clause read:

Improving New Whatcom Harbor, Washington: In accordance with the report submitted in House Document No. 80, Fifty-fifth Congress, first session, $40,000.

The amendment was agreed to.

The next amendment was, on page 46, after line 8, to insert:

Improving Grays Harbor and Chehalis River, Washington, in accordance with the estimates contained in Report of the Chief of Engineers for 1896: For repairs, maintenance, and continuing improvement, $50,000.

The amendment was agreed to.

The next amendment was, on page 46, line 23, before the word "thousand," to strike out "twenty" and insert "forty;" and in line 24, after the word "dollars," to insert the following proviso:

Provided, That the Secretary of War may enter into a contract or contracts for such material and work as may be necessary to complete said improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $41,000, exclusive of the amounts herein and heretofore appropriated.

So as to make the clause read:

Improving Kennebec River, Maine, between Gardiner and Augusta, in accordance with the report submitted in House Document No. 262, Fifty-sixth Congress, first session, $40,000: *Provided*, That the Secretary of War may enter into a contract, etc.

The amendment was agreed to.

The reading of the bill was continued to line 21, on page 48, the last paragraph read being as follows:

Improving Connecticut River between Hartford, Conn., and Holyoke, Mass.: For the purpose of further examination and report upon the project for improving the Connecticut River between Hartford, Conn., and Holyoke, Mass., a board of three officers of the Engineer Corps, to be designated by the Secretary of War, shall personally make examination of the improvement proposed by the engineer in charge, and report thereon, with reference to the probable cost of said proposed improvement, to the commercial advantages, if any, to be derived from such improvement, and such other information as the board may deem essential; and $25,000, or so much thereof as may be necessary, is hereby appropriated to pay the expenses of said board and for any surveys ordered by said board.

Mr. HAWLEY. Mr. President, I wish to say a few words here and leave on the record my protest against this scheme.

It is an old acquaintance. A very considerable sum of money was spent some years ago by a skillful engineer in surveying the river from Hartford up perhaps to Holyoke. I am not quite sure whether it went there, but certainly it went as far as Springfield. It certainly included the very interesting manufacturing village of Windsor Locks, where large manufactures receive their water power from a canal leaving the river somewhere above the village and coming down through it and leaving this power at the mills.

The scheme as we last had it contemplated building a large dam across the river just above the upper edge of our beautiful city, where it would certainly flood a beautiful park that we have laid out at a very considerable expense.

We do not propose to lose that park without a protest. Neither do our friends, the manufacturers at Windsor Locks, propose to have their power injured or destroyed for the sake of what I really think are fanciful improvements, intended, I suppose, to help barges or steamers to get up to Springfield.

I am not going into the statistics and all that matter now, but we have them, and we have the opinions of railroad men and engineers. I only give notice to my distinguished friend from Massachusetts [Mr. LODGE], who has just come into the Chamber (and I am glad he has come; I am sorry to have spoken when he was not here), that I shall fight this from the top of its head to the sole of its foot next winter if I am here.

The reading of the bill was continued.

The next amendment of the Committee on Commerce was, on page 49, line 1, before the word "dollars," to strike out "seventy-five thousand" and insert "fifty-six thousand two hundred and fifty;" so as to make the clause read:

Improving Providence River and Harbor, Rhode Island, in accordance with thr report submitted in House Document No. 108, Fifty-sixth Congress, first session, $56,250, which amount shall be expended upon the lesser project recommended in said report.

The amendment was agreed to.

The next amendment was, on page 49, line 17, before the word "thousand," to strike out "ten" and insert "fifteen;" so as to make the clause read:

Improving Housatonic River Connecticut: Continuing improvement, $15,000.

The amendment was agreed to.

The next amendment was, on page 50, line 12, before the word "thousand," to strike out "one hundred" and insert "seventy-five;" so as to make the clause read:

Improving Harlem River, New York: Continuing improvement, $75,000.

The amendment was agreed to.

The next amendment was, on page 50, line 15, before the word "dollars," to strike out "two hundred thousand" and insert "one hundred and fifty thousand;" so as to make the clause read:

Improving East River and Hell Gate, New York: Continuing improvement, $150,000.

The amendment was agreed to.

The next amendment was, on page 50, line 18, before the word "dollars," to strike out "two hundred thousand" and insert "one hundred and fifty thousand;" so as to make the clause read:

Improving Hudson River, New York: Continuing improvement, $150,000.

The amendment was agreed to.

The next amendment was, on page 50, after line 23, to strike out:

Grasse River, New York: Continuing improvement in accordance with the report submitted in House Document No. 151, Fifty-sixth Congress, second session, $75,000, of which $48,500 shall be expended in removing rocks in the St. Lawrence River near its junction with the canal of the St. Lawrence Power Company: *Provided*, That no part of this appropriation shall be so expended until the St. Lawrence Power Company shall have filed with the Secretary of War an agreement in writing that said canal may be used for all purposes of navigation free from tolls or charges, and that locks and dams may be constructed by the Government, and authorizing the Government to enter upon and use sufficient land for the construction and operation of such locks and dams without cost: *And provided further*, That no part of said amount be expended for removing said rocks unless, upon examination by the local engineer, he shall report that said canal is suitable for purposes of navigation.

The amendment was agreed to.

The next amendment was, on page 52, line 1, before the word "dollars," to strike out "seventy-five thousand" and insert "fifty-six thousand two hundred and fifty," and in line 7, before the word "dollars," to strike out "twenty-one thousand" and insert "thirty-nine thousand seven hundred and fifty;" so as to make the clause read:

Improving Passaic River, New Jersey, in accordance with the report submitted in House Document No. 401, Fifty-sixth Congress, first session, from Staten Island Sound through Newark Bay and the said river to the Montclair and Greenwood Lake Railroad bridge with a channel 12 feet deep to the Nairn Linoleum Works, and 10 feet deep from that point to the said railroad bridge, $56,250: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $239,750, exclusive of the amount herein appropriated.

The amendment was agreed to.

The next amendment was, on page 52, line 24, before the word "maintenance," to insert "continuing improvement and;" so as to make the clause read:

Improving Shrewsbury River, New Jersey: For continuing improvement and maintenance, $10,000.

The amendment was agreed to.

The next amendment was, on page 53, line 8, before the word "thousand," to strike out "twenty-five" and insert "forty;" so as to make the clause read:

Improving Mantua Creek, New Jersey: Continuing improvement, $40,000.

The amendment was agreed to.

The next amendment was, on page 53, line 21, before the word "thousand," to strike out "six hundred" and insert "four hundred and fifty;" and on page 54, line 2, before the word "hundred," to strike out "two million four" and insert "one million six;" so as to make the clause read:

Improving Delaware River, New Jersey and Pennsylvania and Delaware, in accordance with the report printed in House Document No. 91, Fifty-sixth Congress, first session, with a view to obtaining a channel 600 feet wide and 30 feet deep from Christian street, in Philadelphia, to deep water in Delaware Bay, $450,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary for the prosecution of the project recommended in said report, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $1,600,000, exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 54, line 6, after the word "dollars," to insert:

Improving Allegheny River at Natrona, Pa., in accordance with report submitted in House Document No. 72, Fifty-fifth Congress, third session, for construction of lock and dam No. 4, and for the purchase of land at lock and dam, if necessary, $50,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the work and purchase the land, or said materials may be purchased and work done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $239,622, exclusive of amount herein appropriated; and the provision in the river and harbor act of June 5, 1896, authorizing contracts to be made for construction of lock and dam at Herr Island, Allegheny River, is hereby so amended as to authorize the Secretary of War, in his discretion, to expend the amounts appropriated for these works by contract or otherwise, as may be most economical and advantageous to the Government.

So as to make the paragraph read:

Improving Allegheny River, Pennsylvania: Continuing improvement and for maintenance, $18,000. Improving Allegheny River at Natrona, Pa., in accordance with report submitted in House Document No. 72, Fifty-fifth Congress, third session, for construction of lock and dam No. 4, and for the purchase of land at lock and dam, if necessary, $50,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the work and purchase the land, or said materials may be purchased and work done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $239,622, exclusive of amount herein appropriated; and the provision in the river and harbor act of June 5, 1896, authorizing contracts to be made for construction of lock and dam at Herr Island, Allegheny River, is hereby so amended as to authorize the Secretary of War, in his discretion, to expend the amounts appropriated for these works by contract or otherwise, as may be most economical and advantageous to the Government.

Mr. NELSON. I move to amend the amendment in line 14 by striking out the word "complete" and inserting the word "prosecute."

The PRESIDING OFFICER (Mr. KEAN in the chair). Without objection, the amendment will be so modified. The question is upon agreeing to the amendment as modified.

The amendment as modified was agreed to.

The reading of the bill was continued. The next amendment was, on page 55, line 9, before the word "thousand," to strike out "two hundred" and insert "one hundred and fifty;" in line 12, after the word "to," to strike out "complete" and insert "prosecute;" and in line 16, after the word "aggregate," to strike out "$436,913.57" and insert "$291,275;" so as to make the clause read:

Improving Monongahela River, Pennsylvania, in accordance with the report submitted in the Report of the Chief of Engineers for 1897, page 2383 et seq., for the enlargement and improvement of locks 1 and 2 and for the purchase of lands at locks where necessary, $150,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to prosecute the work and purchase the land, or said materials may be purchased and work done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $291,275, exclusive of the amounts herein and heretofore appropriated: *And provided further*, The Secretary of War may in his discretion modify the plans in said report.

The amendment was agreed to.

The next amendment was, on page 56, line 5, after the word "Delaware," to strike out "For maintenance, $2,000," and insert "in accordance with the report submitted in House Document No. 102, Fifty-sixth Congress, second session, $25,000;" so as to make the clause read:

Improving Mispillion River, Delaware, in accordance with the report submitted in House Document No. 102, Fifty-sixth Congress, second session, $25,000.

The amendment was agreed to.

The next amendment was, on page 56, line 14, after the word "session," to strike out "$10,000" and insert "Completing improvement, $16,665;" so as to make the clause read:

Improving Elk River, Maryland, in accordance with the report submitted in House Document No. 105, Fifty-sixth Congress, first session: Completing improvement, $16,665.

The amendment was agreed to.

The next amendment was, on page 57, line 2, before the word "thousand," to strike out "two" and insert "four;" so as to make the clause read:

Improving Warwick River, Maryland: Continuing improvement, $4,000.

The amendment was agreed to.

The next amendment was, on page 57, after line 3, to insert:

Improving Wicomico River, Maryland: Completing improvement, $6,798.

The amendment was agreed to.

The next amendment was, on page 57, line 9, before the word "dollars," to strike out "seventy-five thousand" and insert "fifty-six thousand two hundred and fifty;" so as to make the clause read:

Improving Potomac River at the city of Washington, D. C.: Continuing improvement, $56,250.

The amendment was agreed to.

The next amendment was, on page 57, after line 9, to insert:

Improving Anacostia River, District of Columbia, from the Potomac River to the navy-yard, by providing a channel suitable for vessels of the Navy, $112,500.

The amendment was agreed to.

The next amendment was, on page 57, after line 15, to insert:

Improving New River, Virginia: The unexpended balance of $2,300 of funds heretofore appropriated for the improvement of New River may be expended in cleaning out the channel of New River, in Virginia, near Radford.

The amendment was agreed to.

The next amendment was, on page 58, after line 2, to insert:

Improving Pagan River, Virginia, in accordance with the report submitted in House Document No. 88, Fifty-sixth Congress, second session, $10,870.

The amendment was agreed to.

The next amendment was, on page 58, line 11, before the word "dollars," to strike out "two hundred and fifty thousand" and insert "one hundred and eighty-seven thousand five hundred;" in the same line, after the word "dollars," to strike out:

Provided, That the Secretary of War may, in his discretion, expend said amount, together with any balances now on hand, with a view to first securing a channel 18 feet deep to the city of Richmond.

And insert:

And for extending the improvement of James River to the head of navigation at the docks, in accordance with the report submitted in House Document No. 234, Fifty-sixth Congress, first session, $75,000.

So as to make the clause read:

Improving James River, Virginia: Continuing improvement, $187,500. And for extending the improvement of James River to the head of navigation at the docks, in accordance with the report submitted in House Document No. 234, Fifty-sixth Congress, first session, $75,000.

The amendment was agreed to.

The next amendment was, on page 58, line 21, after the word "dollars," to insert:

And for the deflection and improvement of the river at Petersburg, Va., in accordance with the report submitted in House Document No. 139, Fifty-sixth Congress, second session, $25,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the project recommended in said report, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $175,000, exclusive of the amounts herein and heretofore appropriated.

So as to make the clause read:

Improving Appomattox River, Virginia: For maintenance, $7,500. And for the deflection and improvement of the river at Petersburg, Va., in accordance with the report submitted in House Document No. 139, Fifty-sixth Congress, second session, $25,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the project recommended in said report, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $175,000, exclusive of the amounts herein and heretofore appropriated.

Mr. NELSON. I move to amend the amendment of the committee in line 3, on page 59, after the words "necessary to," by striking out the word "complete" and inserting the word "prosecute," so as to read:

Provided, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to prosecute the project recommended in said report, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 59, line 15, after the word "session," to strike out "$10,000" and insert "Completing improvement, $14,000;" so as to make the clause read:

Improving Scuppernong River, North Carolina, in accordance with the report submitted in House Document No. 131, Fifty-sixth Congress, second session: Completing improvement, $14,000.

The amendment was agreed to.

The next amendment was, on page 60, line 19, before the word "dollars," to strike out "one hundred and forty thousand" and insert "one hundred and twelve thousand five hundred;" and in line 22, after the word "project," to insert:

And provided further, That of the amount herein appropriated $1,000, or so much thereof as may be necessary, shall be expended in removing obstructions at the mouth of the Brunswick River, in accordance with estimate submitted in Senate Document No. 130, Fifty-sixth Congress, second session.

So as to make the clause read:

Improving Cape Fear River, North Carolina, at and below Wilmington: Continuing improvement and for maintenance, $112,500: *Provided*, That so much thereof as may be necessary may be used in the construction of mooring dolphins, in accordance with the approved project: *And provided further*, That of the amount herein appropriated $1,000, or so much thereof as may be necessary, shall be expended in removing obstructions at the mouth of the Brunswick River, in accordance with estimate submitted in Senate Document No. 130, Fifty-sixth Congress, second session.

The amendment was agreed to.

The next amendment was, on page 61, line 19, after the word "session," to insert the following proviso:

Provided, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the improvement on the upper portion of said river in accordance with the estimates in said report, or the necessary materials may be purchased and the work done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $106,300, exclusive of the amount herein appropriated.

So as to make the clause read:

Improving Great Pedee River, South Carolina: Continuing improvement, $22,500, of which $12,000 shall be expended on the upper portion of said river in accordance with the report submitted in House Document No. 124, Fifty-sixth Congress, second session: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the improvement on the upper portion of said river in accordance with the estimates in said report, or the necessary materials may be purchased and the work done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $106,300, exclusive of the amount herein appropriated.

The amendment was agreed to.

The next amendment was, on page 62, line 21, after the word "dollars," to insert:

And the Secretary of War is directed to report whether, in his opinion, any work is necessary and advisable for affording protection to rice plantations along the Savannah River, in the State of South Carolina; and, if so, in what way such protection should be given—whether by raising the rice-field embankments, or by means of a canal or otherwise for drainage through Wrights River or other waterway, or by any other means—also the estimated cost of the same.

So as to make the clause read:

Improving Savannah River above Augusta, Ga.: Continuing improvement, $1,000. And the Secretary of War is directed to report whether, in his opinion, any work is necessary and advisable for affording protection to rice plantations along the Savannah River, in the State of South Carolina; and, if so, in what way such protection should be given—whether by raising the rice-field embankments, or by means of a canal or otherwise for drainage through Wrights River or other waterway, or by any other means—also the estimated cost of the same.

Mr. NELSON. That amendment should be disagreed to, the same provision being inserted in another part of the bill.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 63, line 6, before the word "thousand," to strike out "fifteen" and insert "thirty;" so as to make the clause read:

Improving Oconee River, Georgia: Continuing improvement, $30,000.

The amendment was agreed to.

The next amendment was, on page 63, line 12, before the word "dollars," to strike out "eighty-five thousand" and insert "sixty-three thousand seven hundred and fifty;" so as to make the clause read:

Improving Chattahoochee River, Georgia and Alabama: Continuing improvement and for maintenance below Columbus, Ga., $63,750: *Provided*, That out of said amount $5,000, or so much thereof as may be necessary, may be used in the construction of a pile-driver barge and a towing barge, in accordance with the approved project.

The amendment was agreed to.

The reading of the bill was continued to the end of line 25, on page 63.

Mr. NELSON. I offer a committee amendment to come in at the end of the paragraph just read. I send the amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 63, after line 25, it is proposed to insert:

Skidaway Narrows, Chatham County: The Secretary of War is directed to cause a survey and estimate of the cost of improving Skidaway Narrows, connecting the Isle of Hope River with Burnside River, for a channel 75 feet wide and 6 feet deep at mean low water, and make report of the same to the next session of Congress.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 64, after line 14, to strike out:

Improving the entrance to Withlacoochee River, Florida, in accordance with the report submitted in House Document No. 199, Fifty-fifth Congress, second session, $10,000.

The amendment was agreed to.

The next amendment was, on page 64, line 22, before the word "dollars," to strike out "three hundred and fifty thousand," and insert "two hundred and sixty-two thousand five hundred;" and on page 65, line 5, before the word "dollars," to strike out "nine hundred and fifty thousand," and insert "six hundred and thirty-three thousand three hundred and thirty-four;" so as to make the clause read:

Improving St. Johns River, Florida, from Jacksonville to the ocean: Continuing improvement, $262,500: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be required to prosecute the approved and modified project, or said materials may be purchased and work done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $633,334, exclusive of the amounts herein and heretofore appropriated: *Provided further*, That out of said amount $150,000 may, in the discretion of the Secretary of War, be expended in the construction of a dredge.

The amendment was agreed to.

The next amendment was, on page 65, line 18, before the word "thousand," to strike out "fifteen" and insert "twenty;" and in line 20, after the word "Geneva," to insert "and $5,000 for dredging to the depth of 10 feet the channel at the Cypress Top outlet of said river;" so as to make the clause read:

Improving Choctawhatchee River, Florida and Alabama: Continuing improvement, $20,000, of which amount $10,000 shall be expended for the improvement of the river between Newton and Geneva, and $5,000 for dredging to the depth of 10 feet the channel at the Cypress Top outlet of said river.

Mr. NELSON. I move to amend that amendment by striking out the word "ten" and inserting the word "five;" so as to read "5 feet."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 65, line 24, after the word "dollars," to insert:

The whole or any part of which sum may be used in dredging a channel to the depth of 8½ feet at the mouth of the Escambia River, if in the judgment of the Secretary of War the same be advisable.

So as to make the clause read:

Improving Escambia and Conecuh rivers, Florida: Continuing improvement, $5,000, the whole or any part of which sum may be used in dredging a channel to the depth of 8½ feet at the mouth of the Escambia River, if in the judgment of the Secretary of War the same be advisable.

The amendment was agreed to.

The next amendment was, on page 66, line 23, before the word "thousand," to strike out "fifty" and insert "seventy-five;" on page 67, line 3, before the word "thousand," to strike out "seventy-four" and insert "ninety-nine;" and in line 8, after the word "Shoal," to insert "and dredging and improving the channel between Rome, Ga., and Lock No. 4;" so as to make the clause read:

Improving Coosa River, Georgia and Alabama: For maintenance and continuing improvement, $75,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete Lock and Dam No. 4 in said river, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $199,845, exclusive of the amounts herein and heretofore appropriated, and the balance on hand, together with any amounts herein appropriated, not required for the completion of said lock and dam, may be used for completing the work at Horse Leg Shoal and dredging and improving the channel between Rome, Ga., and Lock No. 4.

The amendment was agreed to.

The next amendment was, on page 67, line 19, before the word "thousand," to strike out "three hundred and sixty," and insert "two hundred and seventy;" in line 21, after the word "for," to insert "prosecuting the work of," and on page 68, line 2, before the word "dollars," to strike out "four hundred thousand," and insert "two hundred and sixty-six thousand six hundred and sixty-seven;" so as to make the clause read:

Improving the Black Warrior, the Warrior, and the Tombigbee rivers, Alabama: Continuing improvement with the view to securing a navigable depth of 6 feet in the Black Warrior, the Warrior, and Tombigbee rivers from Mobile to Mulberry and Locust Fork in said Black Warrior River, $270,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary for prosecuting the work of constructing locks and dams 1, 2, and 3 in the Tombigbee and Warrior rivers, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $266,667, exclusive of the amounts herein and heretofore appropriated: *Provided further*, That $10,000 of the amounts herein or heretofore appropriated for said project may, in the discretion of the Secretary of War, be expended for continuing improvement and for maintenance on said river from Tuscaloosa to Demopolis; and the Secretary of War is authorized and directed to cause a survey to be made of the necessary lock sites in Tombigbee River between Demopolis and McGrews Shoals, the expense of which shall be paid from this appropriation.

The amendment was agreed to.

The next amendment was, on page 68, line 24, before the word "thousand," to strike out "five" and insert "two;" so as to make the clause read:

Improving Chickasahay River, Mississippi: For maintenance, $2,000.

The amendmend was agreed to.

The next amendment was, on page 70, line 9, before the word "thousand," to strike out "one hundred" and insert "seventy-five;" so as to make the clause read:

Improving Red River, Louisiana, Arkansas, Texas, and Indian Territory: Continuing improvement, $75,000, and the unexpended balance of amounts heretofore appropriated for Little River from Scopini Cut-off to Knox Point shall be transferred to the fund for the general improvement of Red River.

The amendment was agreed to.

The next amendment was, on page 70, line 20, before the word "thousand," to strike out "ten" and insert "nine;" so as to make the clause read:

Improving channel, bay, and passes of Bayou Vermilion, Louisiana: Continuing improvement, $9,000.

The amendment was agreed to.

The next amendment was, on page 71, after line 2, to insert:

Improving Ouachita and Black rivers, Arkansas and Louisiana: For the construction of two locks and dams, one below Monroe, La., and the other below Camden, Ark., according to the project submitted in House Document No. 480, Fifty-sixth Congress, first session, $75,000; and the Secretary of War shall construct said locks and dams at two of such of the sites selected by said plan as will, in his judgment, most effectually lengthen the navigation of said rivers: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to prosecute the work of constructing said locks and dams, or the required materials may be purchased and the work carried on otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $300,000, exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 71, line 25, after the word "improvement," to strike out "three hundred" and insert "two hundred and twenty-five;" on page 72, line 6, before the word "hundred," to strike out "three" and insert "two;" and in line 11, after the word "thereof," to insert the following proviso:

Provided, That no part of the said amounts shall be expended, except so much thereof as may be necessary to defray the expenses of examination and report, until it shall be reported by the board provided for in section 3 of this act that the development by the Government of said water route is feasible and advisable, and whether or not it should be carried to the point mentioned in the act of Congress approved February 1, 1897, and report submitted by the Chief of Engineers dated December 1, 1897, or to some other point short of the one proposed, and if so, to what point, and whether it is advisable to expend the amounts herein appropriated.

So as to make the clause read:

Galveston Ship Channel and Buffalo Bayou, Texas: Continuing improvement, $225,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be required to prosecute said improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $200,000, exclusive of the amounts herein and heretofore appropriated, the amounts herein appropriated and authorized to be equally expended upon divisions 1 and 2 in developing in each of said divisions a channel of uniform depth between the respective termini thereof: *Provided*, That no part of the said amounts shall be expended, except so much thereof as may be necessary to defray the expenses of examination and report, until it shall be reported by the board provided for in section 3 of this act that the development by the Government of said water route is feasible and advisable, and whether or not it should be carried to the point mentioned in the act of Congress approved February 1, 1897, and report submitted by the Chief of Engineers dated December 1, 1897, or to some other point short of the one proposed, and if so, to what point, and whether it is advisable to expend the amounts herein appropriated.

The amendment was agreed to.

The next amendment was, on page 72, after line 23, to strike out:

A board of three engineers shall be appointed by the President from civil life, who shall make an examination and survey of the water route provided

to be surveyed by act of Congress approved February 1, 1897, upon which a report was submitted by the Chief of Engineers of date December 1, 1897. Said board shall report as soon as practicable upon the feasibility and advisability of the development by the Government of said water route in accordance with the former survey, and whether or not it should be carried to the point mentioned in the said act of Congress or to some point short of the one proposed, and if so, to what point, and whether or not it is advisable to expend the amounts herein appropriated and authorized, and no part of said amounts shall be expended unless the board herein provided for shall report in favor thereof. The sum of $10,000, or so much thereof as may be necessary, is hereby appropriated to defray the expenses of said board.

The amendment was agreed to.

The next amendment was, on page 73, line 21, before the word "dollars," to strike out "fifty thousand" and insert "twelve thousand five hundred;" and on page 74, line 7, before the word "dollars," to strike out "six hundred thousand" and insert "five hundred and sixty-six thousand six hundred and sixty-seven;" so as to make the clause read:

Improving Trinity River, Texas, in accordance with the report submitted in House Document No. 409, Fifty-sixth Congress, first session, $112,500: *Provided*, That the Secretary of War may enter into a contract or contracts for materials and work to construct locks or locks and dams upon section 1 and elsewhere upon the river where the most serious obstructions exist, procure and operate snag boats, and clean the river with the purpose of permitting through navigation between Dallas and the mouth of the river each year for *as long a period* as possible, or said materials may be purchased and work done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $566,667, exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

Mr. NELSON. I offer a committee amendment, to come in after line 10 on page 74, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 74, after line 10, it is proposed to insert:

The sum of $400,000 is hereby appropriated to the Brazos River Channel and Dock Company, in payment to said company for the jetties built by said company at the mouth of Brazos River, Texas, and heretofore transferred to the Government by said company: *Provided*, That of said amount the sum of $20,000 shall be retained by the Secretary of the Treasury and not paid to said company until said company shall have conveyed to the United States by proper and sufficient warranty deed, to be approved by the Attorney-General of the United States, the absolute title to a strip of land 1 mile in length and 300 feet in width, upon the water front on the east side of the Brazos River, within 6 miles of the shore end of the east jetty, said strip of land to be selected by the Secretary of War and the limits thereof fixed by him.

Mr. CULLOM. Do I understand that there is no objection to that amendment?

Mr. NELSON. No; there is no objection to it at all.

Mr. CULLOM. I do not see my colleague [Mr. MASON] in the Chamber.

Mr. NELSON. That has been agreed upon.

Mr. CULLOM. By all parties?

Mr. NELSON. Yes; by all parties.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 74, after line 13, to insert:

Improving the Brazos River, Texas, from Richmond to Old Washington, in accordance with the second plan of the progress report submitted in House Document No. 283, second session Fifty-sixth Congress, $161,250.

The amendment was agreed to.

The next amendment was, on page 74, line 22, before the word "dollars," to strike out "seventy-five thousand" and insert "fifty-six thousand two hundred and fifty;" so as to make the clause read:

Improving Arkansas River, Arkansas: Continuing improvement and for maintenance, $56,250.

The amendment was agreed to.

The next amendment was, on page 75, line 6, after the word "for," to insert "prosecuting;" and in line 8, before the word "thousand," to strike out "two hundred" and insert "one hundred and fifty;" so as to make the clause read:

Improving Upper White River, Arkansas: For the completion of Lock and Dam No. 2, authorized in the river and harbor act of March 3, 1899, $70,000; and for prosecuting the construction of Lock and Dam No. 3, $150,000.

The amendment was agreed to.

The next amendment was, on page 76, line 5, before the word "dollars," to strike out "ninety thousand" and insert "sixty-seven thousand five hundred;" so as to make the clause read:

Improving the Tennessee River from Chattanooga to Riverton: Continuing improvement, $67,500; and the Secretary of War is authorized and directed to prepare an estimate of cost of improving said river at the Colbert Shoals by locks and dams.

The amendment was agreed to.

The next amendment was, on page 76, after line 18, to insert:

Improving Big Hatchie River, Tennessee: Continuing improvement from its mouth to Rialto, $10,000.

The amendment was agreed to.

The next amendment was, on page 76, line 21, after the word "Nashville," to strike out "For the completion of the lock and dam at Harpeth Shoals and for maintenance, $180,000" and insert "Continuing improvement and for maintenance, $210,000;" so as to make the clause read:

Improving Cumberland River, Tennessee, below Nashville: Continuing improvement and for maintenance, $210,000.

The amendment was agreed to.

The next amendment was, on page 77, line 1, after the word "Nashville," to strike out "For the completion of lock and dam No. 1 and for maintenance, $105,000" and insert "Continuing improvement and for maintenance, $153,750;" so as to make the clause read:

Improving Cumberland River, Tennessee, above Nashville: Continuing improvement and for maintenance, $153,750.

The amendment was agreed to.

The next amendment was, on page 77, after line 11, to insert:

Improving Big Sandy River, West Virginia and Kentucky, including Tug and Louisa forks, in accordance with report submitted in House Document No. 235, Fifty-sixth Congress, second session, $112,500: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be required to prosecute the project recommended in said report, or said material may be purchased and work done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $666,667, exclusive of the amount herein or heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 78, after line 3, to insert:

Improving Big Sandy River, West Virginia and Kentucky: Completing improvement of the two locks and dams between Louisa and the mouth of the river, authorized by the river and harbor act of March 3, 1899, $50,000, the said sum to be in addition to the amount authorized by said act to be expended on the said locks and dams.

The amendment was agreed to.

The next amendment was, on page 78, after line 16, to strike out:

Improving Licking River, Kentucky: Improving the Three-mile Ripple and adjoining shoals, in accordance with report submitted in House Document No. 645, Fifty-sixth Congress, first session, $100,000, and a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to prosecute the construction of a lock and dam in said river as described in said report at a point to be selected between 5 and 6 miles from its mouth, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $207,000: *Provided*, That the site for said lock and dam shall not be selected or a contract entered into for its construction until after a definite location is chosen for the lock and dam at or near Cullums Ripple in the Ohio River herein provided for.

The amendment was agreed to.

The next amendment was, on page 79, line 17, before the word "hundred," to strike out "four" and insert "three;" and in line 23, after the word "River," to insert $25,000 for completing the levee at Shawneetown, Ill.;" so as to make the clause read:

Improving Ohio River from its head to its mouth: Continuing improvement, $300,000, of which amount $21,000, or so much thereof as may be necessary, shall be expended in the construction of an ice pier at Maysville, Ky.; $45,000, or so much thereof as may be necessary, in completing the survey heretofore provided for to the mouth of the Big Miami River; $25,000 for completing the levee at Shawneetown, Ill.; $41,000, or so much thereof as may be necessary, in the improvement of the Falls of the Ohio near Louisville, and $20,000, or so much thereof as may be necessary, in improvements at or near Davis Island Dam, if in the judgment of the Secretary of War the same should be made in the interests of navigation or the maintenance of Government works heretofore constructed.

The amendment was agreed to.

The next amendment was, on page 80, line 20, after the word "thereof," to insert the following proviso:

Provided, That the Attorney-General is authorized and directed to furnish, upon the request of the Secretary of War, an opinion upon the question whether the owners of these bridges, or any of them, can be required, under existing laws, to make the necessary changes at their own expense; and if not, what steps will be necessary to secure such changes, which opinion shall accompany the report of the Secretary of War to Congress.

So as to make the clause read:

The Secretary of War is authorized and directed to prepare a list of the bridges upon the Ohio River which are an impediment to safe and convenient navigation, and the nature and extent of the modifications required therein, and report the same to Congress, together with information as to whether necessary changes in said bridges can be secured under existing law; and if not, what steps are necessary in order to secure proper changes or modifications in said bridges, and an estimate of the cost thereof: *Provided*, That the Attorney-General is authorized and directed to furnish, upon the request of the Secretary of War, an opinion upon the question whether the owners of these bridges, or any of them, can be required, under existing laws, to make the necessary changes at their own expense; and if not, what steps will be necessary to secure such changes, which opinion shall accompany the report of the Secretary of War to Congress.

The amendment was agreed to.

The next amendment was, on page 81, after line 2, to insert:

Improving Ohio River: Continuing construction of Locks and Dams Nos. 2, 3, 4, 5, and 6, $243,750: *Provided*, That of this amount $150,000, or so much thereof as may be necessary, shall be expended in completing Lock and Dam No. 6: *Provided further*, That—

So as to make the clause read:

Improving Ohio River: Continuing construction of Locks and Dams Nos. 2, 3, 4, 5, and 6, $243,750: *Provided*, That of this amount $150,000, or so much thereof as may be necessary, shall be expended in completing Lock and Dam No. 6: *Provided further*, That the provision in river and harbor act of June 3, 1896, authorizing contracts to be made for the construction of Dams Nos. 2, 3, 4, 5, and 6 in the Ohio River (as amended by the sundry civil act of June 4, 1897), and the provision in the river and harbor act of March 3, 1899, authorizing contracts to be made for the construction of Dams Nos. 13 and 18, are hereby so amended as to authorize the Secretary of War, in his discretion, to expend the amounts appropriated for these works by contract or otherwise, as may be most economical and advantageous to the Government, and the said

Secretary may exercise the same discretion in the improvements at Dams Nos. 8, 11, and 14, and at or near Cullums Ripple, herein provided for.

The amendment was agreed to.

The next amendment was, on page 81, after line 24, to insert:

For local surveys and purchase of site for Lock and Dam No. 7, $23,000, and any part thereof which may not be required for such purpose shall be available for construction of said lock and dam.

The amendment was agreed to.

The next amendment was, on page 82, line 4, after the word "improvement," to strike out "at or near Cullums Ripple" and insert "by construction of a lock and dam between Cullums Ripple and Medoc Bar;" in line 10, before the word "dollars," to strike out "one hundred thousand" and insert "seventy-five thousand;" in line 12, after the word "to," to strike out "complete" and insert "prosecute the work on," and in line 17, before the word "dollars," to strike out "nine hundred and fifty thousand" and insert "six hundred and thirty-three thousand three hundred and thirty-four;" so as to make the clause read:

Improving Ohio River: Continuing improvement by construction of a lock and dam between Cullums Ripple and Medoc Bar, below Cincinnati, Ohio, in accordance with the report submitted in House Document No. 265, Fifty-fifth Congress, third session, $75,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be necessary to prosecute the work on the said lock and dam, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $633,334, exclusive of the amount herein appropriated.

The amendment was agreed to.

The next amendment was, on page 84, line 10, before the word "dollars," to strike out "five hundred thousand" and insert "three hundred and seventy-five thousand;" and in line 17, before the word "dollars," to strike out "one million two hundred and fifty thousand" and insert "eight hundred and thirty-three thousand three hundred and thirty-three;" so as to make the clause read:

Improving Detroit River, Michigan, in accordance with the report submitted in House Document No. 712, Fifty-sixth Congress, first session, and designated as "Plan A," $375,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be required to prosecute said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $833,333, exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 85, line 1, before the word "dollars," to strike out "three hundred and thirty thousand" and insert "two hundred and forty-seven thousand five hundred;" so as to make the clause read:

Improving St. Clair Flats Canal, in Lake St. Clair, Michigan, in accordance with the report submitted in House Document No. 234, Fifty-sixth Congress, second session, $247,500.

The amendment was agreed to.

The next amendment was, on page 85, line 6, after the word "maintenance," to strike out:

Forty thousand dollars: *Provided*, That one-half of said amount may be expended above and one-half below the county line between Saginaw and Bay counties.

And insert:

One hundred and twenty-five thousand dollars, of which so much as may be necessary may be used for the purchase or construction of a dredging plant.

So as to make the clause read:

Improving Saginaw River, Michigan: Continuing improvement and for maintenance, $125,000, of which so much as may be necessary may be used for the purchase or construction of a dredging plant.

The amendment was agreed to.

The next amendment was, on page 85, line 16, before the word "dollars," to strike out "five hundred thousand" and insert "three hundred and seventy-five thousand;" and in line 23, before the word "dollars," to strike out "four million" and insert "two million six hundred and sixty-six thousand six hundred and sixty-seven;" so as to make the clause read:

Improving Middle and West Neebish channels, St. Marys River, Michigan, in accordance with the report submitted in House Document No. 128, Fifty-sixth Congress, second session, $375,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be required to prosecute said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $2,666,667, exclusive of the amounts herein appropriated and heretofore appropriated for the improvement of Hay Lake Channel, etc.

The amendment was agreed to.

The next amendment was, on page 86, line 18, after the word "and," to strike out "twenty-five thousand dollars" and insert "fifty thousand dollars, of which $100,000, or so much thereof as may be necessary, may be used for the purchase or construction of a dredging plant;" so as to make the clause read:

Improving Grand River, Michigan: Continuing improvement, $150,000, of which $100,000, or so much thereof as may be necessary, may be used for the purchase or construction of a dredging plant.

The amendment was agreed to.

The next amendment was, on page 87, line 10, after the word "dollars," to insert:

For improvement in accordance with the report submitted in House Document No. 419, first session Fifty-sixth Congress, $30,000.

So as to make the clause read:

Improving Menominee River, Michigan and Wisconsin: For maintenance, $7,500; for improvement in accordance with the report submitted in House Document No. 419, first session Fifty-sixth Congress, $30,000.

The amendment was agreed to.

The next amendment was, on page 87, after line 18, to insert:

The Secretary of War is hereby directed to ascertain and determine the advisability of removing the dam at or near the mouth of Minnesota River, in the State of Minnesota, and, in case he determines that the removal of said dam is advisable, he is authorized to remove the same; and the sum of $2,500 is hereby appropriated for that purpose.

The amendment was agreed to.

The reading of the bill was continued at the end of line 4, on page 88.

Mr. NELSON. I offer the amendment I send to the desk, to be inserted at the end of line 4, page 88.

The SECRETARY. On page 88, after the word "cut-off," in line 4, it is proposed to insert:

Or in making a survey from the mouth of the river to Mount Carmel, Ill.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 88, line 7, before the word "dollars," to strike out "seventy-five thousand" and insert "fifty-six thousand two hundred and fifty;" so as to make the clause read:

Improving Calumet River, Illinois and Indiana: Continuing improvement, $56,250.

The amendment was agreed to.

The next amendment was, on page 88, line 18, before the word "dollars," to strike out "seventy-five thousand" and insert "fifty-six thousand two hundred and fifty;" so as to make the clause read:

Improving Illinois River, Illinois: Continuing improvement, $56,250.

The amendment was agreed to.

The next amendment was, on page 89, line 4, before the word "thousand," to strike out "two hundred" and insert "one hundred and fifty;" so as to make the clause read:

The sum of $150,000, or so much thereof as may be necessary, is hereby appropriated for making such surveys, examinations, and investigations as may be required to determine the feasibility of, and to prepare and report plans and estimates of cost of, a navigable waterway, 14 feet in depth, from Lockport, Ill., by way of the Des Plaines and Illinois rivers, to the mouth of said Illinois River, and from the mouth of the Illinois River, by way of the Mississippi River, to St Louis, Mo.

The amendment was agreed to.

The reading was resumed and continued to the end of line 7, page 90.

Mr. VEST. I wish the Secretary would read the first part of the provision he has just read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

Provided, That $25,000 of said sum, or so much thereof as may be necessary, may be expended by the Mississippi River Commission in making the surveys, examinations, and investigations herein required from the mouth of the Illinois River to St. Louis: *And provided further*, That the Secretary of War shall appoint a board of three engineers to make the surveys, examinations, and investigations hereinbefore required from Lockport, Ill., through the Des Plaines River and Illinois River, to the mouth of said Illinois River, and that all such surveys, examinations, and investigations shall be made to determine the feasibility of, and to prepare and report plans and estimates of cost of, a navigable waterway, 14 feet in depth, from Lockport, Ill., to St. Louis, Mo.; the said Mississippi River Commission shall make said report covering such proposed improvement from the mouth of the Illinois River to St. Louis, and the said board of engineers shall make such report from Lockport, Ill., to the mouth of the Illinois River.

Mr. VEST. I call the attention of the Senator from Minnesota who is in charge of the bill to the fact that the Committee on Commerce have interpolated—I am a member of that committee, but I overlooked it until this moment—the control of the river from the mouth of the Illinois to St. Louis under the Mississippi River Commission. They have never had any jurisdiction over that part of the river. Their jurisdiction extends from the Head of the Passes to the mouth of the Ohio River. I do not know for what purpose we have injected into this part of the bill the jurisdiction of the Mississippi River Commission sporadically over this part of the river. It ought to be the Board of Engineers. The Mississippi River Commission have never had anything to do with that part of the river.

Mr. BERRY. To what page does the Senator from Missouri refer?

Mr. VEST. I have not the bill before me.

Mr. CULLOM. Page 89.

Mr. NELSON. I desire to call the attention of the Senator from Missouri to the fact that this amendment was incorporated by the committee.

Mr. VEST. I know it was; and it ought not to have been incorporated in this shape, because we are now taking that part of the river above the mouth of the Ohio, from the Illinois River to St. Louis, and putting it under the jurisdiction of the Mississippi

River Commission, which never has had anything to do with that part of the river. A board of engineers controls that.

Mr. CULLOM. It is very easy to strike out the Mississippi River Commission——

Mr. VEST. That is what ought to be done. I never noticed it until the Secretary read it.

Mr. CULLOM. And say it shall be done by a board of engineers, appointed for the investigation of the whole line.

Mr. VEST. Strike out "the Mississippi River Commission" from the mouth of the Illinois to St. Louis and insert "the Board of Engineers."

Mr. NELSON. I agree to the amendment.

Mr. VEST. Or "the Engineer Bureau."

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

The SECRETARY. In line 16, page 89, strike out the words "Mississippi River Commission" and insert "Board of Engineers."

Mr. VEST. I suggest "engineers in charge of the river."

The PRESIDING OFFICER. Will the Senator from Missouri please state his amendment again?

Mr. NELSON. I suggest that we insert the words "the Secretary of War."

Mr. VEST. Very good; that is the same thing.

Mr. BERRY. That is right.

Mr. NELSON. I move to insert "the Secretary of War" instead of "the Mississippi River Commission."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 16, page 89, strike out "Mississippi River Commission" and insert "Secretary of War."

The amendment was agreed to.

Mr. CULLOM. Then I suggest that farther down, in line 23, for instance, where it says, "to the mouth of the said Illinois River," the board should have jurisdiction clear on to St. Louis.

Mr. NELSON. It is the Secretary of War.

Mr. BERRY. The Secretary of War already has jurisdiction from Cairo to St. Louis. It is not under the commission.

Mr. NELSON. It is left under the charge of the Secretary of War.

Mr. CULLOM. My only desire is to make it consistent all the way through.

Mr. VEST. All of the river from the mouth of the river or from Cairo—which is the same thing—above Cairo is under the Board of Engineers.

Mr. CULLOM. I know.

Mr. VEST. Of course the Secretary of War has control of the Board of Engineers. From Cairo to the Head of the Passes the Mississippi River Commission has jurisdiction.

Mr. CULLOM. Then the Senator will find on page 90——

Mr. NELSON. There is another amendment which should be made.

Mr. CULLOM. The Mississippi River Commission is referred to again on page 90.

Mr. VEST. That should be stricken out if it is above Cairo.

Mr. NELSON. Let that amendment be made.

The SECRETARY. In line 3, page 90, it is proposed to strike out "said Mississippi River Commission" and insert "Secretary of War."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, on page 90, line 10, before the word "dollars," to strike out "three hundred thousand" and insert "two hundred and twenty-two thousand five hundred;" so as to make the clause read:

Reservoirs at the head waters of the Mississippi River: Continuing improvement, $222,500. The funds herein appropriated and the unexpended balance of former appropriations for this work shall be expended for the necessary renewal and repair of the reservoirs that have already been completed, and for the purchase of the lands or easements therein which are necessarily subject to overflow by reason of the legitimate operation of the said completed reservoirs.

The amendment was agreed to.

The next amendment was, on page 90, line 20, after the word "Falls," to insert "Sandy Lake;" so as to read:

Provided, That so much of said funds as may be required may, in the discretion of the Secretary of War, be expended in making full and accurate surveys of the flowage lines of Winnibigoshish, Leech Lake, Pokegama Falls, Sandy Lake, and Pine River reservoirs, and in permanently marking such lines on the ground.

The amendment was agreed to.

The next amendment was, on page 91, after line 2, to insert:

That all lands in the State of Minnesota described in and withdrawn from sale by the proclamations of the President of the United States for the reason that said lands would be required for or subject to flowage in the construction of dams, reservoirs, and other works proposed to be erected for the improvement of the navigation of the Mississippi River and certain of its tributaries, be, and the same are hereby, declared to be, and to have been at all times heretofore, subject to the provisions of a certain act of Congress entitled "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1875, as fully, effectually, and to the same extent as though said lands had not been described in said proclamations, or withdrawn from sale thereby, but had remained with the body of public lands subject to private entry and sale: *Provided, however*, That any and all parts of said lands acquired by any railroad company under said act of Congress shall at all times be subject to the right of flowage which at any time may become necessary in the construction or maintenance of dams, reservoirs, or other works which may be constructed or erected by or under the authority of the United States for the improvement of the navigation of the Mississippi River and its tributaries: *Provided further*, That the railroad companies availing themselves of this act shall, in addition to filing the maps now required by law to be filed, also file maps of definite location of their lines of railroad over said water-reserve lands in the office of the Secretary of War; and no location shall be permitted which takes for right of way or stations lands needed for the use of the present reservoir system, or in the construction of dams or other works, or any proposed or probable extension of the same, or which will obstruct or increase the cost of the present or prospective reservoir system: *Provided further*, That the plan for the location and construction of any such railway, or any part thereof, shall be first submitted to the Secretary of War and approved by him and by the Chief of Engineers of the United States Army.

Mr. NELSON. This is a long amendment, and I ask that it be rejected.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 92, line 18, before the word "dollars," to strike out "one million three hundred thousand" and insert "one million twelve thousand five hundred;" on page 93, line 3, before the word "dollars," to strike out "two million six hundred thousand" and insert "one million seven hundred and thirty-three thousand three hundred and thirty-four;" in line 6, before the word "dollars," to strike out "six hundred and sixty-six thousand six hundred and sixty-seven" and insert "four hundred and ninety-two thousand five hundred;" in line 7, after the word "Ohio," to strike out "to" and insert "up to and including;" in line 8, after the word "River," to insert:

Of which amount $50,000, or so much thereof as may be necessary, shall be expended in preventing erosion of the banks at or near Sawyers Bend, so as to improve the channel and preserve the protection works at said point.

In line 14, before the word "dollars," to strike out "six hundred and ninety-three thousand three hundred and thirty-three" and insert "five hundred and twenty;" and in line 14, after the word "St. Paul," to strike out:

And the amounts for which additional contracts are authorized to be entered into shall be expended in like proportion.

And insert:

And of the amounts for which additional contracts or work are authorized $808,889 shall be expended from the mouth of the Ohio to the mouth of the Missouri, and $924,444 from the mouth of the Missouri to St. Paul. The sum of $31,000, being the unexpended balance of the amount heretofore appropriated for the improvement of the Mississippi River above the Eads Bridge, shall be applied to the improvement of the harbor of St. Louis below said Eads Bridge, commencing at a point on the Illinois side of the river opposite Soulard street in the city of St. Louis and extending to a point on the same side of the river opposite to the United States arsenal in said city, the work to be done for the purpose of removing the sand bar at that locality and obtaining a sufficient depth of water between the eastern and western banks of the river.

So as to read:

Improving the Mississippi River from the mouth of the Ohio River to St. Paul, Minn.: Continuing improvement, $1,012,500: *Provided*, That on and after the passage of this act additional contracts may be entered into by the Secretary of War for such materials and work as may be necessary to carry on continuously the systematic improvement of the Mississippi River between the points mentioned, or the said materials may be purchased and work may be done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $1,733,334: *And provided further*, That of the amount herein appropriated, $492,500 shall be expended from the mouth of the Ohio up to and including the mouth of the Missouri River, of which amount $50,000, or so much thereof as may be necessary, shall be expended in preventing erosion of the banks at or near Sawyers Bend, so as to improve the channel and preserve the protection works at said point, and $520,000 from the mouth of the Missouri River to St. Paul, and of the amounts for which additional contracts or work are authorized $808,889 shall be expended from the mouth of the Ohio to the mouth of the Missouri, and $924,444 from the mouth of the Missouri to St. Paul. The sum of $31,000, being the unexpended balance of the amount heretofore appropriated for the improvement of the Mississippi River above the Eads Bridge, shall be applied to the improvement of the harbor of St. Louis below said Eads Bridge, commencing at a point on the Illinois side of the river opposite Soulard street in the city of St. Louis and extending to a point on the same side of the river opposite to the United States arsenal in said city, the work to be done for the purpose of removing the sand bar at that locality and obtaining a sufficient depth of water between the eastern and western banks of the river.

Mr. NELSON. I desire to move a small amendment here. I move to strike out the word "four," in line 3, page 93, and insert "three;" so as to make it correspond. It should be "thirty-three" instead of "thirty-four" dollars.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading was continued to the end of line 1, page 95.

Mr. VEST. I move to insert after the word "channel," in the Hannibal appropriation, the words "and harbor." I have not before me the bill; but the Secretary can insert the words.

Mr. NELSON. That is agreed to.

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

The SECRETARY. In line 1, page 95, insert "and harbor;" so as to read:

For dredging the channel and harbor and removing sand bars at Hannibal, Mo.

Mr. VEST. It does not increase the appropriation.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 95, line 1, after the word "Missouri," to insert:

Twenty-five thousand dollars, or so much thereof as may be necessary, for the improvement of the harbor of Muscatine, Iowa.

The amendment was agreed to.

The next amendment was, on page 96, line 8, before the word "dollars," to strike out "two million five hundred thousand" and insert "one million eight hundred and seventy-five thousand;" on page 97, line 1, before the word "dollars," to strike out "five million" and insert "three million three hundred and thirty-three thousand three hundred and thirty-three;" and in line 17, before the word "thousand," to strike out "twenty" and insert "thirty-five;" so as to make the clause read:

Improving Mississippi River from Head of the Passes to the mouth of the Ohio River, including salaries, clerical, official, traveling, and miscellaneous expenses of the Mississippi River Commission: Continuing improvement, $1,875,000. * * * *Provided*, That on and after the passage of this act additional contracts may be entered into by the Secretary of War for such materials and work as may be necessary to carry on continuously the plans of the Mississippi River Commission as aforesaid, or said materials may be purchased and work done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $3,333,333, exclusive of the amounts herein and heretofore appropriated. * * * *Provided further*, That of the sums hereby appropriated and authorized to be expended * * * $35,000 in continuing improvement at Caruthersville, Mo.

The amendment was agreed to.

The next amendment was, on page 97, line 22, before the word "dollars," to strike out "one hundred and ten thousand" and insert "eighty-two thousand five hundred;" so as to make the clause read:

For work in accordance with the plans and specifications of the Mississippi River Commission: At the harbor of New Orleans, La., continuing improvement, $82,500.

The amendment was agreed to.

The next amendment was, on page 98, after line 4, to insert:

Reservoirs at the head waters of the Missouri River: For construction along Piney Creek, Wyoming, of three reservoirs for the purpose of holding back the flood waters of said stream, with a view of minimizing the formation of bars and shoals and other flood-formed obstructions to navigation and to aid in the maintenance of an increased depth and uniform flow of water for navigation during the dry season, in accordance with the recommendations submitted in House Document No. 441, Fifty-fifth Congress, second session, $50,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such work and materials as may be necessary for the completion of such reservoirs, to be paid for as appropriations may, from time to time, be made by law, not to exceed in the aggregate $165,000, exclusive of the amount herein appropriated.

Mr. NELSON. I offer an amendment to the amendment. In line 13, page 98, I move to strike out "four" and insert "one." The reference to the document is wrong.

The SECRETARY. In line 13, page 98, before the word "hundred," strike out "four" and insert "one;" so as to read: "House Document No. 141."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 98, after line 20, to insert:

For construction along Grey Bull River, Wyoming, of a reservoir for the purpose of holding back the flood waters of said stream, with a view of minimizing the formation of bars and shoals and other flood-formed obstructions to navigation and to aid in the maintenance of an increased depth and uniform flow of water for navigation during the dry season, in accordance with estimates of cost of construction of such reservoir made by the Geological Survey, $50,000: *Provided*, That the Secretary of War may enter into a contract or contracts for such work and materials as may be necessary for the completion of such reservoir, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $25,000, exclusive of the amount herein appropriated: *Provided further*, That these reservoirs shall be emptied, as nearly as may be possible, each year, between June 30 and September 30, the discharge of stored water to be under the direction of the State engineer, or other State officer especially designated for the purpose by the State wherein such reservoirs are located.

The amendment was agreed to.

The next amendment was, on page 99, after line 15, to insert:

For building dams and constructing reservoirs on the Sioux River, in South Dakota, to control the flow of said stream and impound the flood waters to secure a permanent stage of water in the Missouri River, $52,500.

The amendment was agreed to.

The next amendment was, on page 99, line 24, before the word "dollars," to strike out "forty thousand" and insert "one hundred and twelve thousand five hundred;" so as to make the clause read:

Improving Missouri River at and above Sioux City: Continuing improvement and maintenance, including snagging, $112,500.

The amendment was agreed to.

The next amendment was, on page 100, line 2, before the word "dollars," to strike out "three hundred thousand" and insert "two hundred and sixty-two thousand five hundred;" in line 4, after the word "designate," to insert:

Provided, That the sum of $30,000, or so much thereof as may be necessary, shall be expended in continuing the improvements and revetment to prevent erosure of the banks and a change in the channel of the river at St. Joseph, Mo.

And in line 16, after the word "may," to insert "in the discretion of the Secretary of War;" so as to make the clause read:

Improving Missouri River below Sioux City: Continuing improvement, $262,500, which shall be expended in the improvement of such portions of said river as the Secretary of War may designate: *Provided*, That the sum of $30,000, or so much thereof as may be necessary, shall be expended in continuing the improvements and revetment to prevent erosure of the banks and a change in the channel of the river at St. Joseph, Mo.; and such dikes, or other construction as may be necessary to protect public or private property, may be located in said stream and upon the banks thereof by abutting owners and municipalities, provided they do not interfere with the proper navigation of said river, and provided further, that the same are approved by the Government engineer having the improvement of said river in charge: *Provided*, That the equipment now owned by the Government on the Missouri River may, in the discretion of the Secretary of War, be used to aid in such construction, and the expenses of operation during the next fiscal year may, in the discretion of the Secretary of War, be paid from the appropriation herein made; and such portions of said appropriation as he may deem necessary may be expended for the improvement of tributary streams of said river heretofore under improvement under the direction of the Missouri River Commission.

The amendment was agreed to.

The reading of the bill was continued to line 13, on page 102, the last paragraphs read being the following:

So much of the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved July 5, 1884, as provides for the creation of a commission to be called the Missouri River Commission, and prescribes the manner of appointment, the compensation, the powers, the duties, the expenditures, and the reports thereof, be, and the same is hereby, repealed from and after June 30, 1901.

And said commission shall prepare and submit through the Chief of the Engineer Corps of the Army to the Secretary of War, to be by him transmitted to Congress, a full and detailed report of all their proceedings and actions since the date of their last report, and of all such plans and systems of works as may now be devised and in progress and carried out by them, and of all such additional plans and systems of works as may be devised and matured by them, with full and detailed estimates of the cost thereof, and statements of all expenditures made by them, and shall on said 30th day of June, 1901, transfer to and place under the control of the Secretary of War, or such engineer officers as he may designate, all such vessels, barges, machinery, and instruments, and such plant or other property as may then be provided, devised, or in use on said river, or on the Gasconade and Osage rivers, in the State of Missouri, from appropriations heretofore made for such rivers, or other sources, in their possession or under their control.

And the Secretary of War shall, after said 30th day of June, 1901, superintend and control all property theretofore under the control of said commission, and all works theretofore under their supervision, and shall expend for the purposes for which they were appropriated all appropriations made herein, and all unexpended balances of appropriations heretofore made for the improvement of said rivers which shall remain on hand on the said 30th day of June, 1901, and all appropriations which may hereafter be made for such rivers, or so much thereof as may be necessary.

Mr. VEST. I want to make a few remarks, Mr. President, in regard to repealing the provision of law which created and maintained the Missouri River Commission. As a member of the Senate Committee on Commerce, I made no opposition to the action of the House, although I am the author of the act which created the Missouri River Commission.

I wish to state in justice to that commission, of which Lieutenant-Colonel Stickney is the president, that its work has been performed faithfully and honestly, and what I say now is intended to obviate or remove any impression that the action of Congress in abolishing the commission is intended as the slightest criticism upon what they have done.

I do not agree with the reasons given by the Committee of the House on Rivers and Harbors for their action in striking out the provision of law creating and maintaining this commission, but I make no opposition to the action of the House of Representatives for the reason I shall state.

The Missouri River Commission properly and rightfully recommended in their first report, more than eight years ago, a systematic improvement of the Missouri River by reaches of 10 miles each, commencing at the mouth and going up the stream. They said, very properly, what one not even an expert would know to be true, that isolated and sporadic improvement at localities upon the river amounted to nothing, and the only way in which the river could be improved scientifically and properly was by reaches so that one reach could depend upon and be supported by another. I have always contended for that system. I never had the slightest doubt that the Missouri River Commission was right.

The report of the committee of the House states that there is no navigation upon this river. Five hundred wrecks are in the Missouri River now, or the remains of them, and no insurance can be had upon either boats or cargoes on account of the condition of that stream. The neglect of the General Government to make sufficient appropriations for the systematic improvement of the river is the cause of its condition to-day. Yet this is made the reason for abolishing the commission entirely, with reflections upon the commission which I believe to be unjust. It is true the report says they mean no reflection upon the commission, and yet it goes on to say that the system now being pursued by the commission can not, in the opinion of the committee, be supported.

Mr. President, I have concurred in the report abolishing the commission for the reason that I believe it hopeless to expect from the General Government a sufficient amount of money for the improvement of this stream, and I have also concurred because

whenever the Senate has made sufficient appropriation for the systematic improvement of the river by reaches, in accordance with the recommendations of the commission, the other branch of Congress has invariably diverted those appropriations to local improvements, and those local improvements in each successive spring have been washed away, and then the fault of not having the river in a sufficiently improved condition for navigation so as to invite boats to run upon it has been used as an argument against the Missouri River Commission. If we had followed the advice of that commission the Missouri River would to-day have a number of boats upon it and would be an important auxiliary in lowering the rates upon the railroads which parallel that stream.

Not believing that Congress would hereafter adopt any different system from that which has been adopted for the last eight years, and believing we would continue to have the same imperfect and unimproved condition of the river that we have to-day, I have concurred in this action abolishing the commission. But I deemed it my duty to say what I have in order to remove any suspicion that the engineer officers upon the commission have failed in the slightest degree to do their duty.

FRANK B. CASE.

Mr. CHANDLER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11598) for the relief of Frank B. Case, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate; and agree to the same.

EUGENE HALE,
WILLIAM E. CHANDLER,
B. R. TILLMAN,
Managers on the part of the Senate.
V. H. METCALF,
JAMES E. WATSON,
ADOLPH MEYER,
Managers on the part of the House.

The report was agreed to.

GOVERNMENT FOR PORTO RICO.

Mr. FORAKER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 12396) to amend an act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and to increase the salary of the commissioner of education provided for by said act, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with amendments as follows: Insert in line 8, page 1, after the word "assistants," the following: "Appointed by the United States district court."

Strike out the word "a," after the word "including," in line 8, page 1, and insert in lieu thereof the word "the."

Strike out the word "an," next preceding the word "interpreter," in line 8, page 1, and insert in lieu thereof the word "the."

Strike out, commencing at the end of line 8, page 1, the following: "Appointed by the United States district court as provided in section 34 of said act."

Strike out all of section 5, on page 3.

And the Senate agree to the same.

J. B. FORAKER,
J. H. GALLINGER,
S. R. MALLORY,
Managers on the part of the Senate.
H. A. COOPER,
R. R. HITT,
W. L. JONES,
Managers on the part of the House.

The report was agreed to.

POST-OFFICE APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13729) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1902.

Mr. WOLCOTT. I move that the Senate further insist upon its amendments and accede to the request of the House for a further conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate at the further conference; and Mr. WOLCOTT, Mr. CHANDLER, and Mr. BUTLER were appointed.

RIVER AND HARBOR APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Commerce was, on page 102, line 17, before the word "thousand," to strike out "ten" and insert "fifteen;" and in the same line, after the word "dollars," to insert "For completion of the lock and dam at Brenneckes Shoals, $20,000;" so as to make the clause read:

Improving Osage River, Missouri: Continuing improvement and for maintenance, $15,000. For completion of the lock and dam at Brenneckes Shoals, $20,000.

The amendment was agreed to.

The next amendment was, on page 102, line 21, before the word "dollars," to strike out "three thousand six hundred" and insert "two thousand;" so as to make the clause read:

Improving Napa River, California: Continuing improvement, $2,000.

The amendment was agreed to.

The next amendment was, at the top of page 103, to strike out:

The Secretary of War, in carrying out the provisions of any act of Congress providing for the restraining or impounding of mining débris in California, may, in his discretion, with the appropriations heretofore made by Congress and the State of California, prosecute the work required therefor by contract or otherwise, and by the purchase of a site or sites, and may accept payments on account thereof as the work progresses under the provisions of the acts of the legislature of said State for such purposes, notwithstanding the restriction contained in the river and harbor act of March 3, 1899, to the effect that the whole amount required for completion of such works of impounding shall be available before such work is commenced.

The amendment was agreed to.

The next amendment was, on page 103, after line 13, to insert:

For carrying out the provisions of the act of Congress providing for the restraining or impounding of mining débris in California, in accordance with the project printed in House Document No. 431, Fifty-sixth Congress, first session, $150,000 in addition to the amount heretofore appropriated. And the Secretary of War, within the limit of the appropriations heretofore and now made by Congress and by the State of California, is authorized to make a contract for such work and materials as may be necessary to carry out and complete the project, or may, in his discretion, purchase the materials and cause the work to be done otherwise than by contract, and may, out of said appropriations, purchase a site or sites in accordance with said project: *Provided*, That before entering on said work or making said contracts the Secretary of War shall be satisfied that the State of California has appropriated for the prosecution of said project the sum of $400,000: *And provided further*, That contracts for the purchase of sites or for work and material shall provide specifically that only one-half the compensation agreed to be paid shall be paid by the United States, and that the contractor or contractors shall look to the State of California for the remainder of the agreed compensation: *And provided further*, That if the work be done by the United States without contract, one-half the cost thereof shall be paid by the State of California, as the work progresses, upon estimates to be submitted from time to time by the Chief of Engineers.

The amendment was agreed to.

The next amendment was, on page 104, line 17, after the word "California," to insert "Completing improvement;" so as to make the clause read:

Improving Redwood Creek, California: Completing improvement in accordance with the report submitted in House Document No. 87, Fifty-fourth Congress, second session, $8,400.

The amendment was agreed to.

The next amendment was, on page 104, line 20, to insert:

Colorado River, Nevada: The Secretary of War shall cause a survey of the Colorado River to be made with a view to deepening and rendering navigable the channel between El Dorado Canyon and Rioville, Nev., and shall submit an estimate therefor.

The amendment was agreed to.

The next amendment was, on page 105, line 2, before the word "hundred," to strike out "four" and insert "three," and in line 8, before the word "dollars," to strike out "five hundred thousand;" so as to make the clause read:

Improving mouth of Columbia River: Continuing improvement, $300,000: *Provided*, That a contract or contracts may be entered into by the Secretary of War for such materials and work as may be required to prosecute the approved and modified project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $1,000,000, exclusive of the amounts herein and heretofore appropriated.

The amendment was agreed to.

The next amendment was, on page 105, line 12, after the word "dollars," to insert "for improvement, $10,000;" so as to make the clause read:

Improving Columbia River between the mouth of the Willamette River and the city of Vancouver, Wash.: For maintenance, $8,000; for improvement, $10,000.

The amendment was agreed to.

The next amendment was, on page 106, line 7, before the word "thousand," to strike out "seventy" and insert "thirty;" in the same line, before the word "thousand" where it occurs the second time, to strike out "twenty-five" and insert "ten;" and in line 10, before the word "thousand," to strike out "twelve" and insert "five;" so as to make the clause read:

Improving Willamette River above Portland, and Yamhill River, Oregon: Continuing improvement, $30,000, of which $10,000, or so much thereof as may be necessary, shall be used in revetting the bank of the Willamette River near Independence, Oreg., and $5,500, or so much thereof as may be necessary, in revetting the bank of the Willamette River above Corvallis, Oreg.

The amendment was agreed to.

The next amendment was, on page 106, line 22, before the word "thousand," to strike out "five" and insert "fifteen;" and in the same line, after the word "dollars," to insert:

Of which sum $10,000, or so much thereof as may be necessary, may be expended in removing the log jam in Nooksack River.

So as to make the clause read:

Improving Puget Sound and its tributary waters, Washington: Continuing improvement, $15,000, of which sum $10,000, or so much thereof as may be necessary, may be expended in removing the log jam in Nooksack River.

The amendment was agreed to.

The next amendment was, on page 107, line 4, after the word "improvement," to strike out "$3,000" and insert "and removing snags down to and including Grays Harbor, $5,000;" so as to make the clause read:

Improving Chehalis River, Washington: Continuing improvement and removing snags down to and including Grays Harbor, $5,000.

The amendment was agreed to.

The next amendment was, on page 107, line 12, after the word "Washington," to strike out "For maintenance, $500" and insert "Completing improvement, $10,600;" so as to make the clause read:

Improving Lewis River, Washington: Completing improvement, $10,600.

The amendment was agreed to.

The next amendment was, on page 107, after line 17, to insert:

Snake River, Alaska: Richard Chilcott, a citizen of the United States, is hereby authorized and empowered to dredge and open the mouth of Snake River, at Nome City, in the district of Alaska, to enable small vessels and lighters to enter therein at any stage of the tide and during all conditions of weather, to construct wharves for commercial purposes, and to charge tolls during a period not to exceed ten years for the use of such improvements according to plans and specifications and schedule of tolls to be approved by and under the direction of the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 108, after line 11, to strike out:

SEC. 2. For preliminary examinations, surveys (except where otherwise herein especially provided for), contingencies, expenses connected with inspection of bridges, the service of notice required in such cases, the examination of bridge sites and reports thereon, and for incidental repairs for which there is no special appropriation for rivers and harbors, $200,000: *Provided*, That no preliminary examination, survey, project, or estimate for new works other than those designated in this or some prior act or resolution shall be made: *And provided further*, That after the regular or formal report on any examination, survey, project, or work under way or proposed is submitted, no supplemental or additional report or estimate for the same fiscal year shall be made unless ordered by a concurrent resolution of Congress. The Government shall not be deemed to have entered upon any project for the improvement of any waterway or harbor mentioned in this act until funds for the commencement of the proposed work shall have been actually appropriated by law.

And insert:

SEC. 2. For preliminary examinations, surveys (except where otherwise herein especially provided for), contingencies, and incidental repairs, of rivers and harbors, for which there is no special appropriation, for expenses connected with the inspection of bridges, the service of notice required in such cases, the examination of bridge sites and reports thereon, $300,000: *Provided*, That no preliminary examination, survey, or estimate for new works other than those designated in this or some prior act or regulation shall be made: *And provided further*, That after the regular or formal reports required by law on any examination, survey, project, or work under way or authorized have been submitted, no supplemental or additional report or estimate shall by made unless ordered by a concurrent resolution of Congress, or requested by the Committee on Commerce of the Senate or the Committee on Rivers and Harbors of the House of Representatives. The Government shall not be deemed to have entered upon any project for the improvement of any waterway or harbor mentioned in this act until funds for the commencement of the proposed work shall have been actually appropriated by law.

The amendment was agreed to.

The next amendment was, on page 114, after line 16, to strike out:

Entrance to Point Judith Pond, Rhode Island.

The amendment was agreed to.

The next amendment was, on page 114, after line 17, to strike out:

Harbor of St. Augustine, Fla.

The amendment was agreed to.

The next amendment was, on page 114, after line 19, to strike out:

New River, Virginia and West Virginia.

The amendment was agreed to.

The next amendment was, on page 114, after line 24, to strike out:

Clear River, Idaho.

The amendment was agreed to.

The next amendment was, on page 115, after line 2, to strike out:

SEC. 8. That the act of Congress approved June 12, 1876, entitled "An act authorizing the residents and property owners of Neville Township, county of Allegheny and State of Pennsylvania, to close the channel of the Ohio River on the south side of Neville Island by the construction of an embankment or causeway from the head of said island to the southern shore of said river," is hereby repealed.

The amendment was agreed to.

The next amendment was, on page 115, after line 24, to insert:

SEC. 9. That the Secretary of War is hereby authorized to extend the time of completion of any bridge, the construction of which is authorized under any existing law of Congress, whenever application to him shall be made before the expiration of the time limited, and the reason for such extension shall be deemed by him to be sufficient.

The amendment was agreed to.

The next amendment was, on page 116, after line 5, to insert:

SEC. 10. That the provisions of section 13 of an act making appropriation for the construction, repair, and preservation of certain public works on rivers and harbors, approved March 3, 1899, or of any act of the Congress of the United States approved by the President, so far as the same apply to fine or short sawdust coming out of any mill or lumbering manufactory operated by water upon the St. Croix River, the Machi River, the Narraguagus River, the Union River, the Penobscot River, the Denneys River, the Chandler River, and the Tunk River, in the State of Maine, are hereby suspended and shall not be held as applying to such short or fine sawdust coming from such mills or lumbering manufactories upon said rivers during the lifetime of such mills now existing; but whenever such mills shall be rebuilt or new mills shall be built upon said rivers, the provisions of said section 13 and other laws aforesaid shall be in full force and effect upon such new or rebuilt mills.

Mr. NELSON. I move to amend the amendment by inserting after the words "Chandler River," in line 15, the words "the Pleasant River."

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The first word at the beginning of line 14 will be changed from "Machi" to "Machias." The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The next amendment was, in section (10) 11, page 117, line 2, after the word "cases," to strike out "except as herein especially directed," and in line 14, after the word "provided," to strike out:

In all cases preliminary examinations, as well as surveys, shall be examined or reviewed by the said board provided for in section 3, who shall make reports thereon, to wit.

And insert:

In all cases preliminary examinations and surveys provided for in this act shall be examined and reviewed by the board provided for in section 3 of this act, to wit.

So as to make the clause read:

That the Secretary of War is hereby directed to cause preliminary examinations or surveys to be made at the localities named in this section as hereinafter provided. In all cases a preliminary examination shall first be made, which shall embrace information concerning the commercial importance, present and prospective, of the river and harbor mentioned, and a report as to the advisability of its improvement. Whenever such preliminary examination has been made, in case such improvement is not deemed advisable no further action shall be taken thereon without the direction of Congress; but in case the report has been or shall be to the effect that such river or harbor is worthy of improvement, the Secretary of War is hereby directed, at his discretion, to cause surveys to be made and the cost of improving such river or harbor to be estimated and to be reported to Congress: *Provided*, In all cases preliminary examinations and surveys provided for in this act shall be examined and reviewed by the board provided for in section 3 of this act, to wit:

The amendment was agreed to.

The next amendment was, under the subhead "Delaware," on page 118, after line 10, to insert:

Little Creek River, with a view to its improvement from its mouth to the town of Little Creek.

The amendment was agreed to.

The next amendment was, on page 118, after line 12, to insert:

Leipsic River from its mouth to the drawbridge at the town of Leipsic.

The amendment was agreed to.

The next amendment was, under the subhead "Florida," on page 119, after line 1, to insert:

Cypress Top, mouth of the Choctawhatchee River, with a view to securing a depth of 5 feet.

Mr. NELSON. This amendment should be disagreed to.

The amendment was rejected.

The next amendment of the Committee on Commerce was, on page 119, after line 8, to insert:

St. Andrews Bay, with a view to securing a depth of 20 feet across the bar and up to the town of St. Andrews.

The next amendment of the Committee on Commerce was, under the subhead "Georgia," on page 119, line 13, after the word "County," to strike out:

The Secretary of War is directed to cause a survey and an estimate of the cost of improving Skiddaway Narrows, connecting Isle of Hope River with Burnside River, for a channel 75 feet wide and 6 feet deep at mean low water, and make report of the same to the next session of Congress.

And insert:

With a view to securing a channel between Isle of Hope River and Burnside River, 75 feet wide and 6 feet deep at mean low water.

So as to make the clause read:

Skiddaway Narrows, Chatham County: With a view to securing a channel between Isle of Hope River and Burnside River 75 feet wide and 6 feet deep at mean low water.

Mr. NELSON. This paragraph, both the House provision and the Senate committee amendment, should be stricken out. It is provided for elsewhere.

Mr. CLAY. I desire to ask the Senator in charge of the bill if this clause has not been inserted elsewhere in the bill?

Mr. NELSON. Certainly; and that is why it should come out here.

The PRESIDENT pro tempore. It will be stricken out, if there be no objection.

Mr. NELSON. The whole of it.

The PRESIDENT pro tempore. The whole of it.

The reading of the bill was continued. The next amendment of the Committee on Commerce was, under the subhead "Illinois,"

on page 120, line 4, before the word "Elizabethtown," to strike out "Mound City;" so as to make the clause read:

Ohio River, channels at or near Elizabethtown.

The amendment was agreed to.

The next amendment was, on page 120, after line 5, to insert:

Harbor at Mound City, on the Illinois side of the Ohio River, with a view to ascertaining whether or not work at that point is necessary for the preservation and improvement of said harbor.

The amendment was agreed to.

The next amendment was, on page 120, after line 9, to insert:

Ohio River from Mound City, Ill., to Cairo, Ill., with a view to ascertaining what improvement, if any, is desirable for the protection of the banks and levees on the Illinois side.

The amendment was agreed to.

The next amendment was, on page 120, after line 13, to insert:

Chicago River, with a view of determining the need, advisability, and cost of constructing one or more turning basins in the north and south branches.

The amendment was agreed to.

The next amendment was, under the subhead "Kentucky," on page 120, after line 21, to insert:

Green and Barren rivers, with a view to obtaining a 6-foot navigable depth in said streams at pool stage of water.

The amendment was agreed to.

The next amendment was, under the subhead "Maine," on page 121, after line 22, to insert:

Tennants Harbor.

The amendment was agreed to.

The next amendment was, at the top of page 122, to insert:

Cape Small Harbor.

The amendment was agreed to.

The next amendment was, on page 122, line 3, after the word "Island," to insert:

With a view to widening and deepening said channel or thoroughfare so that it shall be in all places and at all tides at least 12 feet deep and 30 feet wide:

So as to make the clause read:

Ile au Haut Thoroughfare between the island of Ile au Haut and Kimballs Island, with a view of widening and deepening said channel or thoroughfare so that it shall be in all places and at all tides at least 12 feet deep and 30 feet wide.

The amendment was agreed to.

The next amendment was, on page 122, after line 6, to insert:

York Harbor.

The amendment was agreed to.

The next amendment was, under the subhead "Maryland," on page 122, after line 12, to insert:

Baltimore Channel, Baltimore, Md., with a view to increasing the depth to 35 feet and its width to 1,000 feet or other adequate width.

The amendment was agreed to.

Mr. NELSON. I offer an amendment from the committee, to follow the amendment which has just been adopted. I send the amendment to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After line 15, on page 122, it is proposed to insert:

The Chesapeake and Delaware Canal, with a view to ascertaining the cost of its enlargement for a ship canal and improvement in depth, width, and capacity for navigation by vessels of the greatest draft, and the annual cost of maintaining and operating said canal when constructed. Also the route connecting said two bays, known as the Sassafras route, together with its cost and the annual cost of maintaining and operating a like ship canal by such route. Also for a ship canal connecting Baltimore with the Atlantic Ocean by the route known as the Choptank route, with the cost thereof and the annual cost of maintaining and operating such ship canal when constructed. And the Secretary of War is hereby directed to report to Congress which of the said routes will afford greatest protection in time of war and greatest facilities to commerce by cheapening the cost of transportation and shortening the distance from the city of Baltimore to the Atlantic Ocean.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, under the subhead "Massachusetts," on page 122, after line 18, to insert:

Little Harbor, Woods Holl.

Mr. NELSON. There is a mistake in the amendment which has just been stated. The name "Holl" should be "Hole;" so as to read "Woods Hole." I move that amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 122, after line 19, to insert:

Onset Harbor.

The amendment was agreed to.

The next amendment was, on page 122, after line 20, to insert;

Provincetown Harbor, with a view to its protection and preservation.

The amendment was agreed to.

The next amendment was, under the subhead of "Minnesota," on page 123, after line 14, to strike out:

Minnesota River, to determine the advisability of removing the dam at or near the mouth of said river.

The amendment was agreed to.

The next amendment was, on page 123, after line 22, to insert:

Inner harbor at Lake City, with a view to securing protection for vessels of all classes.

The amendment was agreed to.

The next amendment was, under the subhead "Mississippi," on page 124, after line 9, to insert:

Tallahatchie River from the mouth of Coldwater River to Batesville; Cassidy Bayou from its mouth for 60 miles.

The amendment was agreed to.

The next amendment was, on page 124, after line 11, to insert:

The channel now used in going from the wharf at Biloxi, Miss., to Ship Island Harbor, Mississippi, with a view of ascertaining the extent to which said channel should be further dredged and improved in order to meet the necessities of commerce.

The amendment was agreed to.

The next amendment was, on page 124, after line 16, to insert:

Big Black River from the Alabama and Vicksburg Railroad bridge to the mouth of the river.

The amendment was agreed to.

The next amendment was, under the subhead "Missouri," on page 125, after line 2, to strike out:

The Mississippi River Commission shall examine and report upon the feasibility of the establishment of a system of reservoirs to be located in the St. Francis Basin, which reservoirs shall be large enough to cut some 10 feet off the top of the greatest floods at the junction of the Mississippi and Ohio rivers, or to reduce the extreme flood level to about the equivalent of a 42-foot stage on the gauge at Cairo.

The amendment was agreed to.

The next amendment was, under the subhead "New Jersey," on page 125, after line 14, to insert:

Rancocas River, with a view to obtaining a 6-foot channel from its mouth to Moores Landing, on the Lumberton Branch.

The amendment was agreed to.

The next amendment was, on page 125, after line 17, to insert:

Raritan Bay, with a view to obtain a depth of 22 feet of water, 400 feet wide at mean low tide, from South Amboy to tail of Great Beds.

The amendment was agreed to.

The next amendment was, under the subhead "New York," on page 126, after line 5, to insert:

East River, at the narrowest part on the eastern side, at Ravenswood, Long Island, New York, at and near Rainey's cofferdam, for a distance of 1,200 to 1,500 feet, with a view to widening and deepening the channel at that part of the river to 600 feet of width and at least 15 feet of depth; also for deepening the channel to 26 feet at mean low water.

The amendment was agreed to.

The next amendment was, under the subhead "North Carolina," on page 127, after line 1, to insert:

Northeast River from Wilmington to the Wilmington and Weldon Railroad bridge at Castle Haynes, with a view to securing a depth sufficient to admit the navigation of the same by vessels entering the port of Wilmington.

The amendment was agreed to.

The next amendment was, on page 127, line 9, after the word "necessary," to insert:

And the Secretary of War is hereby authorized, in his discretion, to cause this waterway to be improved by dredging at any time in order to permit the navigation of said Indian Island Slough, and for that purpose he is authorized to divert a sufficient sum therefor out of the appropriation of $25,000 heretofore appropriated in this act for improving Pamlico and Tar rivers, North Carolina.

So as to make the clause read:

Indian Island Slough, from Pamlico River to mouth of South River, with a view of obtaining a depth of 7, 8, and 9 feet, respectively, and 100 feet wide, or as wide as may be necessary. And the Secretary of War is hereby authorized, in his discretion, to cause this waterway to be improved by dredging at any time in order to permit the navigation of said Indian Island Slough, and for that purpose he is authorized to divert a sufficient sum therefor out of the appropriation of $25,000 heretofore appropriated in this act for improving Pamlico and Tar rivers, North Carolina.

The amendment was agreed to.

The next amendment was, on page 127, after line 17, to insert:

Perquimans River.

The amendment was agreed to.

The next amendment was, on page 127, after line 18, to insert:

Shallowbag Bay.

The amendment was agreed to.

The next amendment was, on page 127, after line 19, to insert:

Carrot Island Slough, beginning at a point opposite Middle Marshes and thence through Carrot Island Slough and Lewis Thoroughfare to the main channel in Newport River, with a view of obtaining a navigable depth of 7, 8, 9, and 10 feet at mean low water.

The amendment was agreed to.

The next amendment was, on page 127, after line 24, to insert:

Point Harbor, at the south end of Currituck County.

The amendment was agreed to.

The next amendment was, under the subhead "Oregon," on page 128, line 9, after the word "Bay," to strike out:

Outer bar: The Secretary of War is directed to cause a survey and an estimate of the cost of securing channels across said bar of 15 and 20 feet in depth, respectively.

And insert:

With a view to securing channels across said bar of 15 and 20 feet in depth.

So as to make the clause read:

Tillamook Bay, with a view to securing channels across said bar of 15 and 20 feet in depth.

The amendment was agreed to.

Mr. NELSON. I offer the amendment which I send to the desk, to come in at the end of line 13 on page 129, after the amendment just adopted.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. Under the head of "Oregon," on page 129, after line 13, it is proposed to insert:

Scappoose Bay.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, under the subhead "Pennsylvania," on page 129, after line 16, to insert:

The Beaver River, in Beaver County, Pa., from the Ohio River to the northern end of Beaver Falls Borough, a distance of about 4 miles, with a view to provide for slack-water navigation of said Beaver River connecting with that of the Ohio River.

The amendment was agreed to.

The next amendment was, under the subhead "South Carolina," on page 130, after line 12, to insert:

Charleston Harbor, South Carolina, with a view to extending the jetties so as to provide a harbor of refuge and a channel into the harbor of not less than 30 feet at low water.

The amendment was agreed to.

The next amendment was, on page 130, after line 23, to insert:

Wateree and Santee rivers, from Camden to the mouth of the Santee, with a view of providing a navigable depth of 6 feet at dead low water.

The amendment was agreed to.

The next amendment was, under the subhead "Tennessee," on page 131, after line 4, to insert:

Hiawassee River, from the mouth of the Ocoee River to the ferry at head of Jenkins Island.

The amendment was agreed to.

The next amendment was, under the subhead "Texas," on page 131, after line 12, to strike out:

Ship channel from the mouth of the Sabine and Neches rivers to Sabine Pass, on the west side of said lake at or near the margin of said lake thereof, and a report shall be made of the probable cost of excavating a channel from the mouth of said rivers to said Sabine Pass of a depth of 9, 12, 18, and 25 feet, and a report shall also be made as to the practicability and feasibility of connecting the channel proposed above with the channel or canal now known as the Port Arthur Canal, extending from Sabine Pass to Port Arthur, and what it will cost to excavate the proposed channel to and connect with the said Port Arthur channel, and shall examine and report upon other matters touching the construction, excavating, and desirability of the channel herein proposed, as may be deemed worthy or material, and shall report such other facts in connection with the construction of said canal as the engineers may deem proper.

The amendment was agreed to.

The next amendment was, on page 132, after line 3, to insert:

Ship channel from the mouth of the Sabine and Neches rivers to Sabine Pass, on the west side of said lake at or near the margin of said lake thereof, with a view to excavating a channel from the mouth of said rivers to said Sabine Pass of a depth of 9, 12, 18, and 25 feet, and as to the practicability and feasibility of connecting the channel proposed above with the channel or canal now known as the Port Arthur Canal, extending from Sabine Pass to Port Arthur, and as to other matters touching the construction, excavating, and desirability of the channel herein proposed which may be deemed worthy or material, and as to such other facts in connection with the construction of said canal as the Secretary of War may deem proper.

The amendment was agreed to.

The next amendment was, under the subhead "Virginia," on page 133, after line 1, to insert:

Nandua Harbor.

The amendment was agreed to.

The next amendment was, on page 133, after line 5, to insert:

The mouth of York River, with a view to deepening and improving the channel known as Sandbox or Thoroughfare.

The amendment was agreed to.

The next amendment was, on page 133, after line 7, to strike out:

WASHINGTON.

Nooksack River, with a view to constructing a dam to divert the flow of the river into Bellingham Bay.

The amendment was agreed to.

The next amendment was, at the top of page 134, to insert:

TERRITORY OF HAWAII.

The following harbors: Hilo, Kailua, and Hookena harbors, on the island of Hawaii; Lahaina and Kahului harbors, on the island of Maui; Honolulu Harbor, on the island of Oahu; and Waimea, on Kauai.

The reading of the bill was concluded.

Mr. NELSON. I have another amendment to offer, on page 60, line 14, after the word "Wilmington," to strike out the remainder of the paragraph and insert what I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 60, line 14, after the word "Wilmington," it is proposed to strike out:

Continuing improvement and for maintenance, $10,000.

And to insert:

In accordance with the report submitted in House Document No. 180, Fifty-sixth Congress, second session, $250,000, to be expended in obtaining a navigable channel from Wilmington to Fayetteville, having a depth of 8 feet at mean low water.

The amendment was agreed to.

Mr. BUTLER. On page 127, after line 25, under the head of "North Carolina," I move to insert the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 127, after line 25, it is proposed to insert:

Neuse River, from Goldsboro to Newbern, with a view to securing a depth of 3 feet.

Mr. BUTLER. I will state that that simply provides for a survey.

The amendment was agreed to.

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

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 43, line 20, it is proposed to insert the following:

Improving St. Jones River, Delaware, in accordance with the report submitted in House Document No. 156, Fifty-sixth Congress, first session, $20,000.

The amendment was agreed to.

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

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In line 11, page 66, after the word "Louisiana," it is proposed to insert "and in addition thereto there is appropriated the further sum of $20,000."

Mr. VEST. Where is that to come in?

The SECRETARY. On page 66, line 11, after the word "Louisiana."

Mr. VEST. Let the amendment be again stated.

Mr. GALLINGER. I suggest that that had better be inserted as a separate paragraph.

The PRESIDENT pro tempore. The Secretary will again state the amendment.

The SECRETARY. After the word "Louisiana," in line 11 on page 66, it is proposed to insert "and in addition thereto there is appropriated the further sum of $20,000;" so that the clause as amended would read:

The unexpended balance of the amounts heretofore appropriated for removing the aquatic plant known as the water hyacinth from the navigable waters of the States of Florida and Louisiana, and in addition thereto there is appropriated the further sum of $20,000.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

Mr. NELSON. I ask that the bill may be printed with the Senate amendments in it, and that they be numbered.

The PRESIDENT pro tempore. The Senator from Minnesota asks that the bill be printed with the Senate amendments, and that the amendments be numbered. Is there objection? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 323) granting homesteaders on the abandoned Fort Fetterman Military Reservation in Wyoming the right to enter one-quarter section of public land on said reservation as pasture or grazing land.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12394) to amend an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898, and to reduce taxation thereunder.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13850) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1902.

The message also announced that the House had passed a bill

(H. R. 13843) to amend section 7 of an act to establish circuit courts of appeal, and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes, approved March 3, 1891, as amended by act approved February 18, 1895, and further amended by act approved June 6, 1900; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

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

A bill (S. 2799) to carry into effect the stipulations of article 7 of the treaty between the United States and Spain concluded on the 10th day of December, 1898;

A bill (S. 4306) for the relief of settlers under the public-land laws to lands within the indemnity limits of the grant to the Northern Pacific Railroad Company;

A bill (H. R. 149) referring to the Court of Claims the claim of William C. Woodbridge for compensation for the use by the United States of his invention relating to projectiles, for which letters patent were ordered to issue to him March 25, 1852;

A bill (H. R. 1860) for the relief of the trustees of Carson Newman College, at Mossy Creek, Tennessee;

A bill (H. R. 12840) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1902, and for other purposes;

A bill (H. R. 13907) to revive and amend an act entitled "An act to authorize the Georgia Pine Railroad of Georgia to construct a bridge across the Flint River, a navigable stream, in Decatur County, Ga.;"

A bill (H. R. 13992) authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn.; and

A bill (H. R. 14144) to authorize the construction of a bridge across Pearl River at Monticello, Miss.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALDRICH. In the absence of the Senator from Iowa [Mr. ALLISON], the chairman of the Committee on Appropriations, who is detained in his committee room on public business, I move that the Senate proceed to the consideration of the sundry civil appropriation bill.

The PRESIDENT pro tempore. The Senator from Rhode Island moves that the Senate proceed to the consideration of the bill known as the sundry civil appropriation bill.

Mr. HOAR. There is no occasion, it seems to me, to displace the pending order. I suggest that it be informally laid aside.

Mr. ALDRICH. I did not know there was any pending order.

Mr. HOAR. Certainly there is. I ask unanimous consent that the pending order may be temporarily laid aside.

Mr. ALDRICH. What is the pending order referred to by the Senator?

Mr. HOAR. The judges' salary bill, which is on the Calendar as unfinished business. I ask unanimous consent——

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent for the present consideration of the special order, the title of which will be stated.

The SECRETARY. A bill (S. 3450) to fix the salaries of certain judges of the United States.

Mr. JONES of Arkansas. What is the proposition?

The PRESIDENT pro tempore. The Senator from Massachusetts [Mr. HOAR] asks unanimous consent for the present consideration of the special order, being the bill fixing the salaries of certain judges.

Mr. JONES of Arkansas. I thought the sundry civil appropriation bill had been called up. I object to the bill of the Senator from Massachusetts being considered now.

Mr. HOAR. Mr. President, I asked unanimous consent that the special order be informally laid aside for the present, so that the appropriation bill might be proceeded with, and the special order not be displaced. I think it is my duty to preserve the rights of that bill. Very likely we may not reach it; but instead of displacing it by a formal motion, I ask that the bill be informally laid aside in the usual way.

Mr. JONES of Arkansas. I have no objection to that. I did not understand the proposition.

The PRESIDENT pro tempore. The Senator from Massachusetts regards the bill to fix the salaries of certain judges of the United States courts, under the ruling of the Chair, the formal unfinished business?

Mr. HOAR. Yes.

Mr. GALLINGER. And it is so stated on the Calendar.

The PRESIDENT pro tempore. The Chair is informed it is so stated on the Calendar. The Senator from Massachusetts asks unanimous consent that the unfinished business may be temporarily laid aside while the Senate proceeds to the consideration of the sundry civil appropriation bill. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14018) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. CHANDLER. Will the Senator yield to me for a moment?

Mr. ALDRICH. Before yielding, I ask that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Rhode Island? The Chair hears none, and that order is made.

SENATOR FROM MONTANA.

Mr. CHANDLER. I desire to give notice that on Saturday evening at 8 o'clock I shall ask leave to submit some remarks upon Senate resolution 284, Calendar No. 1038, a resolution that William A. Clark was not duly and legally elected to a seat in the Senate of the United States by the legislature of the State of Montana.

Mr. PETTUS. I object, Mr. President.

Mr. COCKRELL. What was the request of the Senator from New Hampshire?

The PRESIDENT pro tempore. The Senator from New Hampshire simply gave a notice.

Mr. COCKRELL. Very well.

ADMINISTRATION OF MILITARY JUSTICE.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7571) to prevent the failure of military justice, 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 House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

Strike out the matter inserted by said Senate amendment; and also after the word "witness," in line 7, page 2, strike out the following:

"At the rate of 5 cents a mile from his place of residence to the place of trial and $1.50 for each day required for such travel shall be tendered him, and that after testifying he shall be paid at the same rate for returning and $1.50 per day while in attendance on the court-martial," and insert in lieu thereof: "And his mileage at the rates provided for witnesses in the United States district court for said State, Territory, or District shall be duly paid or tendered said witness."

THOMAS H. CARTER,
F. E. WARREN,
F. M. COCKRELL,
Managers on the part of the Senate.

R. WAYNE PARKER,
JOHN J. ESCH,
JAMES HAY,
Managers on the part of the House.

The report was agreed to.

DISPOSITION OF REAL ESTATE IN THE DISTRICT.

Mr. MARTIN. I ask unanimous consent for the present consideration of bill (S. 6061) to authorize the supreme court of the District of Columbia to decree the sale or lease of real estate in certain cases.

The PRESIDENT pro tempore. The Senator from Virginia asks unanimous consent for the present consideration of the bill named by him, which will be read in full for the information of the Senate, subject to objection.

The Secretary read the bill, as follows:

Be it enacted, etc., That in all cases when one or more persons is or are entitled to an estate for life or years, or to an estate tail, fee simple, conditional, base, or qualified fee, or any particular limited or conditional estate in lands, and any person or persons is or are entitled to a remainder or remainders, vested or contingent, or an executory devise or devises, or any other interest vested or contingent in the same land, on application of any of the parties in interest a court of equity may, if all the parties in being are parties to the proceeding, decree a sale or lease thereof, if it shall appear to be advantageous to the parties concerned, and shall direct the investment of the proceeds of sale or the limitations of the reversion and rent, as the case may be, so as to inure in like manner as by the original grant to the use of the same parties who would be entitled to the land sold or leased; and all such decrees, if all persons or parties who would be entitled if the contingency had happened at the date of the decree, shall bind all persons, whether in being or not, who claim or may claim any interest in said land under any of the parties to said decree, or under any person from whom any of the parties to such decree claim, or from or under or by the original deed or will by which such particular, limited, or conditional estates, with remainders or executory devises, were created.

SEC. 2. That all acts and parts of acts inconsistent herewith be, and the same are hereby, repealed.

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

Mr. PETTUS. I desire to know by what committee that bill is reported?

The PRESIDENT pro tempore. It was reported by the Committee on the District of Columbia.

Mr. PETTUS. I object to the bill, Mr. President.

Mr. MARTIN. I am sure if the Senator understood the bill he would not object. It is copied from the Maryland statute——

Mr. PETTUS. I understand the bill perfectly. It cuts off the estate of a man who is not born. That is what the bill does, and I object to it.

Mr. MARTIN. I will state to the Senator that it is a copy of

the Maryland statute, and that similar statutes are in force in almost every State of the Union. There are quite a number of titles in the District of Columbia that are now involved in trouble because of the omission in the statutes to make such provision as is made in every State of the Union. The bill has been carefully examined, and I am sure it does no injustice to any right whatever. It protects the rights of the unborn remainder-man.

Mr. PETTUS. It takes the land and converts it into money. That is the way it preserves the estate.

Mr. CHANDLER. The estate is converted into money, but where does the money go?

Mr. MARTIN. The money goes into court, and the court takes charge of it.

The PRESIDENT pro tempore. The consideration of the bill is objected to, and it is not before the Senate.

CHARLES M. KENNERLY.

Mr. TURLEY. I ask unanimous consent for the present consideration of the bill (H. R. 5220) for the relief of Charles M. Kennerly.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Charles M. Kennerly, of Henry County, Tenn., $600, in full for property taken or seized by United States officers, belonging to Charles M. Kennerly.

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

GENERAL FEDERATION OF WOMEN'S CLUBS.

Mr. HOAR. I ask unanimous consent to call up the bill (S. 5715) granting a charter to the General Federation of Women's Clubs.

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

Mr. VEST. Is it a corporation of the District?

Mr. HOAR. It is. An amendment to that end is to be inserted by direction of the committee.

Mr. VEST. Of this District?

Mr. HOAR. It is.

The first amendment of the Committee on the Judiciary was, in the list of those constituting the General Federation of Women's Clubs, page 1, section 1, line 2, to strike out "Mrs. Charlotte Emerson Brown, New Jersey (deceased);" in line 8 to strike out "Henry" and insert "Ellen," so as to read "Mrs. Ellen M. Henrotin, Illinois;" and in line 14 to strike out "Mary E. Mumford."

The amendment was agreed to.

The next amendment was, in section 1, page 2, line 18, before the word "by," to insert "of the District of Columbia;" so as to read:

Are hereby created a body corporate and politic, of the District of Columbia, by the name, style, and title of the General Federation of Women's Clubs, and by that name, etc.

The amendment was agreed to.

The next amendment was, on page 3, section 3, line 14, after the word "pleasure," to strike out "provided the same shall not conflict with any law of the United States or any State in which said corporation may do business;" so as to make the section read:

SEC. 3. That said corporation shall have a constitution, and may adopt and make by-laws for the admission and qualifications of members, the management of its property, and the regulation of its affairs, and shall have the power to amend said constitution and by-laws at pleasure. Said corporation shall have its headquarters at Washington, in the District of Columbia.

The amendment was agreed to.

The next amendment was to strike out section 4 in the following words:

SEC. 4. That nothing in this act contained shall authorize said corporation to exercise the corporate powers hereby conferred or to do its business in such a manner as to conflict with the laws of any of the several States in which said corporation may be engaged.

The amendment was agreed to.

The next amendment was to insert as section 4 the following:

SEC. 4. That the said corporation shall annually report proceedings to the Smithsonian Institution.

Mr. HOAR. The committee authorize me to withdraw the amendment providing for sending reports to the Smithsonian Institution.

The amendment was rejected.

Mr. PETTUS. This is a corporation to live forever, and I suggest to the Senator from Massachusetts that its capital should be limited.

Mr. HOAR. It is limited so as not to exceed $200,000.

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.

JAMES KELLY.

Mr. HARRIS. I ask unanimous consent for the present consideration of the bill (H. R. 7760) for the relief of James Kelly.

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

That James Kelly shall be held and considered to have been mustered into the military service of the United States as a member of Company E, One hundred and eighteenth Regiment Ohio Infantry Volunteers, on the 15th day of December, 1862, as a substitute for and in the place of Joseph V. Swearingen, and to have been honorably discharged as a member of said company and regiment on the 1st day of August, 1864, and that the Secretary of War be, and he is hereby, authorized and directed to correct the records of said company and regiment accordingly, and to issue to the said Kelly a certificate of honorable discharge as of the said 1st day of August, 1864: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

HEIRS OF WILLIAM RYAN AND JOHN S. TAYLOR.

Mr. KEAN. I ask unanimous consent for the present consideration of the bill (H. R. 3819) for the relief of the widows and children of William Ryan and John S. Taylor, deceased.

The PRESIDENT pro tempore. The Senator from New Jersey asks unanimous consent for the present consideration of the bill indicated by him. Is there objection?

Mr. ALLISON. I shall not object if it is a brief bill and leads to no debate. Otherwise, I shall be obliged to object and call for the regular order.

Mr. KEAN. It appropriates no money.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It refers to the Court of Claims for adjudication the claims of the widows and children of William Ryan and John S. Taylor, deceased, for compensation for the death of said decedents, on or about the 1st day of September, 1896, while they were employed by the United States in connection with the construction of a battery at Finns Point, New Jersey.

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

ORDER OF BUSINESS.

Mr. ALLISON. I desire now to call up for consideration the sundry civil appropriation bill.

The PRESIDENT pro tempore. The bill is before the Senate, and unanimous consent has been given that its first reading may be dispensed with, that it be read for amendment, and that the committee amendments be first considered.

Mr. TILLMAN. May I have the indulgence of the Senator from Iowa for a moment?

Mr. ALLISON. I desire to say to the Senate now that if we can proceed with the appropriation bill for an hour or an hour and a half I shall not ask a night session for its consideration.

Mr. HOAR. I desire to appeal to the Senator from Iowa to allow a bill, which is very necessary in some parts of the country and which will not take three minutes, to be taken up as other bills have been. It is a bill simply to allow deputy clerks to administer oaths.

Mr. TILLMAN. The Senator from Massachusetts has already passed one special bill.

Mr. HOAR. The Senator from Georgia [Mr. BACON] is in charge of the bill. I am merely making the request as chairman of the Judiciary Committee. It is interesting wherever there is a deputy clerk, and it will not take two minutes. It is only three lines long.

Mr. ALLISON. On the appeal of the Senator from Massachusetts and the Senator from Georgia as well, I will yield to the passage of the bill to be called up by the Senator from Georgia, and also to a bill which the Senator from South Carolina desires to have passed. Then I shall ask that the consideration of the appropriation bill be proceeded with.

Mr. FORAKER. Let me appeal to the Senator from Iowa to allow a bill of just about ten lines to be passed.

Mr. ALLISON. There will be ample time to pass all these bills. I hope the Senator from Ohio will not press his request now. I could not fail to yield to the appeal of the Senator from Massachusetts, who I understand is to be absent.

Mr. FORAKER. I will not consume any more time.

The PRESIDENT pro tempore. Will Senators allow the Chair as a Senator to suggest that when the appropriation bills are all in conference there will be quite a number of hours, ordinarily twenty-four hours, when these bills can be taken up?

Mr. ALLISON. There will be hours each day from now until the close of the session when there will be ample opportunity for these brief bills to be considered.

Mr. TILLMAN. Under these circumstances I will give way.

Mr. ALLISON. Thank you, sir. I will see that the Senator has an opportunity to call up his bill.

Mr. HOAR. For the convenience of the Senate generally, I wish to have the chairman of the Committee on Appropriations announce what is his desire as to a night session, or as to the length of the session this afternoon. It will be to the convenience of all Senators to know now, if the Senator can tell us.

Mr. ALLISON. If we can in any reasonable time reach the sundry civil bill, I shall ask to have it considered for an hour or an hour and a half, and then I will move that the Senate adjourn.

ADMINISTRATION OF OATHS.

Mr. BACON. I ask unanimous consent for the present consideration of the bill (H. R. 13803) to amend section 19 of chapter 252, Twenty-ninth Statutes at Large, approved May 28, 1896.

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.

WHITE MOUNTAIN APACHE RESERVATION.

Mr. THURSTON. I desire to call up for consideration the conference report on House bill 10899.

The PRESIDENT pro tempore. The Chair lays before the Senate the report indicated by the Senator from Nebraska, which will be stated.

The SECRETARY. Conference report on the bill (H. R. 10899) to restore to the public domain a small tract of the White Mountain Apache Indian Reservation, in the Territory of Arizona.

The PRESIDENT pro tempore. The report has been printed in the RECORD, and the question is on agreeing to it.

The report was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 13843) to amend section 7 of "An act to establish circuit courts of appeal and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, as amended by act approved February 18, 1895, and further amended by act approved June 6, 1900, was read twice by its title, and, on motion of Mr. TELLER, referred to the Committee on the Judiciary.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14018) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes.

Mr. ALLISON. I wish to say to Senators that should any controverted question arise upon amendments I will allow the amendments to be passed over until to-morrow.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, on page 2, after line 22, to insert:

For post-office at Butte, Mont.: For completion of building under present limit, $75,000.

The amendment was agreed to.

The next amendment was on page 3, after line 11, to insert:

For rental of quarters at Cleveland, Ohio: For rental of temporary quarters for six months ending June 30, 1902, for the accommodation of Government officials, and for moving furniture, fixtures, safes, and other Government property, and other contingent expenses incidental to such removal, $20,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 24, to insert:

For buildings on Ellis Island, and work in connection with said island necessary to properly complete the immigrant station, $175,000, to be paid from the immigrant fund, which sum is hereby transferred to the appropriation for immigrant station at Ellis Island, New York.

The amendment was agreed to.

The next amendment was, on page 5, line 3, after the word "post-office," to insert "and court-house;" so as to make the clause read:

For post-office and court-house at Joplin, Mo.: For completion of building under present limit, $25,000.

The amendment was agreed to.

The next amendment was, on page 10, line 13, after the word "dollars," to insert "for boarding vessel, $50,000; in all, $62,000;" so as to make the clause read:

Quarantine stations: For quarantine station, Reedy Island, Delaware River: For reclamation of ground and additional quarters, $12,000; for boarding vessel, $50,000; in all, $62,000.

The amendment was agreed to.

The next amendment was, on page 11, line 1, after the word "station," to strike out "For boarding vessel, $40,000," and insert "The Secretary of the Navy is hereby directed to furnish for duty as a boarding vessel at Port Townsend quarantine station a suitable vessel for said service from the list of purchased vessels now in the Navy Department;" so as to make the clause read:

For Port Townsend quarantine station: The Secretary of the Navy is hereby directed to furnish for duty as a boarding vessel at Port Townsend quarantine station a suitable vessel for said service from the list of purchased vessels now in the Navy Department.

The amendment was agreed to.

The next amendment was, on page 12, after line 22, to insert:

Tender for the engineer of the Seventh light-house district: For constructing, equipping, and outfitting, complete for service, a new steam tender for construction and repair service in the Seventh light-house district, $85,000. And the Light-House Board is authorized to employ temporarily at Washington not exceeding three draftsmen, to be paid at current rates, to prepare the plans for the tenders for which appropriations are made by this act; such draftsmen to be paid from and equitably charged to the appropriations for building said vessels; such employment to cease and determine on or before the date when, the plans for such vessels being finished, proposals for building said vessels are invited by advertisement.

The amendment was agreed to.

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

Steamer for Mobile Ship Channel: For the construction of a small steel steamer to attend lights and for other service in Mobile Ship Channel and other places in the Eighth light-house district, $40,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 17, to insert:

Tender for the inspector Ninth light-house district: The Secretary of the Treasury is hereby authorized to enter into a contract for the construction of a steam tender for buoyage, supply, and inspection, heretofore authorized for the Ninth light-house district, at a total cost not exceeding $115,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 23, to insert:

Tender for the engineer Ninth light-house district: The total cost of said tender, under a contract which is hereby authorized therefor, shall not exceed $115,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 6, to insert:

Fort Winfield Scott fog signal, California: To establish on Fort Winfield Scott, Fort Point, California, a fog signal, $7,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 9, to insert:

Point Dume, California: For the establishment of a light and fog-signal station provided for by the act approved February 20, 1901, $63,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 13, to insert:

Tender for the Tenth light-house district: For constructing, equipping, and outfitting, complete for service, a new steam tender for buoyage, supply, and inspection in the Tenth light-house district, $120,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 22, to insert:

Relief light vessel for the Twelfth and Thirteenth light-house districts (Pacific coast): For constructing, equipping, and outfitting, complete for service, a first-class steam light vessel, with steam fog signal; and the Light-House Board is authorized to employ temporarily at Washington three draftsmen, to be paid at current rates, to prepare the plans for the light-house vessel for which appropriation may be made; such draftsmen to be paid from the appropriation for building said vessel; such employment to cease and determine on or before the date when, the plans for such vessel being finished, proposals for building said vessel are invited by advertisement, $90,000.

The amendment was agreed to.

The next amendment was, under the subhead of "Light-House Establishment," on page 18, after line 16, to insert:

Maintenance of lights on channels of Great Lakes: To enable the Secretary of the Treasury, under the supervision of the Light-House Board, by contract or otherwise, to maintain lights necessary for the safe navigation of those channels in the connecting waterways of the Great Lakes which have been constructed or artifically improved by the Government of the United States, where the same can not properly be lighted from the American side, $4,000.

The amendment was agreed to.

The next amendment was, on page 19, line 10, after the word "hundred," to strike out "and fifty;" and in the same line, after the word "dollars," to insert:

And the Secretary of the Treasury is hereby authorized to enter into a contract or contracts for the establishment of additional light-house and fog-signal stations in Alaskan waters at an additional cost of $250,000.

So as to make the clause read:

Light-house and fog-signal stations in Alaskan waters: To enable the Secretary of the Treasury to continue to establish, under the direction and supervision of the Light-House Board, light-house and fog-signal stations in Alaskan waters, $100,000; and the Secretary of the Treasury is hereby authorized to enter into a contract or contracts for the establishment of additional light-house and fog-signal stations in Alaskan waters at an additional cost of $250,000.

The amendment was agreed to.

The next amendment was under the subhead "Revenue-Cutter Service," on page 24, after line 13, to insert:

For the construction, or purchase, under the direction of the Secretary of the Treasury, of a vessel to be used and equipped as a revenue cutter of the third class for service on the St. Marys River, Michigan, for the purpose of protecting the revenue and enforcing the rules of navigation on said river, $37,500; and the total cost of said vessel, either by purchase or under a contract, which is hereby authorized therefor, shall not exceed $75,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 22, to insert:

To enable the Secretary of the Treasury to purchase or build a suitable vessel to be used as a revenue cutter of the third class at Boston, Mass., as provided in the act approved February 4, 1901, $50,000.

The amendment was agreed to.

The next amendment was, under the subhead "Engraving and printing," on page 30, line 7, before the word "And," to strike out "In all, for field expenses, $250,000;" and in line 14, after the word "reimbursed," to insert "in all, for field expenses, $250,000;" so as to make the clause read:

And hereafter the Secretary of the Treasury is authorized to purchase, from the appropriation for the United States Coast and Geodetic Survey, provisions, clothing, and small stores for the enlisted men, and food supplies for field parties working in remote localities, such provisions, clothing, small stores, and food supplies to be sold to the employees of said Survey and the appropriation reimbursed; in all, for field expenses, $250,000.

The amendment was agreed to.

The next amendment was, on page 32, line 4, before the word "aids," to strike out "twenty-three" and insert "eight;" and in line 6, before the word "hundred," to strike out "twenty-seven thousand two" and insert "sixteen thousand four;" so as to make the clause read:

For 8 aids, at $720 each; in all, $116,460.

The amendment was agreed to.

The next amendment was, under the head of "Under Smithsonian Institution," on page 36, line 21, after the word "dollars," to insert:

That the Secretary of the Smithsonian Institution is directed to report to Congress on the first day of the next regular session an entire account of all appropriations heretofore expended by the Astrophysical Observatory, what results have been reached, and what is the present condition of the work of said observatory.

So as to make the clause read:

Astrophysical Observatory: For maintenance of Astrophysical Observatory, under the direction of the Smithsonian Institution, including salaries of assistants, the purchase of necessary books and periodicals, apparatus, printing and publishing results of researches, not exceeding 1,500 copies, repairs and alterations of buildings, and miscellaneous expenses, $12,000. That the Secretary of the Smithsonian Institution is directed to report to Congress on the first day of the next regular session an entire account of all appropriations heretofore expended by the Astrophysical Observatory, what results have been reached, and what is the present condition of the work of said observatory.

The amendment was agreed to.

The next amendment was, on page 38, line 9, after the word "thousand," to strike out "and forty" and insert "four hundred;" so as to make the clause read:

For rent of workshops and temporary storage quarters for the National Museum, $4,400.

The amendment was agreed to.

The next amendment was, under the head "Fish Commission," on page 48, after line 7, to insert:

Green Lake (Maine) Station: For the construction of additional ponds and procurement of increased water supply; for building railway and boathouse for steamer *Senator*, and for repairs to that vessel; for extension of wharf, repair of main flume, and construction of road from station to county road, $4,000.

The amendment was agreed to.

The reading of the bill was continued to line 11, page 49.

Mr. ALLISON. On page 49, line 11, I move to strike out "six" and insert "eight," before "thousand;" so as to make the paragraph read:

For the purchase of additional land and water rights and construction of additional ponds at the San Marcos, Tex., station, $8,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 49, after line 14, to insert:

For the establishment of a fish-cultural station in the State of Utah, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point to be selected by the United States Commissioner of Fish and Fisheries, $25,000.

The amendment was agreed to.

The next amendment was, on page 49, after line 19, to insert:

For the establishment of a fish-cultural station in the State of Idaho, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point to be selected by the United States Commissioner of Fish and Fisheries, $25,000.

The amendment was agreed to.

The next amendment was, at the top of page 50, to insert:

For constructing and equipping a lobster hatchery upon the coast of Maine, including the purchase of land and water rights, authorized by the act approved February 4, 1901, $10,000.

The amendment was agreed to.

The next amendment was, under the head "Miscellaneous objects under the Treasury Department," page 52, line 4, to strike out "one hundred and ninety-two thousand one hundred and five" and insert "two hundred and twenty-three thousand nine hundred and fifty-five;" and in line 11, before the word "dollars," to strike out "forty-seven thousand five hundred and thirty-five" and insert "seventy-eight thousand three hundred and eighty-five;" so as to make the clause read:

For payment of the public debt of the Republic of Hawaii lawfully existing at the date of the passage of said resolution, $3,235,429.69; for payment of interest accruing thereon after June 15, 1900, the date on which the act to provide a government for the Territory of Hawaii went into effect, until paid, or so much thereof as may be necessary, $223,955.48; for payment of commissions and all other expenses incurred in carrying into effect the terms of said resolution, or so much thereof as may be necessary, $20,000; in all, $3,478,385.17, the same to be immediately available.

The amendment was agreed to.

The next amendment was, on page 56, line 4, before the word "dollars," to strike out "thirty-five thousand" and insert "eighty-six thousand two hundred;" so as to make the clause read:

Pay of assistant custodians and janitors: For pay of assistant custodians and janitors, including all personal services in connection with the care of all public buildings under control of the Treasury Department outside of the District of Columbia, $1,086,200; and the Secretary of the Treasury shall so apportion this sum as to prevent a deficiency therein.

The amendment was agreed to.

The next amendment was, on page 59, after line 21, to insert:

To enable the Secretary of the Treasury to furnish food, fuel, and clothing to the native inhabitants on the islands of St. Paul and St. George, Alaska, $19,500.

The amendment was agreed to.

The next amendment was, on page 60, line 22, after the word "compensation," to strike out "and $1,000 per annum shall be paid to the Commissioner-General of Immigration as additional compensation;" so as to make the clause read:

Enforcement of the Chinese exclusion act: To prevent unlawful entry of Chinese into the United States, by the appointment of suitable officers to enforce the laws in relation thereto, and for expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation, and for enforcing the provisions of the act approved May 5, 1892, entitled "An act to prohibit the coming of Chinese persons into the United States," $200,000, of which sum $1,000 per annum shall be paid to the collector of customs at Port Townsend as additional compensation.

The amendment was agreed to.

The next amendment was, on page 63, line 14, before the word "dollars," to strike out "thirty-four thousand two hundred and fifty" and insert "thirty-seven thousand five hundred and thirty;" so as to make the clause read:

For the Capitol: For work at Capitol, and for general repairs thereof, including wages of mechanics and laborers, and not exceeding $50 for the purchase of technical and necessary books, $37,530.

The amendment was agreed to.

The next amendment was, on page 63, after line 15, to strike out:

For re-covering with copper the roof of the central portion of the Capitol, $18,200, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 63, after line 18, to insert:

For reconstructing and fireproofing the roof of the central portion of the Capitol building, including the restoration in fireproof construction of the ceilings of the Supreme Court room and Statuary Hall; for material and labor and necessary expenses incident thereto, $153,500, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 65, after line 7, to insert:

For necessary repairs and improvements of the steam heating and ventilating apparatus in the Senate wing of the Capitol, including the Supreme Court, legislative bell service, and elevators, under the supervision of the Architect of the Capitol, $2,150.

The amendment was agreed to.

The next amendment was, on page 65, after line 12, to insert:

For repairs to the elevator in the Maltby Building, including new steel guides, car platform, and cage and safety devices, and for labor and material, $1,550.

The amendment was agreed to.

The next amendment was, on page 65, line 24, after the word "Representatives," to strike out "and;" in the same line, after the word "rooms," to insert "and the office of the Sergeant-at-Arms;" and on page 66, line 1, before the word "thousand," to strike out "fifty-eight" and insert "sixty-one;" so as to make the clause read:

For refurnishing the Hall of the House of Representatives, the Speaker's rooms, and the office of the Sergeant-at-Arms, and for furniture for the new committee rooms in the old library portion of the building, $61,000, to be immediately available and to be disbursed by the Clerk of the House of Repretatives.

The amendment was agreed to.

The next amendment was, on page 66, after line 10, to insert:

The Clerk of the House of Representatives, on written notice from any member of the House of Representatives of the Fifty-sixth Congress that he desires to purchase any one of the desks now used in the House, shall withhold such desk from public sale, and shall deliver the same to such member on his payment of an amount equal to the average price received at public sale for the remaining desks, and all money so received shall be accounted for and paid into the Treasury of the United States.

The amendment was agreed to.

The next amendment was, on page 67, line 19, after the word "dollars," to insert the following proviso:

Provided, That agents and others employed under this appropriation shall be selected by the Secretary of the Interior, and allowed per diem, subject to such rules and regulations as he may prescribe, in lieu of subsistence, at a rate not exceeding $3 per day each and actual necessary expenses for transportation, including necessary sleeping-car fares.

So as to make the clause read:

Depredations on public timber, protecting public lands, and settlement of claims for swamp lands and swamp-land indemnity: To meet the expenses of protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting thereof; of protecting public

lands from illegal and fraudulent entry or appropriation, and of adjusting claims for swamp lands, and indemnity for swamp lands, $125,000: *Provided*, That agents and others employed under this appropriation shall be selected by the Secretary of the Interior, and allowed per diem, subject to such rules and regulations as he may prescribe, in lieu of subsistence, at a rate not exceeding $3 per day each and actual necessary expenses for transportation, including necessary sleeping-car fares.

The amendment was agreed to.

The next amendment was, under the subhead "Protection and administration of forest reserves," on page 68, line 9, after the word "dollars," to insert the following proviso:

Provided, That forestry agents, superintendents, and supervisors, and other persons employed under this appropriation shall be selected by the Secretary of the Interior wholly with reference to their fitness and without regard for their political affiliations, and allowed per diem, subject to such rules and regulations as he may prescribe, in lieu of subsistence, at a rate not exceeding $3 per day each, and actual necessary expenses for transportation, including necessary sleeping-car fares.

The amendment was agreed to.

The next amendment was, on page 68, line 24, after the word "game," to insert the following proviso:

Provided further, That any person residing within the limits of any forest reservation in Colorado, Montana, or Wyoming, or any person who did reside therein at the time of its creation, or whose live stock had ranged within the area covered by such reservation prior to its creation and still ranges within its limits, shall be permitted to graze live stock continuously within the limits of such reservation upon the condition that he will at all times use his best efforts to prevent the starting and spread of forest fires in the locality in which his stock ranges.

Mr. McCOMAS. Before that amendment is agreed to, I wish to call the attention of the chairman of the committee to the language of the amendment. It gives, by act of Congress, to individuals whose live stock has ranged within the area covered by such reservation, permission to graze live stock continuously within the limits of such reservation, etc.

Why not make that simply permissive from year to year? It is a very important right to give to people such an estate in the public lands. The committee does not intend that, I presume, but the language here does so all the same.

Mr. TELLER. I do not hear what the Senator from Maryland says, and I should like to hear him, because this is a very important subject.

Mr. McCOMAS. I will repeat what I tried to say. There is in the language of this amendment an estate for life given to that class of persons who reside in a certain forest reservation, or those who did reside there at the time of the creation of a certain forest reservation. The language as to them is:

Shall be permitted to graze live stock continuously within the limits of such reservation upon the condition that he will at all times use his best efforts to prevent the starting and spread of forest fires, etc.

Of course that is a condition which merely indicates a purpose that the man who might graze cattle there might perhaps be useful in case of forest fires; but it might happen that he would be the cause of starting the fires. After the words "graze live stock" the word "continuously," it seems to me, should be stricken out.

Mr. TELLER. If the Senator will wait until he knows something about the question——

Mr. McCOMAS. I know something about the meaning of the word "continuously."

Mr. TELLER. Very well; but the Senator does not know why that language was put in the bill.

Mr. McCOMAS. No.

Mr. TELLER. The Department has made the regulation that these cattle might be grazed on the reservation for nine months and be taken off in winter. This is to permit them to graze there continuously. I want to say to the Senator that it creates no estate whatever. It is simply a statute that might be repealed tomorrow or the next day or any other day. We are only ceding to the people there what the United States has given to its settlers all over the country since we have had any public-land laws.

Mr. McCOMAS. Then the Senator means that these people are to be permitted to graze cattle there twelve months instead of nine months?

Mr. TELLER. That is all it means.

Mr. McCOMAS. The Senator could accomplish his purpose by using the phrase "throughout the year."

Mr. TELLER. I have no objection to the Senator's amendment to insert the words "throughout the year." That is the intention.

Mr. COCKRELL. Why not put in a proviso that this section shall not give any vested or permanent rights?

Mr. TELLER. It does not give any such rights whatever.

Mr. COCKRELL. Why not put such a proviso in, though?

Mr. TELLER. It is not worth while for us to tie it up in that way.

Mr. SHOUP. I ask the chairman of the committee to agree to insert, after the name "Montana," the name "Idaho."

The PRESIDING OFFICER (Mr. PERKINS in the chair). Is the amendment proposed by the Senator from Idaho accepted by the committee?

Mr. TELLER. I understood that that was to be done in committee, if the Senator from Idaho wanted it.

The PRESIDING OFFICER. The Secretary will state the amendment proposed by the Senator from Idado [Mr. SHOUP].

The SECRETARY. On page 68, line 25, after the word "Montana," it is proposed to amend the committee amendment by inserting "Idaho."

The amendment to the amendment was agreed to.

Mr. TELLER. I want to know whether the amendment suggested by the Senator from Maryland [Mr. McCOMAS] has been adopted?

Mr. McCOMAS. I understand that it was accepted by the chairman of the committee.

Mr. ALLISON. The amendment may be adopted; I have no objection.

Mr. McCOMAS. Then I move the amendment.

Mr. RAWLINS. I should like to have the provision read as it now stands, so that we may understand it.

The PRESIDING OFFICER. The Secretary will read the amendment as it is proposed to be amended.

The SECRETARY. It is proposed to amend the committee amendment on page 69 by striking out the word "continuously," before the word "within," in line 4, and inserting the words "throughout the year;" so that the amendment, if adopted, would read:

Provided further, That any person residing within the limits of any forest reservation in Colorado, Montana, Idaho, or Wyoming, or any person who did reside therein at the time of its creation, or whose live stock had ranged within the area covered by such reservation prior to its creation and still ranges within its limits, shall be permitted to graze live stock throughout the year within the limits of such reservation upon the condition that he will at all times use his best efforts to prevent the starting and spread of forest fires in the locality in which his stock ranges.

Mr. RAWLINS. I would ask the Senator from Iowa in charge of the bill if he will not accept an amendment so as to include Utah? I think the same reason would apply to Utah as to the other States included in the amendment.

Mr. TELLER. The same reason exactly.

Mr. HEITFELD. Why not make it universal?

Mr. ALLISON. I wish to suggest to the Senator from Maryland [Mr. McCOMAS] that I think the word "continuously," in line 4, should not be stricken out, but the words "throughout the year" inserted after the word "continuously." That will show that it is to continue through the year.

Mr. McCOMAS. That will answer the same purpose.

Mr. ALLISON. Then I suggest that after the word "continuously," in line 4, on page 69, there be inserted the words "throughout the year." I move that amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The Senator from Utah moved an amendment to insert in line 25, after the word "Idaho," the word "Utah." The question is on agreeing to that amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HANSBROUGH. I ask the Senator from Iowa to allow me at this point to offer an amendment to the pending bill, which I ask may be printed and lie on the table.

The PRESIDING OFFICER. In the absence of objection the amendment will be received, and ordered to lie on the table, and be printed.

Mr. PETTIGREW. I should like to know what was done with the amendment in regard to forest reservations? I wish that to go over. I may want to discuss that question somewhat.

The PRESIDING OFFICER. The amendment has already been adopted by the Senate.

Mr. ALLISON. If the Senator from South Dakota desires to discuss that amendment, it may be passed over until to-morrow.

Mr. PETTIGREW. I wish to have it passed over until tomorrow. I may not then want to discuss it, but I want time to examine it.

The PRESIDING OFFICER. In the absence of objection the vote by which the amendment as amended was agreed to will be regarded as reconsidered, and the amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead "Surveying the public lands," on page 70, line 24, after the word "lines," to insert "to be immediately available and to continue available until expended;" on page 71, line 12, after the word "agriculture," to insert "lines of reservations;" on page 72, line 19, after the word "select," to insert "at such compensation and such per diem allowance in lieu of subsistence, not exceeding $3, while engaged in field examinations, as he may prescribe;" and on page 73, line 2, after the word "making," to insert "by such competent surveyors such;" so as to make the clause read:

For surveys and resurveys of public lands, $325,000, at rates not exceeding $9 per linear mile for standard and meander lines, $7 for township, and $5 for section lines, to be immediately available and to continue available until expended: *Provided*, That in expending this appropriation preference shall be given, first, in favor of surveying townships occupied, in whole or in part, by actual setters and of lands granted to the States by the act approved February 22, 1889, and the acts approved July 3 and July 10, 1890, and, second,

to surveying under such other acts as provide for land grants to the several States, except railroad land grants and such indemnity lands as the several States may be entitled to in lieu of lands granted them for educational and other purposes which may have been sold or included in some reservation or otherwise disposed of, and other surveys shall be confined to lands adapted to agriculture, lines of reservations, and lands within boundaries of forest reservations, except that the Commissioner of the General Land Office may allow, for the survey and resurvey of lands heavily timbered, mountainous, or covered with dense undergrowth, rates not exceeding $13 per linear mile for standard and meander lines, $11 for township, and $7 for section lines, and in cases of exceptional difficulties in the surveys, where the work can not be contracted for at these rates, compensation for surveys and resurveys may be allowed by the said Commissioner, with the approval of the Secretary of the Interior, at rates not exceeding $18 per linear mile for standard and meander lines, $15 for township, and $12 for section lines: *Provided further*, That in the States of California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming, the Territories of Arizona and New Mexico, and the district of Alaska, there may be allowed, in the discretion of the Secretary of the Interior, for the survey and resurvey of lands heavily timbered, mountainous, or covered with dense undergrowth, rates not exceeding $25 per linear mile for standard and meander lines, $23 for township, and $20 for section lines. The provisions of section 2411, Revised Statutes of the United States, authorizing allowance for surveys in California and Oregon are hereby extended to all of the above-named States and Territories and district. And of the sum hereby appropriated there may be expended such an amount as the Commissioner of the General Land Office may deem necessary for examination of public surveys in the several surveying districts, by such competent surveyors as the Secretary of the Interior may select, or by such competent surveyors as he may authorize the surveyor-general to select, at such compensation and such per diem allowance in lieu of subsistence, not exceeding $3, while engaged in field examinations, as he may prescribe, in order to test the accuracy of the work in the field, and to prevent payment for fraudulent and imperfect surveys returned by deputy surveyors, and for examinations of surveys heretofore made and reported to be defective or fraudulent, and inspecting mineral deposits, coal fields, and timber districts, and for making by such competent surveyors such fragmentary surveys, and such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States.

The amendment was agreed to.

The next amendment was, on page 73, after line 22, to insert:

For pay of a custodian of Fort Sherman abandoned military reservation, Idaho, $480.

The amendment was agreed to.

The next amendment was, at the top of page 74, to insert:

For survey of and marking, under the direction of the Secretary of the Interior, the unsurveyed portions of the northern and western boundaries of the Yellowstone National Park, estimated at 60 miles, at not exceeding $50 per mile, $3,000, and for the examination of said survey in the field, $300; in all, $3,300.

The amendment was agreed to.

The next amendment was, under the head "United States Geological Survey," on page 74, line 10, before the word "thousand," to strike out "six" and insert "five;" and in line 22, before the word "thousand," to strike out "thirty-two" and insert "thirty-one;" so as to make the clause read:

Office of the Director of the Geological Survey: For Director, $5,000; chief clerk, $2,250; chief disbursing clerk, $2,400; librarian, $2,000; photographer, $2,000; 3 assistant photographers, 1 at $900, 1 at $720, and 1 at $480; 2 clerks of class 1; 1 clerk, $1,000; 4 clerks, at $900 each; 4 copyists, at $720 each; watchman, $840; 4 watchmen, at $600 each; janitor, $600; 4 messengers, at $480 each; in all, $31,390.

The amendment was agreed to.

The next amendment was, in the appropriations for "general expenses of the Geological Survey," on page 75, line 24, before the word "thousand," to strike out "thirteen" and insert "twenty;" so as to make the clause read:

For pay of skilled laborers and various temporary employees, $20,000.

The amendment was agreed to.

The next amendment was, on page 76, line 14, before the word "dollars," to strike out "fourteen thousand" and insert "sixteen thousand two hundred and eighty;" so as to make the clause read:

For the preparation of the illustrations of the Geological Survey, $16,280.

The amendment was agreed to.

The next amendment was, on page 76, line 17, after the word "phosphates," to insert "which report shall be published in one volume;" so as to make the clause read:

For the preparation of the report of the mineral resources of the United States, including phosphates, which report shall be published in one volume, $50,000.

The amendment was agreed to.

The next amendment was, on page 76, line 21, after the word "purposes," to insert "not to exceed $1,000;" and in line 23, before the word "thousand," to strike out "six" and insert "five;" so as to make the clause read:

For the purchase of necessary books for the library, including directories and professional and scientific periodicals needed for statistical purposes, not to exceed $1,000, and the payment for the transmission of public documents through the Smithsonian exchange, $5,000.

The amendment was agreed to.

The next amendment was, on page 77, line 2, before the word "thousand," to strike out "seventy" and insert "seventy-five;" so as to make the clause read:

For engraving and printing the geological maps of the United States, $75,000.

The amendment was agreed to.

The next amendment was, on page 77, line 5, after the word "wells," to insert "in arid and semiarid sections;" and in line 8, before the word "thousand," to insert "and fifty;" so as to make the clause read:

For gauging the streams and determining the water supply of the United States, and for the investigation of underground currents and artesian wells in arid and semiarid sections, and the preparation of reports upon the best methods of utilizing the water resources of said sections, $150,000.

Mr. FORAKER. In line 4, on page 77, if it be in order, I move to amend by inserting after the words "United States" the words "including Porto Rico."

Mr. ALLISON. I ask the Senator from Ohio to withhold the amendment for the present, as the understanding was that the committee amendments should be first acted upon.

The PRESIDING OFFICER. The Chair will state that unanimous consent was given that the committee amendments should be first considered.

Mr. FORAKER. I was not here when that agreement was made. I will withhold the amendment.

Mr. HANSBROUGH. I ask that that provision may be passed over for the present. I have offered an amendment to it.

The PRESIDING OFFICER. The amendment proposed by the committee will be temporarily passed over if there be no objection.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 77, line 10, after the word "been," to strike out "or may hereafter be;" so as to make the clause read:

For continuation of the survey of the public lands that have been designated as forest reserves, $130,000, to be immediately available.

Mr. BUTLER. I ask that that committee amendment may be passed over.

The PRESIDING OFFICER. The amendment will be passed over if there be no objection.

The next amendment was, on page 77, line 16, to increase the total appropriation for the United States Geological Survey from $936,490 to $998,770.

The amendment was agreed to.

The next amendment was, on page 77, after line 24, to insert:

Eleventh Census: For arranging and binding the population schedules of the Eleventh Census, to be expended under the supervision of the Secretary of the Interior, $15,000.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous objects," on page 80, after line 13, to insert:

The Secretary of War may, in his discretion, contract for the care, maintenance, and treatment of the insane of the Army, and inmates of the National Home for Disabled Volunteer Soldiers on the Pacific coast at any State asylum in California, in all cases which he is now authorized by law to cause to be sent to the Government Hospital for the Insane in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 81, line 15, after the word "available," to insert the following proviso:

Provided, That the Secretary of the Interior is hereby authorized and directed to exchange a tract of land containing 60 acres, more or less, east of Nichols avenue and south of Congress Heights, for 60 acres, more or less, adjoining the grounds of the Government Hospital for the Insane on the south, to be selected by said Secretary, the exchange to be made acre for acre.

So as to make the clause read:

For continuing the work of the extension of the hospital sufficient to provide for 1,000 patients, as authorized by the sundry civil appropriation act approved June 6, 1900, $925,000, to be immediately available: *Provided*, That the Secretary of the Interior is hereby authorized and directed to exchange a tract of land containing 60 acres, more or less, east of Nichols avenue and south of Congress Heights, for 60 acres, more or less, adjoining the grounds of the Government Hospital for the Insane on the south, to be selected by said Secretary, the exchange to be made acre for acre.

Mr. LODGE. I ask that that amendment may be passed over.

The PRESIDING OFFICER. The amendment will be passed over, in the absence of objection.

The next amendment was, on page 83, after line 17, to insert:

For entire completion of excavating rock, earth, and other matter from tailrace of the Government water-power dam at the Rock Island Arsenal below the junction of the tailraces of the Moline and Government dams of said power, $130,500.

The amendment was agreed to.

The next amendment was, on page 84, after line 18, to insert:

Schuylkill Arsenal, Philadelphia, Pa.: For the construction of one fireproof building for storage and other purposes, $75,000.

The amendment was agreed to.

The next amendment was, under the subhead "Buildings and Grounds in and around Washington," on page 88, after line 23, to insert:

For the employment of an engineer by the officer in charge of public buildings and grounds, $2,400.

The amendment was agreed to.

The next amendment was, under the subhead "Military posts," on page 92, line 13, before the word "dollars," to strike out "one million," and insert "nine hundred thousand;" so as to make the clause read:

For the construction of buildings at, and the enlargement of, such military posts as in the judgment of the Secretary of War may be necessary, and for

the erection of barracks and quarters for the artillery in connection with the adopted project for seacoast defense, and for the purchase of suitable building sites for said barracks and quarters, $900,000.

The amendment was agreed to.

The next amendment was, on page 93, after line 2, to insert:

For continuing work of rebuilding quarters, and for rebuilding commanding officer's quarters at Fort D. A. Russell, Wyo., to be expended under the direction of the Secretary of War, $50,000.

The amendment was agreed to.

The next amendment was, on page 93, after line 6, to insert:

For the construction of permanent buildings at Fort Meade, S. Dak., and for other necessary improvements, $50,000.

The amendment was agreed to.

The next amendment was, on page 93, after line 9, to insert:

For continuing the work of constructing the necessary buildings, quarters, barracks, and stables for the military post of Fort MacKenzie, in the vicinity of Sheridan, Wyo., $50,000.

The amendment was agreed to.

The next amendment was, on page 93, after line 13, to insert:

For continuing the work of constructing the necessary buildings, quarters, barracks, and stables for the military post of Fort Lincoln, at Bismarck, N. Dak., $75,000.

The amendment was agreed to.

The next amendment was, on page 96, line 24, after the word "dollars," to insert:

Of which amount the sum of $2,500, or so much thereof as may be necessary, in the discretion of the Secretary of War, in addition to the amounts heretofore appropriated for that purpose, may be used in the purchase of lands as a part of the site for said park.

So as to make the clause read:

Vicksburg National Military Park: For continuing the work of establishing the Vicksburg National Military Park; for the compensation of three civilian commissioners, the secretary and historian; for clerical and other services, labor, iron gun carriages, the mounting of siege guns, monuments, markers, and tablets giving historical facts, compiled without praise and without censure; maps and surveys; roads, bridges, restoration of earthworks, purchase and transportation of supplies and materials; office and other necessary expenses, $100,000, of which amount the sum of $2,500, or so much thereof as may be necessary, in the discretion of the Secretary of War, in addition to the amounts heretofore appropriated for that purpose, may be used in the purchase of lands as a part of the site for said park.

The amendment was agreed to.

The next amendment was, under the subhead "Engineer Department," on page 97, line 18, before the word "hundred," to strike out "two" and insert "four;" so as to make the clause read:

Improving harbor at Buffalo, N. Y.: For continuing improvement, $400,000.

The next amendment was, on page 104, line 3, before the word "hundred," to strike out "two" and insert "five;" so as to make the clause read:

For pay of superintendent of Antietam battlefield, said superintendent to perform his duties under the direction of the Quartermaster's Department and to be selected and appointed by the Secretary of War, at his discretion, the person selected and appointed to this position to be an honorably discharged Union soldier, $1,500.

The amendment was agreed to.

The next amendment was, on page 106, line 4, after the word "dollars," to insert:

For the erection and equipment of a power house and nurses' home to be erected at Providence Hospital, $50,000, to be expended under the direction of the Commissioners of the District of Columbia; in all, $69,000.

So as to make the clause read:

Support and medical treatment of destitute patients: For the support and medical treatment of 95 medical and surgical patients who are destitute, in the city of Washington, under a contract to be made with the Providence Hospital by the Surgeon-General of the Army, $19,000; for the erection and equipment of a power house and nurses' home, etc.

The amendment was agreed to.

The next amendment was, on page 106, line 13, after the word "dollars," to insert:

For pointing up and painting all the interior walls and ceilings of the isolating wards for minor contagious diseases at the Garfield Hospital, $1,750; in all, $20,750;

So as to make the clause read:

Garfield Memorial Hospital: For maintenance to enable it to provide medical and surgical treatment to persons unable to pay therefor, $19,000; for pointing up and painting all the interior walls, etc.

The amendment was agreed to.

The next amendment was, on page 107, after line 21, to insert:

Memorial bridge across Potomac River: To enable the Secretary of War to commence the construction of a memorial bridge from the most convenient point of the Naval Observatory grounds, or from some point adjacent thereto, across the Potomac River to the most convenient point of the Arlington estate property, or property adjacent thereto, $100,000.

The amendment was agreed to.

The next amendment was, on page 108, after line 3, to insert:

Statue of Gen. John A. Logan: To defray the expenses attending the unveiling of the statue of Gen. John A. Logan, lately erected in Iowa circle, in the city of Washington, D. C., $1,500, or so much thereof as may be necessary, to be expended under the direction of the commission charged with the selection of a site and erection of a pedestal for said statue, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 108, after line 11, to insert:

Statue of Gen. George B. McClellan: For the preparation of a site and the erection of a pedestal for a statue of the late Maj. Gen. George B. McClellan in the city of Washington, said site to be selected by and said pedestal erected under the supervision of the chairman of the Joint Committee on the Library, the Secretary of War, and the chairman of the McClellan statue committee of the Society of the Army of the Potomac, $50,000: *Provided*, That any part of this sum not required for the site and pedestal may be used and expended for the completion of the statue of General McClellan: *And provided further*, That said statue shall not be located in the grounds of the Capitol or Library of Congress.

The amendment was agreed to.

The next amendment was, on page 108, after line 24, to insert:

Payment to Custer, Mont.: To pay to the county of Custer, Mont., in full settlement of all demands against the United States for the construction of a steel bridge across the Tongue River for the accommodation of the Fort Keogh Military Reservation, $4,350.

Mr. ALLISON. I desire to move to amend the amendment by inserting, in line 25, after the word "to" where it occurs the first time, the words "the county of;" so as to read "to the county of Custer."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 109, after line 5, to insert:

Relief of destitute in Alaska: To enable the Secretary of War, in his discretion, to care for the indigent sick and destitute in the district of Alaska, $25,000, to be immediately available.

The amendment was agreed to.

The next amendment was, under the head of "National Home for Disabled Volunteer Soldiers," on page 110, line 3, to increase the appropriation for current expenses at the Central Branch at Dayton, Ohio, from $51,750 to $53,400.

The amendment was agreed to.

The next amendment was, on page 112, line 15, to increase the total appropriation for the Central Branch of the National Home for Disabled Volunteer Soldiers at Dayton, Ohio, from $628,750 to $630,400.

The amendment was agreed to.

The next amendment was, on page 112, line 20, to increase the appropriation for current expenses at the Northwestern Branch of the National Home for Disabled Volunteer Soldiers, at Milwaukee, Wis., from $28,750 to $30,400.

The amendment was agreed to.

The next amendment was, on page 113, line 13, to increase the total appropriation for the Northwestern Branch of the National Home for Disabled Volunteer Soldiers, at Milwaukee, Wis., from $289,750 to $291,400.

The amendment was agreed to.

The next amendment was, on page 113, after line 14, to strike out:

That the jurisdiction over the places purchased and used for the location of the Branches of the National Home for Disabled Volunteer Soldiers, under and by the authority of an act of Congress approved March 21, 1866, in Milwaukee County, State of Wisconsin, and upon which said Branch Home is located, and by authority of an act of Congress approved July 5, 1888, in the county of Leavenworth, State of Kansas, and upon which said Branch Home is located, is hereby ceded to the respective States in which said Branches are located, and relinquished by the United States, and the United States shall claim or exercise no jurisdiction over said places after the passage of this act: *Provided*, That nothing contained herein shall be construed to impair the powers or rights heretofore conferred upon the Board of Managers of the National Home for Disabled Volunteer Soldiers in and on said places.

The amendment was agreed to.

The next amendment was, on page 114, line 10, to increase the appropriation for the Eastern Branch of the National Home for Disabled Volunteer Soldiers, at Togus, Me., from $30,000 to $31,650.

The amendment was agreed to.

The next amendment was, on page 115, line 12, to increase the total appropriation for the Eastern Branch of the National Home for Disabled Volunteer Soldiers, at Togus, Me., from $295,450 to $297,100.

The amendment was agreed to.

The next amendment was, on page 115, line 17, to increase the appropriation for the Southern Branch of the National Home for Disabled Volunteer Soldiers, at Hampton, Va., from $31,000 to $32,650.

The amendment was agreed to.

The next amendment was, on page 116, line 11, to increase the total appropriation for the Southern Branch of the National Home for Disabled Volunteer Soldiers, at Hampton, Va., from $354,250 to $356,000.

The amendment was agreed to.

The next amendment was, on page 116, line 16, to increase the appropriation for the Western Branch of the National Home for Disabled Volunteer Soldiers, at Leavenworth, Kans., from $40,700 to $42,350.

The amendment was agreed to.

The next amendment was, on page 117, after line 4, to insert:

For one barrack, $30,000.

The amendment was agreed to.

The next amendment was, on page 117, line 12, to increase the total appropriation for the Western Branch of the National Home for Disabled Volunteer Soldiers, at Leavenworth, Kans., from $343,200 to $374,850.

The amendment was agreed to.

The next amendment was, on page 117, line 18, to increase the appropriation for the Pacific Branch of the National Home for Disabled Volunteer Soldiers, at Santa Monica, Cal., from $27,500 to $29,150.

The amendment was agreed to.

The next amendment was, on page 118, line 12, to increase the total appropriation for the Pacific Branch of the National Home for Disabled Volunteer Soldiers, at Santa Monica, Cal., from $260,500 to $267,150.

The amendment was agreed to.

The next amendment was, on page 119, line 22, to increase the appropriation for the Danville Branch of the National Home for Disabled Volunteer Soldiers, at Danville, Ill., from $28,750 to $30,400.

The amendment was agreed to.

The next amendment was, on page 120, line 11, to increase the total appropriation for the Danville Branch of the National Home for Disabled Volunteer Soldiers, at Danville, Ill., from $276,250 to $278,000.

The amendment was agreed to.

The next amendment was, in the appropriation for National Home for Disabled Volunteer Soldiers, on page 121, line 15, after the word "million," to strike out "and seventy-three thousand one hundred and forty-four" and insert "one hundred and fourteen thousand six hundred and ninety-four;" and in line 17, after the word "dollars," to insert the following proviso:

Provided, That the accounts relating to the expenditure of all public moneys appropriated for the support and maintenance of the National Home for Disabled Volunteer Soldiers shall be audited by the Board of Managers of said Home in the same manner as is provided for the accounts of the various Departments of the United States Government, and thereupon immediately transmitted directly to the proper accounting officers of the Treasury Department for final audit and settlement.

So as to make the clause read:

In all, $3,114,694: *Provided*, That the accounts relating to the expenditure of all public moneys appropriated for the support and maintenance of the National Home for Disabled Volunteer Soldiers, etc.

The amendment was agreed to.

The next amendment was, at the top of page 122, to insert:

To enable the Board of Managers of the National Home for Disabled Volunteer Soldiers to locate, establish, and construct a Branch of the National Home, to be used as a sanitarium for disabled volunteer soldiers, within the limits of the town of Hot Springs, in the county of Fall River, in the State of South Dakota, $75,000; and the total cost of locating, establishing, and constructing said Branch Home, complete, under a contract which is hereby authorized therefor, shall not exceed $150,000.

The amendment was agreed to.

The next amendment was, on page 122, after line 10, to strike out:

Hereafter the Board of Managers of the National Home for Disabled Volunteer Soldiers may, in their discretion, designate and authorize an officer at each or any of the several Branches of the National Home for Disabled Volunteer Soldiers to perform such duties in connection with the offices of the treasurer and quartermaster at any such Branch as they may direct, and in the necessary absence or inability of either of said officers from any cause whatever to have power to act in their places and perform all of the duties connected with the said respective offices. All officers so designated and authorized to act as provided hereunder shall give bond to the general treasurer of the National Home for Disabled Volunteer Soldiers in such amount as he may require, and to be approved by him, faithfully to account for all public moneys and property which they may receive.

The amendment was agreed to.

The next amendment was, at the top of page 123, to strike out:

Hereafter the following persons only shall be entitled to the benefits of the National Home for Disabled Volunteer Soldiers, and may be admitted thereto upon the order of a member of the Board of Managers, namely: All honorably discharged officers, solders, and sailors who have served in the regular or volunteer forces of the United States, who are disabled by wounds, disease, or otherwise, and are without adequate means of support, and by reason of such disability are incapable of earning their own maintenance and support.

The amendment was agreed to.

The next amendment was, on page 125, after line 2, to insert:

Conference for the Protection of Industrial Property: For the expenses of the conference under the Convention for the Protection of Industrial Property concluded at Paris, March 20, 1883, to be held in the city of Washington at such time as may be arranged, including such compensation of one or more delegates to the conference to be appointed by the Secretary of State as the said Secretary may determine, $10,000.

The amendment was agreed to.

The next amendment was, on page 125, after line 11, to insert:

Payment to Mexico: For repaying to the Government of Mexico money erroneously claimed by and paid to the United States on account of the awards, adjudged to have been fraudulently made, in the La Abra and Weil claims, $412,572.70, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 127, after line 2, to insert:

UNDER THE DEPARTMENT OF AGRICULTURE.

Buildings for laboratories, Department of Agriculture: For all labor, materials, heating and power apparatus, plumbing, lighting, ventilating, and other necessary expenses in erecting and fitting up suitable fireproof laboratory buildings for the use of the United States Department of Agriculture, on reservation No. 2, in the city of Washington, D. C., all plans and specifications to be approved by and the work to be done under the supervision of the Secretary of Agriculture, $200,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 129, after line 20, to insert:

Traveling expenses, Territory of Hawaii: For the actual and necessary expenses of the judge, district attorney, and clerk in the district of Hawaii when traveling within the district in the discharge of their official duties, $1,000.

The amendment was agreed to.

The next amendment was, under the subhead "United States courts," page 132, line 12, after the word "dollars," to strike out the following proviso:

Provided, That this appropriation, and the like appropriation for the fiscal year 1901, shall be available for the payment, upon approval of the Attorney-General, of expenses of United States district attorneys, or their regular assistants, in connection with services rendered or to be rendered within the fiscal years 1901 and 1902, respectively, in cases before the Supreme Court of the United States.

So that the clause will read:

For salaries of United States district attorneys and expenses of United States district attorneys and their regular assistants, $410,000.

The reading of the bill was continued to line 10, on page 135.

Mr. ALLISON. Having made very good progress with the bill, I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 1, 1901, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 28, 1901.*

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

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

ADDITIONAL CLERK FOR COMMITTEE ON ENROLLED BILLS.

Mr. BAKER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the chairman of the Committee on Enrolled Bills is hereby authorized to appoint one additional clerk to said committee for the remainder of the session, to be paid out of the contingent fund of the House, at the rate of $6 per day.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to ask if any additional clerk has yet been appointed?

Mr. BAKER. This is customary at the close of the session. Two years ago the chairman of the Committee on Enrolled Bills had four additional clerks, while this will only make three.

Mr. RICHARDSON of Tennessee. I have no objection.

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

The resolution was agreed to.

APPEALS IN CIRCUIT AND DISTRICT COURTS OF THE UNITED STATES.

Mr. OVERSTREET. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13843) to amend section 7 of "An act to establish circuit courts of appeal and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, as amended by act approved February 18, 1895, and further amended by act approved June 6, 1900.

The Clerk read as follows:

Be it enacted, etc., That the seventh section of the act entitled "An act to establish circuit courts of appeal and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, as amended by act approved February 18, 1895, and again amended by act approved June 6, 1900, be, and the same is hereby, amended to read as follows:

"SEC. 7. That where, upon a hearing in equity in a district court or in a circuit court, or by a judge of a district court or of a circuit court in vacation, an injunction shall be granted or a receiver shall be appointed, or an injunction or receivership shall be continued, refused, or dissolved, or an application to dissolve an injunction or receivership shall be refused by an interlocutory order or decree, an appeal may be taken from such interlocutory order or decree granting an injunction or appointing a receiver, or continuing, refusing, dissolving, or refusing to dissolve an injunction or receivership, to the circuit court of appeal: *Provided*, That the appeal must be taken within thirty days from the entry of such order or decree, and it shall take precedence in the appellate court; and the proceedings in other respects in the court below shall not be stayed, unless otherwise ordered by that court or by the appellate court, during the pendency of such appeal: *And provided further*, That the court below may, in its discretion, require, as a condition of the appeal, an additional bond."

SEC. 2. That this act shall be in force from and after its passage.

With the following amendment recommended by the committee:

Insert after the word "decree," in line 6, page 2, the following:

"Whether an appeal in such cases from the final decree would be to the circuit court of appeals or to the Supreme Court."

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

Mr. SULZER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Indiana if the bill has been considered by the Judiciary Committee?

Mr. OVERSTREET. It has been considered by the Judiciary Committee and comes before the House with practically a unanimous report. The gentleman from Missouri [Mr. DE ARMOND] reserved the right to object; but no minority report has been filed. It is a lawyers' bill for the purpose of granting a right of appeal to either the plaintiff or the defendant in both injunction and receivership proceedings.

Mr. SULZER. I observe that the gentleman from Missouri is present, and gladly give way to him.

Mr. DE ARMOND. If I can have a few minutes on the bill, I shall have no objection.

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

Mr. OVERSTREET. I will yield to the gentleman from Missouri five minutes.

Mr. DE ARMOND. Mr. Speaker, this bill, as stated by the gentleman from Indiana [Mr. OVERSTREET] is one amending the law to provide for an appeal from orders or decrees refusing to grant an injunction or appoint a receiver.

The existing law does not provide for an appeal where there is a refusal by a judge in vacation or the court in term time to appoint a receiver or grant an injunction. In my judgment no right of appeal ought to be given from a decree refusing to appoint a receiver or grant an injunction for two reasons:

First. There is no limit upon the right to apply for a receiver or an injunction. There may be a refusal to-day and a new application to-morrow. So that the right of appeal is unnecessary to preserve anything to the party who has applied and whose application has been rejected. That is one point.

Second. If an appeal be allowed from an order or a decree made in term or in vacation, refusing to grant an injunction or to appoint a receiver, the effect in many instances, perhaps in most instances, will be the same as if the order appointing the receiver or granting the injunction had been made. In other words, with unlimited right to make fresh application or to renew the application at will, if this bill be passed it will enable the applicant to have in effect, without the responsibility and liability which attaches to the affirmative act, all that he would get, in many instances, from the appointment of the receiver or the granting of the injunction. The opposing party whose property or rights are involved often will be seriously affected by the pendency of an appeal from an order or decree refusing to appoint a receiver or grant an injunction, while, upon the other hand, the mutuality is lacking, because the party applying for a receiver or an injunction, as already stated, if refused to-day, can apply again to-morrow, and just as often as he pleases. For these reasons, stated briefly, I believed the bill ought not to pass. I think the law is better as it is than it would be if this bill were passed.

Mr. RAY of New York. Mr. Speaker, the gentleman's logic is good so far as it goes. If the application for the appointment of a receiver should be denied upon the merits—that is, upon the facts presented—then the party could strengthen his case, amend his papers, and apply again, although there might not be opportunity for some little time.

But here is a case which ought to be provided for, and can not be provided for in any other way than by the passage of this bill. To illustrate—and I would like to hear what the gentleman may have to say in reply to this suggestion—to illustrate, I go to the court or judge with a set of papers, asking for the appointment of a receiver. The judge looks over the papers and denies my application, not upon the facts set forth, but upon some legal proposition—some question of law. Now, I might apply again and again and again, but I can not change the facts. The judge or the court—to whichever I may make application—denies my application upon legal propositions. Now, I am without remedy unless I can have an appeal and have the question of law passed upon by the appellate court and my legal right to a receiver or an injunction determined.

The SPEAKER. The time of the gentleman from Missouri [Mr. DE ARMOND] has expired.

Mr. OVERSTREET. I yield the gentleman three minutes more.

Mr. DE ARMOND. In reference to the suggestion of the gentleman from New York, I would say, first, that this bill does not make the discrimination which he makes in what he has just suggested; and, next, that applications for the appointment of receivers or for injunctions are usually, almost invariably, granted or refused upon the judgment of the court or the judge in chambers upon the facts presented. The power to appoint a receiver and the power to grant an injunction are both undoubted. Ordinarily an application fails or is sustained according to the judgment of the judge in vacation or of the court in term time as to the sufficiency or insufficiency of the allegation of fact contained in the application.

Mr. SULZER. Is it not a fact that the object of this bill is to give the United States district and circuit judges additional power regarding injunctions and receiverships?

Mr. DE ARMOND. Well, I do not know whether it would have especially that effect, but it would have the effect of permitting a person to appeal when an appeal is not necessary for his protection but prejudicial to his adversary, where, though he give bond, the liability can be only nominal and theoretical. This bill will give the effect of an order or decree, though such order or decree be denied, and an affirmance by the higher court will entail no responsibility for substantial damages, however great in fact the damages may be. At least that is my opinion, and for these reasons I am opposed to the bill.

Mr. OVERSTREET. Mr. Speaker, this bill has received the indorsement of the National Bar Association. It merely seeks to place the plaintiff and the defendant upon an equality in matters of appeal. There is no additional power granted the circuit or district courts, and the same method of procedure in appeals will obtain in this particular as obtains at present in other cases. Proper safeguards are provided in the measure requiring additional bonds, and there is nothing further involved than the privilege of appeal to either party upon meeting the requirements of the court in the matter of the bond.

Mr. DE ARMOND. I wish to ask the gentleman from Indiana [Mr. OVERSTREET] whether the liability upon a bond given upon an appeal from a refusal to appoint a receiver or to grant an injunction would not be theoretic and nominal rather than substantial?

Mr. OVERSTREET. I can conceive no difference in the liability on the bond as between the plaintiff and the defendant.

Mr. DE ARMOND. Let me suggest this: Suppose the court refuses an injunction; the party applying for it appeals and gives bond, and the action of the court is sustained by the higher court. Now, what is the measure of liability? It will not do to go into court suing upon the bond and say, "That is not a substantial ground of damage," although it may be substantial in fact. It will not do to plead that the adverse party has suffered to the same extent or has suffered to a considerable extent on account of the appeal. The only liability will be the liability for the costs involved in the appeal. That is my judgment.

Mr. OVERSTREET. The original act did not grant the privilege of appeal to the plaintiff. By amendment a few years subsequent to the enactment of that law there was accorded to either party an equity of appeal. A still further amendment to this act undertook to give the same privilege in proceedings under receiverships as in injunctions; but—evidently by an inadvertence—the original act was examined, and not the act as subsequently amended, and the right of appeal to the plaintiff, not only in receiverships but in injunction proceedings as well, was withdrawn from the law. This bill seeks to remedy both those defects. As I say, it has been drawn under the recommendation of the National Bar Association, and meets practically the unanimous support of the Committee on the Judiciary.

The committee recommends two amendments, one of which does not appear in the printed bill, but which I shall ask the House to pass, providing that the bill, instead of going into effect upon its passage, shall not take effect until July 1, 1901, thus foreclosing the privilege of appeal in any judgment in such cases as may have been made within the last few months prior to the act taking effect. That is to say, this right of appeal will not exist till after July 1, 1901.

Mr. LACEY. Will the gentleman yield to me for a question?

Mr. OVERSTREET. Certainly.

Mr. LACEY. What will be the effect of this bill in a case where injunctions have heretofore been refused or receivers have been denied?

Mr. OVERSTREET. The bill will not go into effect until the 1st day of July, 1901.

Mr. LACEY. That does not answer the question.

Mr. OVERSTREET. I think it will not affect them unless the case has been continued or is pending after the 1st of July, 1901.

Mr. LACEY. You can take an appeal to the Supreme Court of the United States in two years. Now, this act goes into effect on the 1st of July. Is this broad enough that in a case where an injunction has been refused at any time within two years from the 1st of July it can be appealed?

Mr. OVERSTREET. I think not.

Mr. MORRIS. I would like to ask the gentleman from Indiana this question: This bill provides for appeals from interlocutory orders, does it not?

Mr. OVERSTREET. Yes.

Mr. MORRIS. Suppose an interlocutory order granting an injunction, a preliminary order granting an injunction, is obtained. You know that that is done. The court will grant a preliminary order and will subsequently have a hearing, and then may either continue the injunction or deny it. Now, does this bill provide for a case where an appeal is taken in such cases as that? Suppose a

case of this kind: I get a preliminary order of injunction from the court, a temporary injunction; an order is then issued to the other side to show cause why it should not be made permanent. A hearing is had, and the court decides that its award of injunction, a temporary injunction, was improperly made, and decides not to make it permanent. Now, an appeal is taken from that order, and bond is given. Does that continue the injunction? Has that been provided for in this bill?

Mr. DE ARMOND. No, sir.

Mr. MORRIS. Ought there not to be a provision in this bill providing that such a bond as that shall not continue an injunction?

Mr. RAY of New York. This bill does not continue an injunction when denied and an appeal is taken. It does not interfere with the effect of the decision at all. This bill leaves the law as it is except to provide for a review on appeal. It provides that in case the judge or court refuses an injunction or a receiver the party who applies may appeal in order that he may have the question of his legal right to the remedy asked passed upon by the appellate court; and unless this bill becomes a law, it is a practical denial of justice to some litigants who seek to obtain injunctions, etc., because if the judge happens to take an erroneous view of the law, then they are denied justice and can not have the legal proposition reviewed.

Now, it is always fair and just that when the court below, the single judge, passes upon a question of law, which decision must be final and decisive unless reversed, that the defendent party have a hearing in the appellate court upon that question of law. It is familiar to all lawyers that the appellate court does not consider the question of evidence and of fact and reverse or affirm because it does not exactly agree with the lower court on the facts. It usually regards the facts found by the court below as conclusive on it. But when a party applies to the court for a receiver or an injunction and the judge passes upon the matter if, as a question of law, the facts being undisputed, he ought to have the right to have the decision reviewed in the appellate court if it be against him.

Mr. MORRIS. Granted.

Mr. RAY of New York. That being the forum, that settles that question of law.

Mr. MORRIS. I agree with the gentleman from New York upon that; but would ask, when an order has been entered by the court refusing to make permanent the injuction, the temporary injunction—in other words dissolving the temporary injunction—and an appeal has been taken from that order and bond given, would that have the effect of continuing the temporary injunction until the appeal could be heard?

Mr. RAY of New York. It would not, because until the appellate court had decided that there ought to be an injunction, the injunction would not be in force, the judge below in refusing to continue it not making provision that it should be in force until the determination of the court of appeals on the giving of bond to pay all damages that might occur. The court or judge, refusing to make the order permanent, might possibly continue it until the determination of this appellate court.

Mr. MORRIS. Then there is no right of stay on the order of the court dissolving the temporary injunction?

Mr. RAY of New York. If I understand you, this is your point: If the plaintiff applies for an injunction and a receivership, and obtains that order——

Mr. MULLER. A temporary injunction.

Mr. RAY of New York. A temporary injunction——

The SPEAKER. The gentleman from New Jersey calls up a conference report.

MILITARY JUSTICE.

Mr. PARKER of New Jersey. Mr. Speaker, I ask unanimous consent that the statement of the House conferees be read instead of the report.

The SPEAKER. The bill will be reported by its title first.

The Clerk read as follows:

A bill (H. R. 7571) to prevent the failure of military justice, and for other purposes.

The report of the committee of conference is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7571) to prevent the failure of military justice, 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 House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, as follows: Strike out the matter inserted by said Senate amendment, and also after the word "witness" in line 7, page 2, strike out the following:

"At the rate of 5 cents a mile from his place of residence to the place of trial and $1.50 for each day required for such travel, shall be tendered him, and that after testifying he shall be paid at the same rate for returning and $1.50 per day while in attendance on the court-martial."

And insert in lieu thereof:

"And his mileage at the rates provided for witnesses in the United States district court for said State, Territory, or District shall be duly paid or tendered said witness."

RICHARD WAYNE PARKER,
JOHN J. ESCH,
JAMES HAY,
Managers on the part of the House.

THOS. H. CARTER,
F. E. WARREN,
F. M. COCKRELL,
Managers on the part of the Senate.

Statement as to the conference report on H. R. 7571, being "A bill to prevent the failure of military justice, and for other purposes."

The House bill provided that witnesses on courts-martial should be paid fees therein named, which are those ordinarily allowed witnesses in the United States district courts. The Senate amendment added a proviso for higher fees in certain States and Territories where they are allowed by special statute.

The conference report strikes out both the Senate amendment and the fixed rates of the House bill, and provides for payment to a witness of the same fees as he would receive in the district court of the same district. This was the intention of both Houses.

Respectfully submitted.

RICHARD WAYNE PARKER,
JOHN J. ESCH,
JAMES HAY,
House Conferees.

FEBRUARY 26, 1901.

The SPEAKER. Without objection, the reading of the report will be dispensed with. [After a pause.] The Chair hears none.

Mr. SULZER. Mr. Speaker, I desire the gentleman from New Jersey briefly to state to the House the amendment which the Senate put in the bill.

Mr. PARKER of New Jersey. The House provided that witnesses at courts-martial should be paid 5 cents a mile and a dollar and fifty cents a day. Those are the ordinary fees in the United States district court. The Senate, knowing that certain of the Western Territories pay higher fees, provided higher fees for those Territories.

As there might be changes in these fees from time to time, we thought it better not to stick to those details, but simply strike them out and provide that the witnesses at courts-martial should be paid the same fees and mileage as paid to witnesses of the district courts of the same district. That was in the statement signed by the conferees, if the gentleman had heard it.

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

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

POST-OFFICE APPROPRIATION BILL.

Mr. LOUD. Mr. Speaker, I submit the conference report on the Post-Office appropriation bill.

Mr. HEPBURN. I desire to reserve all points of order on the report.

The report of the committee of conference was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13729) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1902, 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 House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Strike out all of amendment numbered 2, lines 3, 4, 5, 6, and 7, page 1, of said amendment, and insert in lieu thereof: "The Postmaster-General is hereby authorized and directed to investigate the cost of establishing and maintaining, as a part of the postal service, the delivery of mail in cities, towns, and villages which are not free-delivery offices, and shall report to Congress as to the feasibility and best method thereof; and the Senate agree to the same."

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Strike out all of amendment numbered 3, lines 9, 10, 11, 12, 13, 14, and 15, page 1, and lines 1, 2, and 3, page 2, of said amendment, and insert in lieu thereof: "The Postmaster-General is directed, if he has sufficient available information to enable him to do so, to report to Congress concerning the advisability of connecting a telegraph and telephone system with the postal service and the probable cost of the same;" and the Senate agree to the same.

E. F. LOUD,
GEO. W. SMITH,
CLAUDE A. SWANSON,
Managers on the part of the House.

E. O. WOLCOTT,
WM. E. CHANDLER,
MARION BUTLER,
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 of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13729) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1902, submit the following written statement in explanation of the effect of the action agreed upon in the accompanying conference report on each of the Senate amendments, namely:

Amendment numbered 2: The House receded, with the following amendment: Strike out all of said amendment and insert the following: "The Postmaster-General is hereby authorized and directed to investigate the cost of establishing and maintaining as a part of the postal service the delivery of mail in cities, towns, and villages which are not free-delivery offices, and shall report to Congress as to the feasibility and best method thereof."

Amendment numbered 3: The House receded, with the following amendment: Strike out all of amendment numbered 3 and insert the following: "The Postmaster-General is directed, if he has sufficient available information to enable him to do so, to report to Congress concerning the advisability of

connecting a telegraph and telephone system with the postal service and the probable cost of the same."

E. F. LOUD,
GEO. W. SMITH,
CLAUDE A. SWANSON,
Conferees on the part of the House.

Mr. LOUD. We have but two amendments upon which there has been an agreement finally reached which are legislation placed upon an appropriation bill by the Senate, and ultimately the House conferees had to give away on these two propositions, with such a modification of the same that I do not believe them to be dangerous. I do, however, believe that legislation of this character should not be placed upon an appropriation bill if either House should object to them. They could not have been placed upon this appropriation bill in the House. The amendment numbered 2 provides for the experiment in cities, towns, and villages that have not now free delivery to deliver mail through depositories or compartment boxes.

The House conferees think that even the modification that is made in here by agreement should not have been adopted, because if it means anything it does commit us to the adoption of free delivery in every city, town, and village in the United States that has not now free delivery. Of course, some gentlemen say, Why not? I assume that rural free delivery outside of cities, towns, and villages will cost the postal department $25,000,000 a year. I assume that delivery in the cities, towns, and villages will cost us at least $25,000,000 a year more. But, I say, the amendment has been so modified by striking out these boxes, which it seems somebody desired Congress to adopt, and yet it will be left to Congress to determine in the future whether we desire to embark in this character of delivery or not.

Amendment No. 3 committed Congress to the adoption of the postal-telegraph and postal-telephone system. Personally I have always been bitterly opposed and am to-day to the Government embarking in any more business enterprises than it has now. I think the example of the English Government in its experiment with the postal-telegraph system ought to be sufficient to cause Congress to halt before it even makes an intimation that it will embark in the postal-telegraph system. The English Government by reason of its form of government is much more competent to advantageously manage a postal-telegraph system than a government like ours. Since 1870 it has taken on the postal-telegraph system, returning a profit the first two years to the Government, but has now gotten so far in the line of deficit that it amounts to more than $3,000,000 each year. They have had a deficit since they took that system up of £7,235,000, in round numbers.

When I first came to Congress the postal-telegraph system seemed nearly ready to be adopted. We have heard nothing of it, I am glad to say, for four or five years. Unfortunately, the other body having, as they say, but a few hours to determine the many great questions, and rather than be compelled to listen to long speeches which might provoke an extra session, thought it was advisable to take the modified form of the amendment which we here provide. The form of the amendment is this:

The Postmaster-General is directed, if he has sufficient available information to enable him to do so, to report to Congress concerning the advisability of connecting a telegraph and telephone system with the postal service and the probable cost thereof.

Now, the only objection to that is that the Postmaster-General may, in an unguarded moment, submit a cost of telegraphic and telephonic service which will be so far out of the way that it may possibly mislead Congress, because I assume that the Postmaster-General, without a very full investigation, could not determine within one or two hundred millions of dollars what the postal and telegraph system may cost. But we have faith in the Postmaster-General. We hope, and in that hope alone we trust, that he may report to Congress all that he can intelligently report—that he has no means of knowing anything about it.

Mr. SULZER. Mr. Speaker, I would like to ask the gentleman from California a question.

Mr. LOUD. What is it?

Mr. SULZER. Is this the final report of the conferees?

Mr. LOUD. It is.

Mr. SULZER. Is there any appropriation in the bill at the present time that provides for a continuance of the pneumatic-tube mail service in the city of New York?

Mr. LOUD. There is not. The Senate did not adopt that provision. The House did not provide for any pneumatic-tube service and neither did the Senate. Whatever may have been the desire, the conferees could not put anything of that kind into the bill.

Mr. SULZER. If this bill, then, becomes a law the pneumatic-tube service in New York City during the next fiscal year will have to be discontinued?

Mr. LOUD. I hope the officers of the Post-Office Department will so construe a plain law and not act in defiance of the mandate of Congress. The original contract was entered into without any warrant of law whatever.

Mr. SULZER. Then, sir, in this connection, as a Representative from the great city of New York, I desire to most emphatically protest against this unjust discrimination to that city, and I would like to have a few moments to state what the people of New York City think about it. It is an outrage.

Mr. LOUD. I hope the protest will be duly entered. I now yield five minutes to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, as to the details of this report, just now made, of course it is impossible for the average member to have any knowledge. Two or three things suggested by the chairman of the committee deserve more than a passing notice, even at this late day of the session. One is his criticism of the practice, very prevalent, of putting general legislation upon appropriation bills.

Another is his criticism, somewhat modified, of the practice, so nearly universal, of the House conferees conceding to the Senate the right, or at least the power, to do the legislating for the Congress of the United States.

This putting of general legislation upon appropriation bills has grown out of two or three distinct, particular things. One, if I may be permitted to suggest it, is that in these latter days but little opportunity is given for the consideration, independently, in this body of matters of general legislation. A large number of them can not be considered at all; others can be considered only when O. K.'d by the supreme power in the House. The natural result is that persons desiring general legislation seek to avail themselves of the avenues of the general appropriation bills for the passage of such measures as they can get upon them. Then, after the bill is passed through the House, the work of legislation really begins. Then it is determined what the Senate will have as the law, and later on it is determined how soon or how late, with how much or how little delay, the conferees of the House will accede to the Senate demands. And then, later on, in the ordinary formula, comes the registering in the House, with some protest here and there against the Senatorial will; and the measure goes to the President for approval or rejection.

The gentleman from California [Mr. LOUD], in speaking of the purposes of the postal-telegraph and postal-telephone inquiry, has suggested that our Government is not so well adapted as the British Government to the inauguration and carrying forward of this system of postal telegraphy and postal telephony. If he regrets this fact, he ought to take some comfort out of the other fact that we are approaching as rapidly as possible, over the Constitution and every precedent, to conform our actions and mold and shape our Government after the English formula. If now we are not prepared to do these things as well as the English do, we are progressing Englishward with tremendous strides.

But without going into the details of this measure—and I am not going to discuss them—I have been of the belief that our Government could establish postal telegraphs and postal telephones; that the rates of service for the people would be made very much less, the service itself very much more valuable.

I shall be glad if the inquiry into these matters be made, and I hope the inquiry may be searching and the report intelligent and comprehensive. I believe that even if we should reverse the present process and move back toward the Republic of the fathers, or move forward in the way of the Republic of the fathers toward the mighty Republic of the future, instead of shaping our form of government as nearly as possible after the English model, still we might provide for the people by Government telephones and telegraphs and other utilities to meet the growing interests which our population and business demand.

Mr. LOUD. Mr. Speaker, I now yield five minutes to the gentleman from Colorado [Mr. BELL].

Mr. BELL. Mr. Speaker, I wish to reply to that part of the chairman's remarks relating to Great Britain and its postal telegraph system. In Great Britain, as I understand, the Government rate for telegrams is just 1 cent a word, and the Government of Great Britain and practically every government of Europe has made the telegraph and the telephone a part of the postal system. To-day in the Dominion of Canada they are trying to arrange and create a surplus revenue sufficient to add the postal telegraph to the Dominion postal service.

They have added it in Australia; they have added it in New Zealand. The other day a correspondent of the New York Journal, who has recently been traveling in New Zealand, in a letter to his paper used this language:

One of the pleasantest features of a railway ride in this country is witnessing the children flocking to the train in going to and returning from school. They get on the train as if they owned it, and no one asks them for tickets. They ride free of charge. Stations are provided at frequent intervals, and each one is a post-office and a savings bank as well as railway and express office, as the government conducts all these classes of business. Think of the saving in office expenses by the system, and you will be able to comprehend why the railroad fares and parcels post are so much cheaper here than in America. In spite of the great expense of the construction and equipment of railroads in this land of high wages and short hours, the railway passenger rate is only about three-fourths of the average price in the States, while the parcels post and telegraph rates are far cheaper.

And, sir, Frank Carpenter, the correspondent of the Evening Star of this city, writes to his paper along the same line, and it is shown that the telegraph rate in Australia and New Zealand is only 1 cent a word.

Now, suppose that Great Britain does have a deficit of $5,000,000 after saving the people $30,000,000 in telegraphing, it still leaves to the credit of the system $25,000,000. The telegraph system, the telephone system, the savings-bank system constitute some of the democratic features of the English Government. It seems that some of our friends run after the monarchical features and run away from the democratic and the people's features of the English Government.

Mr. LOUD. Does the gentleman assume that the telegraphic rates in England are cheap?

Mr. BELL. Yes, sir.

Mr. LOUD. Well, what are they?

Mr. BELL. The telegraphic rates in England, according to statistics gathered by Senator Hill a few years ago, show the average rate to be 1 cent per word all over the island.

Mr. LOUD. The average rate is a shilling for 20 words, including the address and the signature; and it will generally be found that you have more words in your address and signature than in the body of your telegram.

Mr. BELL. Well, that report was made in the Senate; and that body a few years ago came very near adopting a similar system, or a system limiting the rate of telegraphing to 1 cent a word, and Australia and other governments have same rate.

Senator Hill, formerly the president of Brown University, an eminent scholar and a very rich man, came to the Senate from the State of Colorado; and so nearly did he succeed in passing the bill to which I have referred that the telegraph combinations poured the State of Colorado full of money in an effort to punish him for serving the people, and defeated for reelection one of the brightest men that ever graced the Senate of the United States and one of the most polished and educated gentlemen that ever occupied a place in either House of Congress.

If this is such a bad thing for the people, why is it that the people constantly clamor for it? Why do they clamor for its continuance in New Zealand, Great Britain, and other countries where the people control every branch of the government? Why are they clamoring for it in the Dominion of Canada, if it is so detrimental to the public interest of the mother country?

I have pointed out some of the benefits that the people are to enjoy from this system. For the sake of avoiding a little surplus of five or six million dollars, we are not to be driven from the adoption of a telegraphic rate of about one-fourth of what is charged by the private companies.

Mr. LOUD. I yield five minutes to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, I concur substantially in what the gentleman from Missouri [Mr. DE ARMOND] has so well said. In my judgment it would be for the best interests of the great majority of the people of the United States if they had control, in connection with the post-offices and as a part of the Postal Department, of the telegraph and the telephone. I believe it would be in the interest of and a great saving to the people. I believe it would put an end to two great selfish monopolies, and would give the people of this country cheaper telephone rates and lower telegraph rates. I am unalterably opposed to all private monopolies. But more about this when I can get more time. Now, sir, in the few minutes allowed me by the gentleman from California I want to enter my most emphatic protest regarding the unjust discrimination contained in this bill against the great city of New York.

For several years the post-office authorities of the city of New York have used the pneumatic-tube service. That service has been a great success, has facilitated the carrying and the distribution of the mails, and has given great satisfaction to the people. It has been a great convenience to the merchants, and every association of business men, the boards of trade, the chamber of commerce, and in fact all the various chambers of industry, have petitioned Congress to continue the pneumatic-tube service. I have filed many of the petitions and resolutions. This bill has eliminated this desirable service, and the merchants and citizens of the city of New York are to be deprived of the service and compelled to waste and lose from five to twelve hours in every twenty-four in receiving and transmitting their mail. I protest against this outrage—this failure to live up to implied obligations.

The city of New York has the greatest post-office in this country—a post-office which pays, over and above expenses, a revenue to the Government every year of over $5,000,000. We have asked, and asked in vain, for a new post-office building in that city. We should have it. But this Congress will do nothing for New York City. The present old post-office building there is a disgrace and a menace to the health and lives of the people employed in the building. We must have a new post-office. We will get one, I trust, in the next Congress. But this pneumatic-tube service should not be discontinued. It should be now continued by an appropriation in this bill. I regret exceedingly that the Post-Office Committees of the House and the Senate, after adopting this service, propose now at this late day to discontinue it. It is wrong and a very shortsighted economical policy.

Mr. BURKE of Texas. Does my friend know the cost to the Government for every mile of pneumatic-tube service laid down in New York City?

Mr. SULZER. Yes; I know. The figures are given in the report of the Post-Office Department; and with those figures before it, that Department recommended in the strongest terms the continuance of this service. In the hope of getting this relief I shall vote down this conference report.

[Here the hammer fell.]

Mr. LOUD. I yield to the gentleman from Illinois [Mr. CANNON] such time as he may desire.

Mr. CANNON. I shall occupy a few minutes—two or three or five.

Mr. SULZER. Take your own time.

Mr. CANNON. Mr. Speaker, I wish to make a remark in the shape of a protest against a system which is probably commenced in this bill. The bill provides that—

> The Postmaster-General is authorized and directed to investigate the cost of establishing and maintaining as a part of the postal service the delivery of mails in cities, towns, and villages which are not free-delivery offices, and shall report to Congress the feasibility and best methods thereof.

Now, this provision starts a movement to have the free-delivery service in every city, town, and village in the United States. I do not believe it should have been started, even by inquiry.

Mr. KING. Does not my friend think we had better vote the report down?

Mr. CANNON. The gentleman from California in presenting this conference report protests against the provision; and I believe that if the House should see proper to reject this report, he could go again into conference and in sixty minutes could return with this provision stricken out. It is legislation; the Senate proposes it, and therefore if the House insists the Senate must recede under the universal rule.

Now, then, we have, in round numbers, 80,000 post-offices in the United States. I undertake to say at a rough estimate that there are at least 50,000 of these in cities, towns, or villages—and that is wonderfully broad, you can see—where the free-delivery service can not now be under law, where it could be made under law if provision was made for the service as contemplated, or at least to be inquired about in this provision. Now, what will that cost?—and I will give it under instead of over. Fifty thousand free-delivery offices, little boroughs, two to each one; and that is under instead of over. They have now, say, one at $1,000 a year, or they soon will have—$50,000,000. If I say two, it would be $100,000,000; and it would be more than two. Now, you know we have got to have officeholders enough to do the business of the Federal Government; but the officeholders of a great government like ours are numerous and strong enough to dominate frequently the political situation. And it is an open secret that the salaries of Federal officials—I do not mean the people occupying the great places, but the average salary of the average official—is one-third to one-half more than that of those who pay the taxes to pay the salaries.

Mr. KING. Put it at double.

Mr. CANNON. The gentleman says, "Put it at double." I think I could have done that, but I wanted to be conservative. You remember also that we have established, and it is substantially written in law, thirty days' leave of absence on full pay; soon to be written into law, now already in part, thirty days more sick leave. Who pays it? Seventy-six million of people who live by the sweat of their faces, and who get but very little over half the pay of the officials. Of course the people who want to hold these places are for it, and all who want to dispense the patronage will be for it; and I believe here and now that we had better call a halt before there is even an assault upon the beginning touching this matter, because when it once starts there will never be a stop put to it. It is like Mickey Free's father. You recollect he told Malloy that he had saved his last 40 shillings because his "riverince" had told him his father was caught between the door and the jamb. Says he: "If my father was caught between the door and the jamb, there is nothing between hell and Connaught that would kape him." [Laughter.] Start this thing and there is nothing that will keep it out.

Now, let me show it to you. Free rural delivery is in. I do not believe there is a man within the sound of my voice but what would, if he is honest, he would say—he must say—I am sorry. But it is started. Nothing can stop it. It is to add inside of the next decade, in my judgment, $50,000,000 to the postal expenditures. Why, they started at $400 for this carrier and he furnishes a buggy. It will be and ought to be a thousand, because it is more expensive, don't you see, than the city carrier.

Mr. SULZER. In a little while they will want automobiles.

Mr. CANNON. I merely want to refer to it. We have got it. I think now, if ever, is the time to give a quietus to this proposition,

and so far as I am concerned, I stand ready to vote down this conference report upon that one provision, namely, universal free delivery carrier service in all the little boroughs, cities, and towns in the United States. If we do that, of course the Senate will have to recede, and not have any delay as to time. There is a motion to adopt the conference report. Now, then, if that motion is voted down——

The SPEAKER. The gentleman from Illinois will suspend until gentlemen take their seats.

Mr. BUTLER. A point of order. If the gentleman from Illinois would not turn his back to us we would appreciate very much what he says and would be pleased very much to hear what he has to say.

The SPEAKER. That is not a point of order.

Mr. CANNON. Well, I think I am subject to just criticism. But it is pretty hard to talk in the House this morning, and I talked immediately to those in front because it seemed I had their attention.

Mr. WILLIAMS of Mississippi. Will the gentleman allow me to ask him a question?

Mr. CANNON. Certainly.

Mr. WILLIAMS of Mississippi. I want to ask the gentleman if this does not refer to house delivery and depositing mail in boxes? The gentleman spoke of rural free delivery?

Mr. CANNON. Merely by way of an illustration.

Mr. WILLIAMS of Mississippi. But this is urban and village delivery.

Mr. CANNON. And will give free village delivery. We are all in favor of free rural delivery. That has come, and nothing short of the power of Almighty God can put it out. I only spoke of that by way of illustration. This is a new thing, and I do not believe that the taxpayers of the United States are willing to commence a system of free delivery in every little village and borough in the United States, at a cost of a hundred million dollars a year, and, therefore, in that condition of affairs, so far as I am concerned, I will vote against the adoption of this conference report, knowing if it is not adopted that I do no violence to the feelings of the gentleman from California as expressed touching this matter.

Mr. LOUD. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has twenty-five minutes.

Mr. LOUD. I yield ten minutes to the gentleman from Virginia.

Mr. SWANSON. Mr. Speaker, I am one of the conferees on this report that is contained on the Senate amendment. I believe in this item of the Senate amendment providing for an appropriation of $20,000 to make an experiment in delivery in towns, cities, and villages where they have not either boxes or compartments. We refused to accede to that, and also to committing us to the telegraph and telephone system as part of the system of the postal service. We disagreed, came back to the House, disagreed again, and the Senate has insisted on its amendment.

Now, what is the proposition before this House? I want to read to this House and let you see the small matter that the chairman of the Committee on Appropriations has made a great clamor about. Now, let me read it, and let every member of the House hear; and I am satisfied when it is read to you that there will be no objection to its adoption.

Mr. Speaker, here is the provision:

The Postmaster-General is hereby authorized and directed to investigate the cost of establishing and maintaining, as part of the postal service, the delivery of mails in cities, towns, and villages which are not free-delivery offices, and shall report to Congress as to the feasibility and best methods thereof.

Now, under that amendment the Postmaster-General is directed in the interim to investigate, to acquire information, to get the facts, so that this House can act intelligently as to whether it is good or bad.

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

Mr. SWANSON. I will.

Mr. CANNON. Is it not good policy, when we have come to the conclusion that we believe and are satisfied that the service ought not to be inaugurated in any event, to throttle it in its conception?

Mr. SWANSON. Mr. Speaker, in reply to that I say that it is the duty of this House to get full and complete information on all questions that may come before it. This does not carry one cent or one item of appropriation—not a dime, not a nickel, not a cent. This is to get at the facts in small towns and villages that have not now free delivery. It is to get information and statistics, to get the probable cost, and let the Postmaster-General make a full and complete report to this House.

If it is wrong, the House can throttle it; if it is right, the House can adopt it. Is there objection from any source to getting information without the expenditure of one dime or one cent? I want to say, in behalf of the House conferees, it was difficult to get the Senate conferees to even make the concession not to make an appropriation for the experiment of $20,000.

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

Mr. SWANSON. Certainly.

Mr. LACEY. Under the free-delivery system there is a double price paid for drop letters mailed in the town. What is the intention of this provision in that respect? Will the double-price rule apply to letters delivered under this system?

Mr. SWANSON. There is no intention of starting it, no method devised, not a cent of money appropriated. It simply directs the Postmaster-General to make an investigation and report to Congress on the feasibility or nonfeasibility of it and the cost of it. Nothing is done. This does not commit the Government to it, but is simply trying to acquire information as to the facts and the cost for the future judgment of this House in the matter.

Mr. BROMWELL. May I ask the gentleman a question?

Mr. SWANSON. Yes.

Mr. BROMWELL. The gentleman referred to the demand which is coming from the people of cities and villages and others who are to be benefited by the introduction of this system.

I will ask whether there has been a single demand from a single citizen, in any city, in any town, or any village in the United States; or whether it is not, as a matter of fact, a scheme that has been introduced through the Senate provision into this bill, originally on behalf of the patentee of a particular kind of a post-office compartment box? Whether the actuating motive of getting this into the bill is not for the benefit of the patentee of this box, and not at the request of any citizen?

Mr. SWANSON. I do not know whether that is true or not, but I want to say that I never received any request from any village or town, because I have no town but that can receive free rural delivery. The Senate provision provided for boxes and compartments and we insisted that that should go out, and this was all the compromise we could get. It is nothing but an estimate; there is no appropriation, there is no committal of the Government to any such policy. It simply asks for information to be brought to us.

Any man would have a right by unanimous consent to request the Postmaster-General to give this information, and you would not object to it. If a man were to come in here and ask unanimous consent for the Postmaster-General to send him information as to the cost and feasibility and the advisability of this plan, it would go through by unanimous consent and he would send in his report, and that is all this is.

The second provision in regard to the telephone and telegraph system simply requires the Postmaster-General to report if he has sufficient available information to enable him so to do to Congress concerning the advisability and the cost of connecting the telephone and the telegraph system with the postal service of the United States.

There is not a man in this House that could not come in here and introduce a resolution asking information on both of these subjects, have it sent to a committee, and brought back here and passed unanimously. It simply is a request for information, without a dime or a cent or a nickel being appropriated or any committal whatever to the service.

I want to say that it was difficult for us to get these two resolutions cut down to the harmless terms in which they now are. I want to say for one that I can not see why anybody should object to full and complete information on this subject. That is all that this does; it simply directs information to be brought into this House.

Mr. LOUD. I now yield five minutes to the gentleman from Ohio [Mr. BROMWELL].

Mr. BROMWELL. Mr. Speaker, I should be very glad if this House would follow the suggestion of the chairman of the Committee on Appropriations and vote down this conference report if there is any possibility of the Senate receding from these two provisions. Now, on their face they appear to be perfectly harmless, and yet we all know, those of us who have had experience in legislation in this body, that the danger in all this legislation is in the inception.

Mr. SWANSON. The only danger that can occur is the fact that the House may get such information as to enable it to adopt this service. I think that is a reflection on the intelligence and judgment of this House.

Mr. BROMWELL. The gentleman is entitled to his opinion, but I appeal to the sober sense and judgment and experience of this House as to whether this does not mark the beginning of a policy; and the mere form in which it is put in the bill, directing the investigation and report, to that extent at least, commits this House to the pursuance of that policy.

Now, we have had this experience in other years. I do not propose to say a word against rural free delivery; that is the way it started. I do not propose to say anything about the pneumatic-

tube service; that is the way it started. I do not propose to say anything about the free-seed distribution, it was an experiment in the first place; it started as an investigation and experiment, and that is what this means.

As the chairman of the Committee on Appropriations has shown, it will mean an expenditure of at least ten or twenty million dollars for additional carrier service, and, worse than all that, it means an addition to the immense army of officeholders which we now have in this country of a hundred thousand men.

Now, as to the other provision of this bill which constitutes a difference between the conferees—investigation into the postal telegraph and postal telephone features. As chairman of a subcommittee on the Post-Office Committee some two or three years ago, this subject came before me and I gave it very thorough investigation. I am satisfied that it would mean to this Government as much as $100,000,000 of expense to merely start the general telephone and general telegraph system in the United States. That means also an additional army of telephoners and telegraphers all over the country, subject to the same political influences and all having the same political power that the other employees of this Government have.

Mr. Speaker, I am opposed to any further increase in this direction. The gentleman from California has frankly said that the experiment in public telegraph and public telephone under the control of the Government has proved in England to be a failure, and that instead of its being a source of revenue to the Government it is an additional source of expense. Now, we are not ready for this, and especially are we not ready to act upon this suggestion in this appropriation bill. The gentleman says it will furnish us information. That information can be obtained by a resolution of the two Houses, not tacked on as a provision on an appropriation bill, which gives it a sanctity and standing which it ought not to have. Let the gentleman introduce a resolution for that purpose; let it be thoroughly considered in good time in all its phases; and then if we, after cool judgment and deliberation and information, desire it, it can be obtained. But let us as a body stand against yielding, as we have done on like appropriation bills, to the Senate in the way of putting in general legislation, which under our rule of the House we are absolutely prohibited from doing.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House was requested:

H. R. 14017. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1902.

The message also announced that the Senate had passed without amendment joint resolutions of the following titles:

H. J. Res. 249. Joint resolution providing for the publication of the report of the board of management of the United States Government exhibit at the Tennessee Centennial Exposition; and

H. J. Res. 259. Joint resolution to regulate the distribution of public documents to the Library of Congress for its own use and for international exchange.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 64.

Resolved by the House of Representatives (the Senate concurring), That there be printed 4,000 extra copies of the atlas of the Chickamauga and Chattanooga battlefields, with such additional positions as have been identified, 2,000 copies of which shall be for the use of the House of Representatives, 1,000 for the use of the Senate, and 1,000 for the use of the Secretary of War and the Chickamauga and Chattanooga National Military Park Commission.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Senate concurrent resolution 113.

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate and House of Representatives 6,000 copies of the Legislative History of the General Staff of the Army of the United States, of which 1,500 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 1,500 copies for the use of the War Department.

POST-OFFICE APPROPRIATION BILL.

Mr. LOUD. I now yield five minutes to the gentleman from Illinois [Mr. SMITH].

Mr. SMITH of Illinois. Mr. Speaker, as one of the conferees on this bill I desire to say to the members of the House that the conferees have worked faithfully and earnestly in the conference with the Senate conferees in endeavoring to reach an agreement on the amendments which were submitted to the conference. There are but two, as has been stated, about which there seems to be any question in the minds of any of the members present. Those are the ones relating to free delivery in towns, cities, and villages which are not now entitled to free delivery under the law. As the Senate amended the bill which was passed in the House, your conferees would not agree to that at all. It was provided in that amendment attached in the Senate that—

For the experiment in cities, towns, and villages not now free-delivery offices of the delivery of mail through mail repositories or compartment boxes, including the cost of the boxes, repository, and salary of person to serve such box or repository, $20,000.

We considered that that would fasten upon us in the future the necessity of adopting this system of free delivery in cities, towns, and villages not now entitled to it, and the provision made an appropriation of $25,000 for carrying on that experiment. It may be in the future that free delivery will be extended to all such places; but your conferees did not believe and do not believe that the time has come when we should embark upon such a proposition, and we were wholly unwilling to appropriate any money for experiments in that direction. Hence, we insisted upon disagreeing with the Senate conferees and reported our disagreement to this House. Another conference was had, and in that conference we offered an amendment to the Senate amendment, which, after considerable discussion, was accepted by the Senate conferees. By that amendment we struck out the appropriation provided for in the Senate amendment and relieved it of that phase which would indicate to the committee that we intended to embark upon free delivery at this time or in the near future.

In the report which we have submitted to the House this morning we consider there is no danger whatever. As has been stated, this amendment as agreed to does not commit us in any manner—does not make any appropriation—but calls on the Postmaster-General for his views upon the subject. He is directed to furnish us such information as he may be able to furnish relative to the advisability or feasibility of embarking on that line of free delivery. I certainly hope that the House will not vote down this report of the conference committee on this proposition. It can not hurt us, and all of us know that legislation is made up to a considerable extent of concessions on the one side or the other. It is a matter of compromise, and your conferees having compromised with the Senate conferees on Senate amendments Nos. 2 and 3, we trust the report may be adopted. There is nothing in amendment No. 3 as agreed to by the conference committee which in any manner commits Congress to the adoption of a postal telegraph or telephone system in connection with the postal service. We only call on the Postmaster-General for such information as he may now have on the subject for the benefit or information of Congress.

The SPEAKER pro tempore (Mr. GROSVENOR). The time of the gentleman from Illinois has expired.

Mr. LOUD. I yield three minutes to the gentleman from South Carolina [Mr. LATIMER].

Mr. LATIMER. Mr. Speaker, I hope the House will disagree to the Senate amendment, for the reason that, as I believe, the object is to side track rural free delivery. I think that what this House ought to do is to pass a bill giving free city delivery to all towns of not less than 5,000 population, or whose post-office receipts do not fall below $5,000, and then give free rural delivery to all incorporated towns of less population or receipts.

Mr. SWANSON. The proposition in this report simply asks an investigation and report.

Mr. LATIMER. But, in my judgment, the object of the provision is to establish substations with lock boxes. At those substations some one will have to be employed to distribute the mails in the boxes, and under that system only those who rent the boxes will be accommodated. There will be no postmaster at any such substation to deliver the mail. The mail will simply be deposited in those boxes that have been rented, and those who wish to enjoy the benefits of the system will have to rent boxes. I say that such a proposition is in the teeth of the system of free rural delivery or free city delivery.

Under the system of free rural delivery the carriers can leave the post-office in a small town by one street and return by another and thus accommodate the citizens without one dollar of extra expense to the Government. I hope the House will nonconcur in the Senate amendment and not waste this $20,000 appropriation.

Mr. HAY. Does not one of these amendments make a beginning for the Government ownership of telegraph and telephone lines?

Mr. LATIMER. I do not know anything about that subject. The object of the amendment which I have been discussing is, as I understand, to provide for the establishment of substations at which there will be lock boxes.

Mr. HAY. But there is another amendment in regard to telephones and telegraphs.

Mr. LATIMER. I hope the House will vote down the amendment that attempts to accomplish the object to which I have just stated my objections.

Mr. LOUD. I yield the remainder of my time to the gentleman from Georgia [Mr. FLEMING].

Mr. FLEMING. Mr. Speaker, it seems to me that our conferees have gained quite a diplomatic victory over the conferees of the

Senate. They have pulled the teeth of the provision that the Senate had placed in this bill. I do not mean by this remark that the House should stop with what our diplomats have succeeded in doing. We ought to praise them for what they have done, and then we ought to go forward and do what is proper in the case by cutting out this thing entirely.

I do not believe that the chairman of the Post-Office Committee really at heart wants this conference report adopted, though as a loyal member of the conference committee he feels obliged to stand up for the report the best way he can. We know his opinions on this question. Why should we go forward and by the adoption of any amendment of this kind lay the foundation for future work in the same direction when we do not want that work begun at all? I believe the chairman of the Post-Office Committee of this House and other members of the committee will be delighted to see the House back them in their real opinions by voting down the conference report. Let the conferees go back to the Senate and tell them that the House will not accept this provision in even the modified shape in which it has now been put.

One other point. The gentleman from Virginia says that this provision will simply give us some information for us to act upon or not, as we may choose. I submit that when the Congress of the United States undertakes to investigate a project the adoption of which would involve the expenditure of millions and millions of dollars, it will not act upon such information as is called for here. It will not act upon the personal opinion of the Postmaster-General of this or any other Administration. It will insist upon some regularly constituted committee of this House or a commission of Congress making inquiry—a complete examination—into all the facts and details and bringing us here something that we can accept as final.

The opinion of one man, I do not care though he be the Postmaster-General of the United States, upon a question of this kind will not for purposes of future legislation be worth the paper on which it is printed. Then why should we call for such a report from the Postmaster-General? Why put upon him such useless work? Why throw such responsibility on him? The only purpose of our conferees in accepting this proposition was to pull the teeth of the more obnoxious measure which the Senate had ingrafted upon this bill. Our conferees have done good work. Now let us back up their work by voting down this report and sending them back into conference in full confidence that they can get better terms than they have already obtained.

Mr. LOUD. Mr. Speaker, I call for a vote.

Mr. BROMWELL. A parliamentary inquiry. If the motion to concur should be voted down, will this bill then go back to conference?

The SPEAKER. That will depend upon whether the House asks a conference.

A MEMBER. It will go back to the Senate.

The question being taken upon agreeing to the report submitted by Mr. LOUD, it was rejected, there being—ayes 42, noes 78.

Mr. LOUD. Mr. Speaker, I move that the House further insist on its disagreement, and ask for a conference.

The SPEAKER. The gentleman from California moves that the House further insist on its disagreement to the two amendments, and ask for a conference.

The motion was agreed to.

The SPEAKER. The Chair appoints the following managers on the part of the House: Mr. LOUD, Mr. SMITH of Illinois, and Mr. SWANSON.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 14017) making appropriation for the support of the Army, in order to put it into conference.

Mr. KING. I object.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table the Army appropriation bill, disagree to the amendments of the Senate, and ask for a conference. Is there objection?

Mr. KING and Mr. HAY and others. I object.

The SPEAKER. Objection is made by several gentlemen; the request is denied. The unfinished business is the bill called up by the gentleman from Indiana [Mr. OVERSTREET].

APPEALS FROM CIRCUIT AND DISTRICT COURTS OF THE UNITED STATES.

Mr. RAY of New York. Mr. Speaker, the gentleman from Indiana is called out. He is on a special committee and has left the bill in my charge.

The SPEAKER. The gentleman from New York is recognized.

Mr. RAY of New York. Now, Mr. Speaker, I ask for order for a few moments. I want the House to fully understand this bill.

Mr. RICHARDSON of Tennessee. I did not hear the motion of the gentleman.

Mr. RAY of New York. The bill was explained briefly by the gentleman from Indiana [Mr. OVERSTREET].

Mr. RICHARDSON of Tennessee. I beg the gentleman's pardon; my attention had been diverted.

Mr. RAY of New York. I assure the House, in the first instance, that all that this bill does or attempts to do is to give an equality of benefits or rights to the plaintiffs and defendants. In the second place, it is demanded by and meets the unanimous approval of the Bar Association of the United States and the bar associations of many of the States. It can do no harm. It will permit an appeal where, upon the questions of law, decisions are made against plaintiffs seeking the remedy. Now, the gentleman from Georgia [Mr. FLEMING] desires a little time, and I will ask, Mr. Speaker, how much time remains for the discussion of this bill?

The SPEAKER. Forty minutes.

Mr. RAY of New York. I yield five minutes to the gentleman from Georgia, if he desires that much.

Mr. FLEMING. Mr. Speaker, this bill was very thoroughly considered in the Committee on the Judiciary, and the committee had no difficulty about recommending its passage. For the purpose of thoroughly understanding the changes that will be made in the existing law by this bill, I would have preferred that the bill or report should have been drawn in a way to show exactly what the language of the previous law was and exactly the wording that had been introduced in the new law different from the old one. But inasmuch as the form of the bill and report give us only the language of the section as it will be when finally amended, that will make it necessary for a perfect understanding of the situation to show how the law formerly stood.

The circuit court of appeals was created in 1890, and the act creating it is found in the statutes which are here before me. That act allowed no appeal from an interlocutory order under receivership or under refusal of an injunction. In 1895 it was amended so as to include refusals and dissolutions of injunctions as well. In 1900 a bill was passed extending this right of appeal to the appointment of a receiver. But that act of 1900 seems to have been drawn with only the act of 1890 in view and without regard to the amendment by the act of 1895, which act of 1895 did allow an appeal in injunction cases whether granted or refused. The act of 1900, therefore, to some extent repeals the act of 1895. Now, the purpose of the present act is to leave the law practically in the condition where it was intended it should be left by all of these acts; or, in other words, the main purpose is to restore the provision which was unintentionally left out by the act of June, 1900.

Mr. GILBERT. Is the appointment of a receiver made a final order, if it is on an interlocutory order, as to whether appeal shall be allowed or refused?

Mr. FLEMING. Yes; and it is only fair and proper and in accordance with all right principles of jurisprudence that when two litigants go into a civil court with a contest over property rights or other rights they have at stake both parties should be given the same privilege, the same access to the courts of appeal.

Now, the question of the bond is something not at all new in this bill. The bond was provided for in the previous law. The stay proceedings were provided for in the previous law. This bill does not affect that part of the proceedings in any way whatever. The language of this bill is precisely the same from line 15 to the close of the bill that it is in the existing law, and the change in the law is made for the purpose of allowing equal rights of appeal to both sides of each issue.

Mr. RAY of New York. Mr. Speaker, I want to say again that this bill makes no change in the law except as I explained. I want to say further that it restores the law exactly as it was previous to the time when by an inadvertence in making an amendment this part we propose to restore was stricken out. I therefore call for a vote.

The SPEAKER pro tempore. The question is on the adoption of the amendment.

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

Mr. RAY of New York. There was an amendment suggested by the gentleman from Indiana, to change the time when this act shall take effect, in section 2, so that it read:

This act shall be in force from and after June 30, 1901.

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

The Clerk read as follows:

In line 25, page 2, strike out the words "its passage" and insert "June 30, 1901."

Mr. RAY of New York. I move the adoption of the amendment.

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

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

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DE ARMOND. Division.

The House divided; and there were—ayes 68, noes 20.

So the bill was passed.

On motion of Mr. RAY of New York, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. SHEPPARD. Mr. Speaker, I ask unanimous consent for the present consideration of House bill 1493.

Mr. HEPBURN. Mr. Speaker, I ask for the regular order.

The SPEAKER pro tempore (Mr. PAYNE). The gentleman from Iowa asks for the regular order, which is equivalent to an objection.

Mr. HEPBURN. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of further considering House bill 5499.

Mr. RAY of New York. Let me appeal to the gentleman from Iowa to withhold that until I can make an explanation to him.

Mr. HEPBURN. I decline to yield.

Mr. UNDERWOOD. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. UNDERWOOD. I ask if this motion is voted down if it will have the same effect as a vote not to consider the bill?

The SPEAKER pro tempore. It would prevent the further consideration of the bill.

Mr. LOUD. That would be unfortunate.

Mr. MANN. Mr. Speaker, I move to postpone the continuing order on the revenue-cutter bill until Saturday, the 2d day of March.

Mr. SULZER. I make a point of order on that, Mr. Speaker.

The SPEAKER pro tempore. The Chair thinks that motion is not in order.

The question was taken; and the Chair being in doubt, the House divided, and there were—ayes 60, noes 42.

Mr. MANN. I demand the yeas and nays, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Illinois demands the yeas and nays. All those in favor of the motion will rise. [After counting.] Thirty-one gentlemen rising—a sufficient number.

Mr. HEPBURN. I make the point of order, Mr. Speaker, that it requires 35 to order the yeas and nays.

The SPEAKER pro tempore. It requires one-fifth of the last vote.

Mr. HEPBURN. One-fifth of a quorum.

Mr. SULZER. Let us have the other side, Mr. Speaker. [Cries of "Too late!" "Too late!"]

Mr. SULZER. It is never too late for justice. [Laughter.]

The SPEAKER pro tempore. The gentleman from New York demands the other side. As many as are opposed to taking the yeas and nays will rise. [After counting.] On this question the yeas are 31 and the nays are 51—a sufficient number; and the yeas and nays are ordered.

The question was taken; and there were—yeas 157, nays 92, marked "present" 3, not voting 101, as follows:

YEAS—157.

Acheson,	Fletcher,	Livingston,	Ruppert,
Adams,	Foster,	Loudenslager,	Russell,
Adamson,	Gardner, Mich.	Lovering,	Ryan, N. Y.
Allen, Ky.	Gardner, N. J.	Lybrand,	Ryan, Pa.
Ball,	Gaston,	McAleer,	Scudder,
Bankhead,	Gibson,	McCleary,	Shattuc,
Barber,	Gillet, N. Y.	McClellan,	Sherman,
Barham,	Gordon,	McDowell,	Showalter,
Barney,	Graham,	Maddox,	Smith, Iowa
Bartholdt,	Green, Pa.	Mahon,	Smith, H. C.
Bellamy,	Greene, Mass.	Meekison,	Smith, Wm. Alden
Berry,	Griffith,	Mercer,	Southard,
Brantley,	Grosvenor,	Mesick,	Sparkman,
Breazeale,	Grow,	Meyer, La.	Sperry,
Brick,	Hall,	Miller,	Stallings,
Brosius,	Hamilton,	Minor,	Stark,
Burleigh,	Hedge,	Moody, Oreg.	Stewart, N. J.
Calderhead,	Hepburn,	Morgan,	Stewart, N. Y.
Capron,	Hill,	Morrell,	Stewart, Wis.
Clayton, Ala.	Hitt,	Morris,	Sulzer,
Cochrane, N. Y.	Hoffecker,	Mudd,	Swanson,
Connell,	Hopkins,	Muller,	Talbert,
Cooper, Wis.	Howard,	Naphen,	Tawney,
Corliss,	Jack,	Norton, Ohio	Taylor, Ala.
Cousins,	Jenkins,	Norton, S. C.	Thayer,
Crowley,	Jones, Va.	O'Grady,	Thomas, Iowa
Cummings,	Jones, Wash.	Olmsted,	Thomas, N. C.
Cusack,	Joy,	Otey,	Tompkins,
Davenport, S. A.	Kahn,	Overstreet,	Van Voorhis,
Davenport, S. W.	Kleberg,	Packer, Pa.	Vreeland,
Davey,	Kluttz,	Payne,	Waters,
Davidson,	Lane,	Polk,	Weaver,
Davis,	Latimer	Powers.	Weymouth,
De Graffenreid,	Lawrence,	Ransdell.	White,
Dick,	Lentz,	Ray, N. Y.	Wilson, N. Y.
Driggs,	Lester,	Richardson, Ala.	Young.
Emerson,	Levy,	Richardson, Tenn.	Ziegler.
Esch,	Lewis,	Riordan,	
Fitzgerald, Mass.	Littauer,	Roberts,	
Fitzgerald, N. Y.	Littlefield,	Robinson, Nebr.	

NAYS—92.

Atwater.	Cooper, Tex.	Hemenway,	Pierce, Tenn.
Bailey, Kans.	Cowherd,	Henry, Conn.	Rhea, Ky.
Bailey, Tex.	Cox,	Henry, Miss.	Rhea, Va.
Benton,	Cromer,	Henry, Tex.	Rixey,
Bishop,	Crumpacker,	Hull,	Robb,
Bowersock,	Dayton,	Kitchin,	Robertson, La.
Brenner,	De Armond,	Knox,	Robinson, Ind.
Brewer,	Denny,	Lacey,	Rucker,
Bromwell,	Dinsmore,	Landis,	Salmon,
Brown,	Dougherty,	Lanham,	Shafroth,
Brownlow,	Dovener,	Little,	Sheppard,
Brundidge,	Eddy,	Lloyd,	Sims,
Burke, Tex.	Finley,	Long,	Slayden,
Burkett,	Fleming,	Loud,	Smith, Ill.
Burleson,	Fordney,	McCall,	Snodgrass,
Burnett,	Fox,	McCulloch,	Spalding,
Burton,	Freer,	Mann,	Stephens, Tex.
Caldwell,	Gaines,	Marsh,	Terry,
Cannon,	Gilbert,	Metcalf,	Underwood,
Carmack,	Gillett, Mass.	Miers, Ind.	Vandiver,
Clayton, N. Y.	Graff,	Mondell,	Watson,
Cochran, Mo.	Griggs,	Moody, Mass.	Williams, Miss.
Cooney,	Hay,	Moon,	Zenor.

ANSWERED "PRESENT"—3.

Boutell, Ill.	Haugen,	Smith, Ky.

NOT VOTING—101.

Aldrich.	Driscoll,	McRae,	Steele,
Alexander,	Elliott,	May,	Stevens, Minn.
Allen, Me.	Faris,	Needham,	Stokes,
Allen, Miss.	Fitzpatrick,	Neville,	Sulloway,
Babcock,	Foss,	Newlands,	Sutherland,
Baker,	Fowler,	Noonan,	Tate,
Bartlett,	Gamble,	Otjen,	Tayler, Ohio
Bell,	Gayle,	Parker, N. J.	Thropp,
Bingham,	Gill,	Pearce, Mo.	Tongue,
Boreing,	Glynn,	Pearson,	Turner,
Boutelle, Me.	Grout,	Pearre,	Underhill,
Bradley,	Hawley,	Phillips,	Wachter,
Broussard,	Heatwole,	Prince,	Wadsworth,
Bull,	Howell,	Pugh,	Wanger,
Burke, S. Dak.	Jett,	Quarles,	Warner,
Butler,	Johnston,	Reeder,	Weeks,
Campbell,	Kerr, Md.	Reeves,	Wheeler.
Catchings,	Kerr, Ohio	Ridgely,	Williams, J. R.
Chanler,	Ketcham,	Rodenberg,	Williams, W. E.
Clark,	King,	Shackleford,	Wilson, Idaho
Conner,	Lamb,	Shelden,	Wilson, S. C.
Crump,	Lassiter,	Sibley,	Woods,
Curtis,	Linney,	Small,	Wright.
Cushman,	Lorimer,	Smith, Samuel W.	
Dahle.	McDermott,	Spight,	
Dalzell,	McLain,	Sprague,	

So the motion was agreed to.

The following pairs were announced:

Mr. BULL with Mr. MCRAE.

Mr. CRUMP with Mr. CATCHINGS.

For the 27th and 28th:

Mr. TAYLER of Ohio with Mr. CAMPBELL.

For this day:

Mr. HEATWOLE with Mr. TATE.

Mr. LORIMER with Mr. LASSITER.

Mr. BURKE of South Dakota with Mr. CHANLER.

Mr. FOSS with Mr. MCDERMOTT.

Mr. HOWELL with Mr. SHACKLEFORD.

Mr. KETCHAM with Mr. GAYLE.

Mr. DRISCOLL with Mr. MAY.

Mr. ALLEN of Maine with Mr. FITZPATRICK.

Mr. SAMUEL W. SMITH with Mr. SPIGHT.

Mr. WEEKS with Mr. SUTHERLAND.

Mr. STEVENS of Minnesota with Mr. TURNER.

Mr. WADSWORTH with Mr. UNDERHILL.

For this vote:

Mr. GARDNER of Michigan with Mr. JOHNSTON.

Mr. BOREING with Mr. SMITH of Kentucky.

Mr. PUGH with Mr. QUARLES.

Mr. BINGHAM with Mr. ELLIOTT.

Mr. WOODS with Mr. KLEBERG.

Mr. RUSSELL with Mr. WHEELER.

Mr. BABCOCK with Mr. NOONAN.

Mr. BUTLER with Mr. ALLEN of Mississippi.

Mr. CONNER with Mr. BELL.

Mr. BOUTELL of Illinois with Mr. BROUSSARD.

Mr. DALZELL with Mr. JETT.

Mr. FARIS with Mr. GLYNN.

Mr. GAMBLE with Mr. MCLAIN.

Mr. SHELDEN with Mr. KING.

Mr. PARKER of New Jersey with Mr. RIDGELY.

Mr. STEELE with Mr. JAMES R. WILLIAMS.

Mr. WRIGHT with Mr. WILSON of Idaho.

Mr. WANGER with Mr. WILLIAM E. WILLIAMS.

Mr. PRINCE with Mr. STOKES.

Mr. SULLOWAY with Mr. CLARK.

Until further notice:

Mr. GILL with Mr. WILSON of South Carolina.

Mr. REEDER with Mr. NEVILLE.

Mr. BOUTELLE of Maine with Mr. BRADLEY.

Mr. FOWLER with Mr. BARTLETT.

Mr. WACHTER with Mr. SMALL.

Mr. HEPBURN. Pending the announcement of the vote, I desire to move that all general debate upon the pending bill, No. 5499, be closed after there shall have been two hours of debate in all—that will be after twenty-five minutes of further debate.

Mr. MANN. I raise the point of order on that, that this is not a proper time to make that motion.

Mr. UNDERWOOD. What was the gentleman's motion?

Mr. MANN. The gentleman can not make a motion during a roll call.

Mr. HEPBURN. Mr. Speaker, the Chair will remember that over and over again a motion is made, and pending that motion another motion is made to limit debate. I desire to make my motion before the announcement, and it seems to me that the difference is so inconsequential that it is in order.

The SPEAKER. It is customary pending a motion to go into Committee of the Whole to make a motion to limit debate.

Mr. MANN. It is true that upon a motion to go into Committee of the Whole House a motion can be made to limit debate. That is because the second motion takes precedence of the first motion. The gentleman can make both motions, but the vote must be taken on the motion that has the precedence. Here is a case where a motion has been made and a roll call ordered, and pending the announcement of that roll call it is not in order to make any other motion.

Mr. SHERMAN. Mr. Speaker, let me ask my friend if it is not possible to agree by unanimous consent upon some time to close debate. There is no desire on the part of the advocates of this measure to use it to block any other measure.

Mr. UNDERWOOD. I call for the regular order, Mr. Speaker.

The SPEAKER. The Chair is of opinion that there is this difference which the gentleman from Iowa perhaps overlooks. When a motion is made to go into Committee of the Whole House, before that motion is put it has been usual to say, "Pending that, I move to close debate." But this is not that situation. The motion has been put and voted upon, and it seems to the Chair that must be announced before another motion can be made.

No one knows yet whether we are going into committee or not until the announcement is made. The House does not know whether this matter is to be considered or not, and it seems to the Chair that after having been taken, his first duty is to announce the result of that vote. On this question the yeas are 157, the nays 92, answering present 2; the ayes have it, and the motion is carried.

Mr. DALZELL. Mr. Speaker, I submit a privileged report from the Committee on Rules.

Mr. UNDERWOOD. I make the point of order that the House has declared that it would go into Committee of the Whole, and, pending that, it is not in order to consider any other business. The House has decided to go into the Committee of the Whole. I make the point of order that the only thing for the Speaker to do is to call the Chairman of the Committee of the Whole to the chair; that it is not in order to submit any other proposition at this time, and I insist on the regular order.

The SPEAKER. The Chair would be glad to hear the gentleman from Pennsylvania.

Mr. DALZELL. The action of the House, Mr. Speaker, has not been executed. The House is in session, the Speaker is in the chair, and the report from the Committee on Rules is in order at any time.

Mr. UNDERWOOD. The House has directed that the Chairman of the Committee of the Whole shall take charge of the House.

Mr. DALZELL. And I undertake, with a privileged report from the Committee on Rules, to arrest that action of the House.

Mr. UNDERWOOD. The Speaker has no right to arrest the action of the House; the House has directed the Chairman of the Committee of the Whole to preside over it. It is not for the Speaker to overrule the action of the House.

Mr. MANN. I take it, Mr. Speaker, that it is precisely as if the Committee on Rules had reported a rule after a motion had been put and carried to adjourn.

Mr. DALZELL. But the House is still in session.

Mr. MANN. So the House would be in session then.

The SPEAKER. The Chair takes this view of it: The Chair has announced that the motion to go into the Committee of the Whole House on the state of the Union is carried. That, it seems to the Chair, removes the House and substitutes the committee. While it is true that reports of the Committee on Rules are of the highest order and take precedence, still we must be in the House in order to consider them, in the opinion of the Chair. There is an easy remedy for it. If it is the pleasure of the committee, it has a right to rise and go back into the House. The Chair is very clear, however, that the House is in Committee of the Whole and would not be in a position to entertain a motion to adjourn even, which is a motion of the highest privilege if made in good faith, and therefore the Chair sustains the point of order and calls upon the gentleman from Ohio [Mr. GROSVENOR] to take the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the consideration of House bill No. 5499.

Mr. HEPBURN obtained the floor and said: I yield to the gentleman from New York [Mr. SHERMAN].

Mr. SHERMAN. I would like to be recognized in my own right as the member who made the report on this bill.

Mr. UNDERWOOD. I make the point that the last recognition was on that side of the House, and that we are entitled to recognition on this side.

Mr. HEPBURN. The gentleman is mistaken about that.

Mr. SHERMAN. The case is just the reverse.

Mr. UNDERWOOD. I do not know of anyone having been recognized on this side——

Mr. HEPBURN. Let me remind the gentleman——

Mr. DALZELL. I move that the committee rise.

The CHAIRMAN. The last recognition upon this bill was to the opponents of the bill. The gentleman from Pennsylvania [Mr. DALZELL] moves that the committee now rise.

Mr. SHERMAN. I rise to a parliamentary inquiry. Can the gentleman from Pennsylvania take the floor for the purpose of making this motion while it is undetermined whether the Chair recognizes the gentleman from Alabama or the gentleman from New York?

Mr. HEPBURN. I understood that I was recognized.

The CHAIRMAN. The Chair will state that there was a controversy going on between members as to which side was entitled to recognition; and pending that controversy the gentleman from Pennsylvania made the motion that the committee rise, which motion the Chair will recognize. The question is on the motion that the committee do now rise.

Mr. HEPBURN. One moment. Will the gentleman from Pennsylvania explain whether any considerable time will be occupied on the proposition which he desires to bring up in the House?

Mr. DALZELL. My judgment is that very little time will be consumed. It can not be more than forty minutes at the outside.

Mr. SULZER. I make the point that the motion of the gentleman from Pennsylvania is dilatory. [Laughter.]

The CHAIRMAN. The Chair overrules the point of order. The question is on the motion of the gentleman from Pennsylvania.

The question being taken, there were—ayes 69, noes 114.

Mr. DALZELL. I call for tellers.

Mr. RICHARDSON of Tennessee. I make the point that the call for tellers is clearly dilatory.

The CHAIRMAN. The Chair would hardly like to sustain that point of order, when tellers may be called for in order to verify the count of the Chair.

Mr. RICHARDSON of Tennessee. I have known the Chair to sustain that point several times—not the present occupant of the chair, but others.

Tellers were ordered; and Mr. DALZELL and Mr. HEPBURN were appointed.

The committee again divided; and the tellers reported—ayes 50, noes 132.

So the Committee of the Whole refused to rise.

The CHAIRMAN. The gentleman from Iowa [Mr. HEPBURN] is recognized.

Mr. UNDERWOOD. I call the attention of the Chair to the fact that while there have been several recognitions on the other side, no one on the Democratic side of the House has been recognized on this bill. I insist that we are entitled to recognition.

The CHAIRMAN. With all due respect to the gentleman from Alabama, the Chair does not recognize that any question between the Democratic side and the Republican side enters into this matter. It was announced just before the close of this debate, when the question was last under consideration, that the opponents of the bill had occupied one hour and the friends of the bill thirty-five minutes; and the last recognition was given to the opponents of the bill. Therefore the Chair recognizes the gentleman from Iowa.

Mr. HEPBURN. I move that all general debate upon the pending bill be closed after two hours.

Mr. MAHON. I raise the point of order that the motion to close general debate can only be made in the House—not in the Committee of the Whole.

Mr. HEPBURN. The Chair will remember that we have a rule prescribing that all the rules of the House shall be in force and shall govern the proceedings of the Committee of the Whole so far as they are applicable. I think it would be difficult to show why this rule in regard to closing general debate should not be applicable to the proceedings of the Committee of the Whole as well as any other.

Mr. MANN. It has been frequently ruled, Mr. Chairman, that general debate in Committee of the Whole can only be closed by

order of the House; and there is no ruling, I believe, to the contrary effect.

Mr. UNDERWOOD. Mr. Chairman, the situation of the Committee of the Whole on this point of order is very evident, as shown by the position of the gentleman from Iowa himself. Before we went into Committee of the Whole—that is, before the Speaker had called the Chairman to the chair—the gentleman from Iowa moved in the House to limit general debate to two hours, evidently showing that at that time he recognized the fact that we could not limit such debate after we had gone into the Committee of the Whole.

It has been the universal custom, and it is in accordance with the rule, for the Committee of the Whole to limit debate on a paragraph of a bill pending under the five-minute rule. But the universal practice of this House always has been that any motion proposing a limitation of general debate in the Committee of the Whole on the state of the Union must be made in the House itself. We are now in the Committee of the Whole, not considering a bill under the five-minute rule, but we are in the stage of general debate; and I contend under these circumstances that until the general debate is concluded—as long as there is any gentleman desiring recognition on the floor of the House to debate the bill—the Committee of the Whole can do nothing in the way of closing debate except by rising and going back into the House. There is no power vested in the Committee of the Whole to limit general debate.

Mr. HEPBURN. Allow me to call the attention of the Chair to clause 8 of Rule XXIII:

The rules of proceeding in the House shall be observed in the Committee of the Whole House, so far as they are applicable.

Now, if gentlemen can cite some rule or give some reason why this rule is not now applicable, while we are in the present condition, I shall be glad to hear it stated. I know it is customary to make the motion to close general debate while we are in the House, and in pursuance of that custom—not an invariable one—I made that motion. But that fact argues nothing as to what the rule may be when it is invoked—when we see fit to call it into exercise.

Mr. MANN. The gentleman desires, as he says, to invoke the rule. I call the attention of the Chair to section 5 of Rule XXIII, which begins:

When general debate is closed by order of the House.

There is a clear contemplation in the rule that general debate shall be closed by order of the House. I call the attention of the Chair further to section 6 of Rule XXIII, which provides that:

The committee may by a vote of the majority of the members present, at any time after the five-minute debate has begun upon a proposed amendment, close debate upon that amendment.

Here are two rules of the House, one providing that the Committee of the Whole may close debate under the five-minute rule upon an amendment or a section of a bill; and another rule of the House providing that the House may order that general debate be closed in Committee of the Whole. The inference is inevitable that it was not the intention of the rule to permit the Committee of the Whole to close general debate in the committee, because it is expressly provided what powers the Committee of the Whole shall have in regard to closing debate, and it is also provided that general debate may be closed in the House.

Mr. RICHARDSON Tennessee. I desire to be heard, if the Chair is in any doubt on this point.

The CHAIRMAN. The Chair has not any doubt.

Mr. RICHARDSON of Tennessee. The Committee of the Whole has never undertaken to close general debate since I have been a member of the House.

The CHAIRMAN. Looking to the long practice of the House, so far as it has come under the observation of the present occupant of the chair, it has been uniform to the effect that the Committee of the Whole has no power to limit debate except debate under the five-minute rule upon items of a bill.

Now, the fifth subdivision of Rule XXIII provides that "When general debate is closed by order of the House any member shall be allowed," etc. But there is nowhere any provision for the limitation of general debate in the Committee of the Whole House.

Now, take these two rules together, one providing by inference for closing debate in the Committee of the Whole, the other providing for the limitation of debate under the five-minute rule, it seems to the Chair there can be no doubt that the two construed together has the effect of bringing this result, that the House may decide to go into Committee of the Whole for the consideration of a bill and make a limit of time during which general debate shall proceed; but when without limitation the House goes into Committee of the Whole, the Chair is of the opinion that there is no power of limitation of general debate beyond the ordinary motions to rise, and other motions of that character. Therefore the Chair sustains the point of order made by the gentleman from Illinois.

Mr. HEPBURN. I yield twenty minutes to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Chairman, in my judgment the bill now under consideration is one of the best bills which has ever been presented to this House for consideration. It is a measure in the interest of fair play. It seeks to reward faithful public service and do justice to the brave and fearless men employed in our Revenue-Cutter Service. In now doing justice to these heroic men, who for years and years have been serving the Government, we are simply rewarding merit earned long ago and too long deferred.

The Revenue-Cutter Service is almost coeval with the foundation of our Government, and all of our history, in war and in peace, is intertwined with the services these men have rendered the people of this country. In every war they have been true sailors and brave fighters for the flag. The record they have made is the priceless heritage and the proud boast of every true American. In time of peace they perform and have performed duties such as no other public servants of our Government perform. There is no day in the week, no month of the year, that these men in the revenue-cutter employ of the Government do not practically take their lives in their hands when they go to sea.

The Revenue-Cutter Service is not under the civil service, except for the fact that, as a matter of convenience, it is so classified in making the appropriation for its maintenance. No civil employee is compelled to fight for his country except he volunteers; yet every Revenue-Cutter officer is, simply by direction of the President, as provided by law, required to cooperate with the Navy in any duty whatsoever.

Never has a war been fought upon the seas by this country that the Revenue-Cutter Service has not taken an active part, whether it wanted to or not. Can this be said of any other branch of the civil service? When Congress, as a reward to volunteers on sea and land, voted two months' extra pay to each, did the Revenue-Cutter Service receive such extra compensation? The Auditor for the Navy and the Comptroller of the Treasury promptly decided that this service is a part of the regular establishment for the defense of the Government, and as such could in no way come under the classification of volunteers.

Where is there another branch of the Government, other than the Army, the Navy, or the Revenue-Cutter Service, whose employees are drilled daily in the manual of arms, in the handling of machine guns, and in the evolutions of fighting? The same drills and exercises embraced in the daily routine on a vessel of the Navy are carried out on all vessels of the Revenue-Cutter Service.

Its men are uniformed the same as those of the Navy, drilled the same, and have almost exactly similar duties to perform. What, then, is the difference? Simply that the officers and men of the Cutter Service are deprived of longevity pay, of the pension list, and of the retired list, those very essential emoluments to any military service.

Not only in times of war, but in times of peace, the Revenue-Cutter Service is called on to cooperate with the Navy. Just prior to the Spanish-American war, revenue cutters and naval vessels acted jointly in the suppression of filibustering along our southern coast. In the Bering Sea patrol for several years revenue cutters and Navy gunboats operated together, and under the same commander. Now, and for six years past, this duty is performed by revenue cutters alone.

The duties of revenue cutters in times of peace appeal to the public more forcibly than in times of war. At the present time, and during this inclement weather, a cordon of cutters is cruising along our Atlantic coast, not to suppress smuggling, as that has been almost entirely stamped out, but in the interest of humanity, to rescue the shipwrecked mariners, to lend aid to vessels in distress, and to destroy those menaces to life and property on the seas, the numerous derelicts, whose specter-like forms are almost daily encountered along the ocean highways.

These are the men who are asking us for relief—who are asking us to pass this bill—men who share equal danger with their more favored brothers in the Army and Navy in times of war, and who, in times of peace, having no sinecure to drop into on shore, are daily performing the most hazardous duties at sea in the interest of humanity. Will you not give to these brave officers the same consideration you give to the Army and the Navy? Yes; and more than that—given even to policemen and firemen in almost every large city in this country.

Under this bill what do these men want? They simply ask to be treated the same as the men in the Navy are treated. These men are now doing, and have always done, more work than the naval officers. There is not a man in the Revenue-Cutter Service of our country who is not compelled to do duty every day; and if you will take the record of the Navy you will find on the Naval Register graduates from Annapolis who have not been on board of a ship and who have not been on sea duty for thirty years.

The graduates from Annapolis, however, according to Admiral Sampson, are "gentlemen." They lead the cotilion here in Washington; they dance the german; they take tea with the ladies; they attend banquets; they wear good clothes; they have been

educated for four years at Annapolis, at the expense of the taxpayers, and hence they are "gentlemen." They are consequently entitled to all the rights, to all the privileges, and to all the emoluments of a "gentleman" in the Navy. Their blood is bluer, and they know more than any other ordinary mortal.

But the sailors, the men behind the guns, the men who fight and win the battles, the men who protect the interests of the people in the harbors and on the high seas, in sunshine and in storm, in trial and in triumph—these men, according to the new order of things, are not "gentlemen." They must not hope, they must not aspire: they must simply be content, because a snobbish naval cadet declares they can not go in polite society. They are not graduates of Annapolis, and, forsooth, they should not receive the rights, the privileges, and the emoluments that are given by law to graduates from Annapolis.

Who oppose this bill? A few upstart and parvenu naval cadets. The President of the United States in message after message to Congress recommended and advocated the passage of this bill. The Secretary of the Navy has advocated the passage of the bill in annual report after annual report. Every man who has looked into the matter, who is familiar with the situation and knows the condition of the service is in favor of this bill. Who are opposed to it? Just a few selfish and ungrateful officers of the Navy who do not comprehend the spirit of our democratic institutions.

Mr. SIMS. Will the gentleman allow me to ask him a question on that line?

Mr. SULZER. Certainly; but I have only a few minutes.

Mr. SIMS. Is Sampson?

Mr. SULZER. Yes; he belongs to that insufferable class of snobs. I understand Admiral Sampson is opposed to any one in the Navy being made an officer "who has not had social advantages."

What an asinine spectacle this man Sampson has made of himself. First, trying to steal the glory of that gallant hero of Santiago, Admiral Schley, and now trying to detract from the gallantry and the heroism of the men who have made the American Navy a glorious page in the world's history! I put an editorial from the New York Journal in the RECORD the other day that sums up my estimation of Sampson.

Now, sir, if four years' training at Annapolis can make a "gentleman" out of a clodhopper or a milksop, with all the "social advantages" necessary to make a good naval officer, then I say that four years' drilling, studying, and preparing preliminary to entering the Revenue-Cutter Service, and thirty years' active service at sea thereafter, will make an experienced sailor, fighter, and navigator that the country can depend on in the hour of danger, the afternoon tea dudes, who wear sailor hats but never go to sea, to the contrary notwithstanding.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HEPBURN. I yield the gentleman fifteen minutes more.

Mr. SULZER. I thank the gentleman from Iowa. Now, then, I say thirty years' service in the Revenue-Cutter employment of this Government will make a man so familiar with duties at sea, so familiar with the running of a ship, so familiar with the guns, so familiar with the law of the ocean and of public duty, that he is entitled to stand, and ought, at least, to stand equal under the law with the young man who graduates from Annapolis after being there four years.

Shall we defeat this bill and say to our constituents, "Sampson is right; no one shall have the right to hope, no one shall ever aspire to preferment unless he graduates from Annapolis?" There were gentlemen before Annapolis was established, and there will be gentlemen after it is forgotten. When we consider what an investigation has developed at West Point and the hazing at Annapolis in connection with the statement Admiral Sampson has made, referring to Mr. Morgan, I stand here and declare, as an American citizen, that I would rather see West Point and Annapolis abolished forever than have such brutalities continued and such insults repeated. What true "gentleman of refinement" and "of social advantages" would be guilty of indulging in either?

I am opposed to class distinctions and to class legislation. This bill is as democratic as it is just—it gives industry, bravery, and worthy manhood under the dome of the Union sky a chance. It plants in the breast of every struggling American boy who wants a chance in the Revenue-Cutter Service the star of hope. Some one says this bill will establish a precedent. I am not afraid of precedents. I want to do what is right. I want to do justice, precedent or no precedent. That is the sound position to take. And I affirm that when the people of this country send a young man to West Point or to Annapolis and educate him at Government expense for four years he should be grateful, and when he goes in the service of his country not forget that he is only a public servant.

We have too many autocrats in the Navy—too many martinets in the Army. Some of them so far forget themselves as to demonstrate their ignorance by insulting the people who pay their salaries. Some of these "gentlemen" who know no better should be court-martialed and dismissed from the service of the people, whose intelligence, whose generosity, and whose gratitude they forget and disgrace.

I am not in sympathy with the aristocratic, autocratic, and snobbish ideas of Admiral Sampson. He does not speak for America. I am in sympathy with the hopes, the rights, the ambitions, and the aspirations of every true and honest boy in America. I want him to be a man—not a cad. I want to give every boy a chance, no matter how poor and how humble he may be; and if he has the ability, if he has the hope, the courage, and the ambition, I want that young man to have the avenues of opportunity opened to him at all times, so that he can go forward and reach the very pinnacle of fame in the Army, the Navy, and in all the walks of life. Brains tell in this country; and in the hour of trial stout hearts win the battle.

I am in favor of this bill because I believe it is just, because these brave fellows have earned this reward and this recognition, and because I know the service the men on the revenue cutters of the United States do year in and year out. From the icy waters of Alaska to the coral strands of Florida, these men are always on deck, always on duty, always earning their pay, always in the service of their country. These men in time of peace do a great work saving lives, enforcing the law, and looking after wrecks and derelicts on the high seas. Their work is never done. They have no time for cotilions and afternoon teas.

Mr. Chairman, the Cutter Service was organized in 1790. One of the leading features of its organization was to place its vessels and crews upon the footing, in drills, discipline, and armament, of regular vessels of war. There being then no Navy Department in existence, nor for about eight years thereafter, the service was, as a matter of convenience simply in the discharge of public business, attached to the Treasury Department, where it has remained ever since. The act of Congress of July 1, 1799, authorized the President to "cause the revenue cutters to be employed to defend the seacoast and to repel hostility to vessels and commerce within their jurisdiction."

In 1798 the President, "with a view to producing concert of action of the naval forces of the United States, placed the revenue cutters at the disposal of the Secretary of the Navy," and seven of them were accordingly employed in the West Indies during the quasi French war and afterwards in the suppression of piracy in that quarter.

By act of Congress of March 2, 1799, the President was authorized to direct the Cutter Service to cooperate with the Navy, as well in peace as in war.

In the war of 1812 revenue cutters were employed as dispatch boats and for coast defense. On several occasions they engaged the enemy and fought with great bravery and skill, notably in the case of the cutter *Surveyor*, which was captured by an overwhelming force from the British frigate *Narcissus*, after a defense so desperately brave as to cause the British captain to return to Captain Travis, of the *Surveyor*, his sword, with a letter bearing admiring testimony to his gallant conduct.

In 1815, and for a number of years thereafter, some of the most active and gallant officers of the Navy sought and obtained commissions in the Cutter Service, and found excellent scope for the seamanship and gallantry which distinguished the officers of the Navy at that time. Few officers of the Navy have had imposed upon them more responsible, delicate, and important duties than were devolved upon Lieutenant Paine, who, in command of a revenue cutter, represented the United States in the waters contiguous to the British provinces on our northeastern frontier during the fishery troubles that ensued after the treaty of 1818, and none have discharged such with more credit than he. In 1836 several vessels of the service participated in the Seminole war and maintained a high reputation.

Under the law of 1837 requiring the President to assign public vessels to service on the coast during the winter months for the relief of storm-driven vessels of commerce, ships of war were at first designated, but could not perform the work, and were soon replaced by the fleet of revenue cutters, and the Cutter Service has performed this hazardous work every year since.

In the war with Mexico several cutters served in cooperation with the Navy.

In 1858 the steam cutter *Harriet Lane*, commanded by Capt. John Faunce, of the Revenue-Cutter Service, served in the squadron of the Paraguay expedition and was pronounced, in a letter from the commodore commanding to Captain Faunce, the most efficient ship in the fleet.

During the civil war the cutter *Harriet Lane* shared in the attack on Newport News and Hatteras Inlet, the cutter *Miami* in that on Sewells Point, while the *E. A. Stevens*, also known as the *Naugatuck*, was with the ironclads in the attack on Fort Darling with Rogers.

Several revenue cutters performed valuable service in the Chesapeake Bay in cooperation with the Potomac flotilla in preventing

the transportation of supplies from North to South, and Capt. Thomas M. Dungan, of the cutter *Reliance*, was killed in action near the Virginia shore.

It thus appears that the military character of the Cutter Service has been established by law in its employment in warlike operations in every war in which the country has been engaged.

The military character of the Revenue-Cutter Service was officially stated by the Treasury Department in the report of the service in 1881, as follows:

The Revenue-Cutter Service, while charged by law with the performance of important civil duties, is essentially military in its character. Each vessel is provided with great guns and furnished with as full a complement of small arms for its crew as any ship of war. Its officers are required to be proficient in military drill and possess a thorough knowledge of the uses of both great and small arms. Its crews are required to be instructed from day to day at the great guns and in the use of small arms.

Commanding officers are required, while boarding vessels arriving in ports of the United States, in case of failure or refusal of any such vessel on being hailed to come to and submit to the proper inspection by an officer of the service, to fire first across her bows as a warning, and in case of persistent refusal to resort to shot or shell to compel obedience. In the performance of this work they are likely at any time to receive injuries and to be subjected to the same dangers in time of peace as the force employed on naval vessels.

By act of March 2, 1799, it is provided that the revenue cutters shall, whenever the President so directs, cooperate with the Navy. It will be observed that the cooperation of the two services prescribed in the act above quoted is not contingent upon a state of war or other particularly perilous conditions. On the contrary, it may take place in time of peace and for specific purposes and when less hazard is involved to the two services than pertains to the discharge of a revenue vessel of its ordinary duties.

But if in legal theory they are civil employees, are they so in fact? Are they less positively a part of the military force in time of war than the Army or Navy? It is true that revenue vessels are not to be ordered into action on purely military service, offensive or defensive, except the President so direct; neither are the vessels of the Navy.

The status of the Revenue-Cutter Service is therefore that of a coast-guard navy, as the Navy proper is an ocean navy. The one polices the coast and the other the ocean.

There is no duty performed by naval vessels in time of peace that can not be and has not been performed by vessels of the Revenue-Cutter Service, while in time of war they have taken part with the sister service.

The seizure of smugglers and the prevention of illicit trade—the only duty of the service that has direct relation with the collection of customs—is precisely similar to the duty of naval officers in seizing vessels engaged in contraband trade in time of war. Other duties of the Revenue-Cutter Service—such as the enforcement of the neutrality laws, the suppression of piracy and of mutinies in merchant vessels—are now actually imposed on and performed by the Navy in common with the Cutter Service.

We are all familiar with the good work done by the Cutter Service during the Spanish-American war.

There were with the Navy 13 revenue cutters, carrying 61 guns, 98 officers, and 562 enlisted men. Of these, 8 cutters (43 guns), 58 officers, and 339 men were in Admiral Sampson's fleet and on the Habana blockade; 1 cutter (6 guns), 10 officers, and 95 men were in Admiral Dewey's fleet at Manila, and 4 cutters (12 guns), 30 officers, and 128 men cooperated with the Navy on the Pacific coast.

At the battle of Manila the *McCulloch*, Capt. D. B. Hodgsdon, Revenue-Cutter Service, efficiently performed the duties assigned by Admiral Dewey. It was the *McCulloch* that carried to Hongkong the dispatches announcing to the Government and to the world that glorious and signal victory. Admiral Dewey has officially commended the commander of the *McCulloch* for the value and efficiency of his command.

At the battle of Cardenas, May 11, the revenue cutter *Hudson*, Lieut. Frank H. Newcomb, Revenue-Cutter Service, commanding, sustained the fight against the gunboats and shore batteries of the enemy side by side with the naval torpedo boat *Winslow*, and when Ensign Bagley and half the crew of the latter-named vessel had been killed and her commander wounded, rescued from certain destruction the vessel and the balance of the crew, under the furious fire of the enemy's guns.

On the same day (May 12) the *Windom*, Captain Maguire, Revenue-Cutter Service, engaged the enemy's shore batteries at Cienfuegos, demolished the light-house, and destroyed the rendezvous of the Spanish troops there. During this engagement the senior naval officer present, in appreciation of the fine work of the *Windom*, signaled from his flagship, "Well done, *Windom*."

The *Manning*, Capt. F. M. Munger, Revenue-Cutter Service, commanding, was in many engagements with shore batteries of the enemy, and Captain Todd, United States Navy, has officially bestowed upon her commander generous praise for the efficiency of his command and for effective and meritorious services. Rear-Admiral Howell and Commodore Remey have officially commended the efficiency of the service in cooperation.

In addition to services rendered by vessels with the naval forces, there were 7 others, carrying 10 guns, 33 officers, and 163 men, with the Army, engaged in patrolling and guarding mine fields in various harbors from Boston to Mobile and New Orleans.

The Revenue-Cutter Service had in active cooperation with the Army and Navy throughout the war 20 vessels, carrying 71 guns, 131 officers, and 725 men. There were 3 other vessels—25 officers and 210 men—ordered to be transferred to the Navy, but because of unavoidable delay by contractors in finishing their work the vessels could not be sent to the front.

This, sir, is the glorious record of the revenue-cutter men, and what American is not proud of that brilliant chapter of achievements? There should be no opposition to this bill. The brave and deserving men of the Cutter Service have earned this just reward, and we would be false to ourselves and ungrateful as the representatives of the people if we did not pass it.

These men are always in danger in what they have to do, and why should they not receive some recognition? Should these men be discriminated against simply because there are a few naval officers in the country who do not want this bill to pass? I believe that the man who has served thirty years in the Revenue-Cutter Service of this Government knows more about a ship, more about the guns, and is more competent to command a ship, in time of peace or war, in the harbors or on the high seas, than the fledgeling from Annapolis who spends most of his time leading cotillions and being, as Sampson says, "a gentleman" in Washington. I am heartily in favor of this bill and I hope it will pass. It should be a law. [Loud applause.]

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. OLMSTED having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 12846. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1902;

H. R. 13850. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1902;

H. R. 13801. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1902; and

H. R. 12394. An act to amend an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898, and to reduce taxation thereunder.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 14144. An act to authorize the construction of a bridge across Pearl River at Monticello, Miss.;

H. R. 13992. An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn.;

H. R. 13907. An act to revive and amend an act entitled, "An act to authorize the Georgia Pine Railway of Georgia to construct a bridge across the Flint River, a navigable stream, in Decatur County, Ga.; and

H. R. 13707. An act authorizing the Citizens' Bridge Company to construct a bridge across the Mississippi River.

The message also announced that the Senate 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 bills of the following titles:

S. 2799. An act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain, concluded on the 10th day of December, 1898;

S. 323. An act granting homesteaders on the abandoned Fort Fetterman Military Reservation in Wyoming the right to enter one quarter section of public land on said reservation as pasture or grazing land; and

S. 3288. An act for the relief of Daniel Coonan.

The message also announced that the Senate had still further insisted upon its amendments to the bill (H. R. 13705) making appropriations for the naval service for the fiscal year ending June 30, 1902, and for other purposes, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. CHANDLER, and Mr. TILLMAN as the conferees on the part of the Senate.

The message also announced that the Senate had receded from its amendment to the bill (H. R. 149) referring to the Court of Claims the claim of William E. Woodbridge for compensation for the use by the United States of his invention relating to projectiles, for which letters patent were ordered to issue to him March 25, 1852.

REVENUE-CUTTER SERVICE.

The committee resumed its session.

Mr. HEPBURN. I yield five minutes to my colleague on the committee, the gentleman from Michigan.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. BOUTELL of Illinois having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

On February 27, 1901:

H. R. 10700. An act to confirm a lease with the Seneca Nation of Indians.

On February 28, 1901:

H. R. 5137. An act authorizing the Secretary of the Interior to sell a certain lot in the District of Columbia at public auction.

REVENUE-CUTTER SERVICE.

The committee resumed its session.

Mr. CORLISS. Mr. Chairman, the merits of this measure, it seems to me, hardly need any discussion to secure favorable recognition by this House. This is one of the oldest branches of the service. It was for eight years the only Navy of our country. It was established before the Navy Department, and served in that capacity for eight years. It has been an ally of the Navy and engaged in every war since that day. They are not only the bulldogs in war time, but they are the watchdogs of the Treasury in times of peace for the protection of the revenues of our country.

They are the bloodhounds of the water to search out the violators of our laws, not only in merchant marine, but the quarantine laws are enforced by this branch of our Government. They are the greyhounds of the water to take important messages in times of war and carry them with safety and dispatch. They have proved their loyalty to our country and their bravery; their ships are commanded like the ships of the Navy, the men are trained like the men in the Navy, and they are exposed in times of war to the same dangers as the men in the Navy.

We have in past years recognized the loyal services of the officers and men of the Navy and given them the benefit which is now attempted to be extended to this service, and that is right. If it is right for the Navy, I should think it right for the Revenue Service to obtain a recognition of its services and the advantages embraced in this bill. The service is made up in the same manner of enlistment and service in time of war, and in time of peace it is better and more valuable to the Government.

I desire, so far as my influence can extend in this House, that this measure shall be given favorable consideration and adopted; that the service may be recognized and honored for the loyal service rendered for one hundred and twenty years. Mr. Speaker, I reserve the balance of my time.

Mr. HEPBURN. I now yield five minutes to the gentleman from New York [Mr. LEVY].

Mr. LEVY. Mr. Chairman, I consider this bill one of the fairest measures that have been presented for our action during this session of Congress. I am heartily in favor of its passage, and being somewhat familiar with the history of the Revenue-Cutter Service, and the duties which its officers have performed and are now performing, I propose to vote for the measure and to speak, as forcibly as I am able, in its support.

The bill has been favorably reported by the Senate and House Committees on Commerce and Interstate Commerce, respectively. The history of the service has been traced in these reports, and no one who admires heroism and devotion to duty under the most trying circumstances will deny or belittle the value of the service rendered by the revenue-cutter officers in time of war or its continuous and great importance in time of peace, and I regret to have been compelled to listen to the scant praise which the gentleman from Illinois gave to the officers of this service for their gallantry in the late war with Spain and for their constant endeavor to protect the coast trade of the United States and the lives of those engaging in it.

This service, organized in 1790, has been called into active use in every war or disturbance which the United States has been involved in, and as a coast defense, as dispatch carriers, as sea scouts, and in actual engagements in defense of the flag it has accounted for itself as gallantly as the officers of the naval or military arm of the Government. It has done well the work assigned to it, and it has been commended for the doing of it, and no more can be said of any service of the United States. It is ready at all times to undertake the hardest duties, and its work in the Arctic compares with any work of the Army in the West or the Navy in tropical climates. Its demands for proper recognition are just, and not incommensurate with the necessities of the service nor unwarranted by the actual service rendered.

Briefly, the bill proposes, first, to fix and define the rank of the officers of the service as compared with the officers in the Army or Navy. No reasonable objection can be urged against the first proposition. Without regard to the rank of the officers of the Army and Navy, the bill proposes to define expressly what grades or rank shall exist in the service, and to what ranks in the Army and Navy they shall correspond. It has been objected that this will put companies of the Army in the time of war under the command of a Revenue-Cutter officer, whose whole life has been given to other subjects. What these subjects are has not been stated, but I can state what subjects and what course of training a Revenue Cutter officer devotes his whole life to, and I can see nothing in this education or training which would make him unfit to command any detachment of infantry, or even a gunboat.

Candidates for lieutenancies in the Revenue-Cutter Service must be American citizens not over 25 years of age. They must pass an examination in spelling, geography, history, and the Constitution of the United States. They must be proficient in algebra, geometry, physics, and chemistry, and after passing a successful examination in these branches of studies, they are then assigned to the receiving ship, where two years are spent in the practice of seamanship, gunnery, and military drill, and an extended cruise. Having completed this prescribed course of study and practice, and after a final examination, an appointment as third lieutenant is made. I do not think the master of any sailing vessel, or the mate of such a vessel, reaches his position through such a course of training; and I think this knowledge, acquired during years of service in the Cutter Service, gives officers of the Revenue-Cutter Service a little more general and technical information than is possessed by masters or mates of vessels sailing the seas. And I think everyone will agree with me that the education is technical as well as practical.

It is also proposed to increase the pay of the officers 10 per cent for each five years of service, not to exceed 40 per cent of the compensation of the grade to which the officers belong.

The pay now received by these officers does not permit them to dispense the ordinary acts of hospitality which is required of them, and if the rank is to be fixed it must naturally follow, if they are to be subject to the same official consideration and exactions as naval officers, and are expected to maintain the same social courtesies, that the pay must be in keeping with the duties expected of them. The only question to be decided is whether the service rendered is worth the proposed increase of compensation. Those most familiar with the service say it is, and a perusal of the varied services rendered will, I think, convince any fair-minded man that the hardships which these officers are compelled to face, and which they are ever ready to face, is worth every cent of the compensation which it is proposed to give them.

I have personal knowledge of the fact that one officer who served in the Revenue-Cutter Service during the civil war, and who was left a substantial fortune, died in that service from the effects of the hardships and changes of climate necessary to be borne in performance of his duty, whose widow was left absolutely penniless, with no pensionable status commensurate with the rank of the officer whose fortune had been spent in dispensing the courtesies which were necessary to make efficient the service to which he devoted his life. His widow received $8 a month pension, which Congress has subsequently increased to $20 a month. And this pension would not have been granted had not the officer been engaged in actual hostilities and received wounds which hastened his death.

The extension of all official honors and courtesies now enjoyed by the officers of the Army and Navy to commissioned officers of the Revenue-Cutter Service need not be discussed here. The personnel of the Cutter Service embraces gentlemen of the highest standing socially and mentally, and they deserve the same consideration that is extended to officers of the other branches of the service of the United States, and I hope they will receive it.

I have made these few remarks to emphasize how heartily I am in favor of the passage of the bill. I know many of the officers of the Revenue-Cutter Service, and I know them to be men of education, technical and practical, faithful servants of the United States, ever alert for the interests of our people on the seas, and who have earned by years of the hardest service the meager reward which both committees of Congress say they should receive.

I submit for the consideration of the House as a part of my remarks a record of some of the more notable cases of assistance rendered by the Revenue-Cutter Service from 1872 to 1895:

ASSISTANCE RENDERED THE STEAMSHIP METIS BY THE REVENUE STEAMER MOCCASIN.

On August 30, 1872, the commanding officer of the *Dexter* received information while at Newport, R. I., that the steamship *Metis* had been wrecked off Watch Hill Light with 150 persons on board. He at once proceeded to the scene of the wreck and cruised in its vicinity, a heavy sea running at the time. The *Moccasin* rescued 42 of the passengers and crew, who were in the water and on temporized rafts, and 17 bodies of those who had perished. In recognition of the services rendered by the *Moccasin* on this occasion Congress passed the following resolution:

"*Resolved, etc.*, That the thanks of Congress are due, and are hereby tendered, to Capt. David Ritchie, commanding the revenue steamer *Moccasin*, and to the officers and men under his command for their heroic and humane action in saving the lives of 42 human beings and rescuing 17 dead bodies from the wreck of the steamer *Metis* on the waters of Long Island Sound, on the morning of the 31st of August, 1872."

Approved, January 24, 1873.

RESCUE BY THE REVENUE STEAMER WOODBURY OF SIX OF THE CREW OF THE WRECKED SCHOONER ADA BARKER, JANUARY 13, 1891, OFF GREEN ISLAND, COAST OF MAINE.

The *Woodbury* discovered the remains of the wrecked schooner *Ada Barker* in the breakers off Green Island, and perched on a rock above the

reach of the waves were noticed six shipwrecked men. A heavy southeast sea was running, and the rock being surrounded by jagged bowlders and spurs, created a terrific breaker running at least 30 feet high. The force of the sea was so great that no boat could live therein a moment. The *Woodbury* put back to Portland, obtained two dories, and the sea having subsided somewhat upon her return, the first cutter of the *Woodbury* and the two dories were manned and worked their way through the violent sea, and rescued the six men at the imminent peril to the boats and the lives of those manning them.

CITY OF COLUMBUS.

The steamship *City of Columbus*, from Boston for Savannah, at 3.30 a. m., January 18, 1884, struck on Devils Bridge Reef, off Gayhead, Mass., and sunk almost immediately. At 12.35 p. m., same date, the revenue steamer *Dexter*, Capt. Eric Gabrielson, commanding, discovered and headed for the wreck. The weather was piercing cold, the wind blowing very hard, and the sea so rough that when the *Dexter* came to she rolled rails under water. The survivors of the wreck were clinging to the rigging, and were numb and exhausted from their long exposure. Owing to the conditions of weather and sea prevailing, they could only be rescued by jumping into the water and being picked up by the *Dexter's* boats, with the assistance of a lifeboat from Gayhead, which had come off to the wreck. In this way 19 were rescued and received on board the *Dexter*. Two men were yet in the rigging, evidently dead, or unable to speak or move. Second Lieut. John U. Rhodes, of the *Dexter*, volunteered to release them. After several efforts he reached the rigging, cut the ratlines, and the two men fell into the water and were picked up by the *Dexter's* boats. When picked up they were yet breathing, but both expired before the boat reached the *Dexter*. For this service Captain Gabrielson, his officers and crew, received the thanks of the National House of Representatives and the Department, and Lieutenant Rhodes was advanced 21 numbers in his grade for his gallant conduct.

ASSISTANCE RENDERED BY THE GALVESTON TO SUFFERERS IN THE FLOODED DISTRICTS OF THE BRAZOS RIVER, TEXAS, IN 1899.

During the month of July, when the district bordering the Brazos River was inundated by the heavy rains near the head waters of that stream, the *Galveston* at once proceeded to the scene of the flood to afford such relief as lay within her power. She remained upward of two weeks upon the scene and was able to perform services which called forth the highest expressions of appreciation from the citizens. These services were mainly performed by Lieut. S. P. Edmonds, Revenue-Cutter Service, who was detailed for that purpose, and who succeeded in bringing immediate relief to upward of a thousand persons.

The following is a copy of a resolution adopted at a public meeting of the citizens of Velasco, Tex., held July 17, 1899, which expresses their gratitude for his heroic services in behalf of the distressed people in the flooded districts; also a copy of a letter of W. F. Blunt, M. D., State health officer and surgeon-general of the State of Texas:

"At a meeting of the citizens of Velasco on July 17, 1899, the following resolutions were unanimously adopted:

"*Resolved*, That the citizens of Velasco, Brazoria County, Tex., do hereby formally express to Lieut. S. P. Edmonds, of the U. S. revenue cutter *Galveston*, their profound appreciation of and gratitude for his heroic efforts in helping to rescue many of the people along the Brazos River from a watery grave and in aiding to supply them with means of sustenance for days until sufficient provisions could be got for them.

"That Lieutenant Edmonds was out from noon on Saturday, July 8, 1899, until noon Saturday, July 15, 1899, during which seven days he, in hot July weather, with every danger and discomfort which the situation could produce, spared not any energy or effort to aid in rescuing 189 people from danger and relieving the suffering of about 1,000 unfortunates who had lost their all in the terrible flood of water which devastated the valley of the Brazos River. His cool courage and undaunted resolution in such a time of danger and almost unendurable conditions of heat and other physical menaces to health mark Lieutenant Edmonds as much a hero as any of our gallant men who fought at Manila or Santiago. Coming among us as an entire stranger, with no motive save that of a noble soul moved by the sufferings of a common humanity, he has endeared himself to our people and has marked himself as one of our most efficient officers.

"*Resolved*, That the report made by Lieutenant Edmonds is received and his acts fully approved.

"L. R. BRYAN,
"*Chairman, and others.*"

AUSTIN, TEX., *July 20, 1899.*

DEAR SIR: I can not refrain from personally expressing to you my appreciation of your services in carrying relief to the unfortunate sufferers from the Brazos floods at Brazoria, Columbia, and other places, as observed by me while engaged in the same work. Your actions were noted by the people there and will not soon be forgotten by them. Your work was not only well timed, but was arduous, painstaking, and effectual to an unusual degree, and was accomplished with no little labor, exposure, and personal danger.

Yours, truly,

W. F. BLUNT, M. D.,
State Health Officer and Surgeon-General State of Texas.

Lieut. S. P. EDMONDS,
Revenue-Cutter Galveston, Galveston, Tex.

RESCUE OF THE OFFICERS AND CREW OF THE BRITISH S. S. SUTTON BY THE REVENUE STEAMER ONONDAGA, JANUARY 20-21, 1900.

On the evening of January 21 the *Onondaga* discovered the British S. S. *Sutton* wrecked outside Fenwicks Island Shoal off the coast of Delaware, with her bow sunk in 5 fathoms of water and stern afloat, and during the night, in a thick fog and with a heavy sea prevailing, rescued 24 persons, comprising the officers and crew of the *Sutton*, for which service the commanding officer of the *Onondaga*, his officers and crew, received the thanks of the Department.

ASSISTANCE RENDERED BY THE REVENUE STEAMER GRESHAM TO THE BARK FRATERNIDATE, AUGUST 16, 1900.

While the *Gresham* was cruising from Newport to New London on this date, the bark *Fraternidate* was discovered anchored dangerously close to rocks, Black Point, Rhode Island. This vessel was bound from Brava, Cape Verde Islands, for New Bedford, with 103 persons on board. She had a favorable passage until off Montauk Point, where unfavorable winds kept her beating for seven days, when, the weather becoming threatening, the captain tried to make harbor, as he was short of provisions, water, and fuel, and the vessel was leaking. He missed stays off Black Point, and, as he was only a thousand yards from the rocks, he let go his port anchor, the chain of which instantly parted. The starboard anchor was then tried, but dragged until the ship finally fetched up within a hundred yards of the rocks. The heavy sea, with the increasing force of the winds, made her position one of greatest peril, with the [almost] certain loss of all on board. The *Gresham* went to her assistance, and, notwithstanding the violence of wind and sea and the proximity to dangerous rocks, succeeded in getting a line to the imperiled vessel and dragged her off into deep water, where her starboard anchor was got aboard and the vessel towed into Newport Harbor.

During the fiscal year ended June 30, 1888, the vessels of the Revenue-Cutter Service assisted 526 vessels, whose value, together with their cargoes, was $7,328,793, and the number of persons on board the vessels thus assisted and whose lives were imperiled was 4,041.

During the year ended June 30, 1886, the number of vessels assisted was 313. Their value, together with their cargoes, was $6,738,569; the number of persons on board 2,888, while the number actually taken out of the water and thus saved from drowning was 154.

WORK OF THE REVENUE STEAMERS WOODBURY AND DALLAS.

During the winter season of 1887-88 the revenue steamer *Woodbury* assisted 268 different vessels, whose value, together with their cargoes, was $3,508,650. The number of persons on board these vessels whose lives were imperiled and who were rescued and taken to places of safety was 2,066.

The *Dallas*, during the season of 1894-95, assisted 55 vessels in distress, whose value, together with their cargoes, was $329,600, and the number of persons on board and assisted, whose lives had been imperiled, was 272.

Mr. HEPBURN. I now yield five minutes to the gentleman from New York [Mr. DRIGGS].

Mr. DRIGGS. Mr. Chairman, it seems to me that in a bill of as much importance as this we should consider carefully all the provisions and propositions contained therein before enacting it into law. I believe the bill, with certain amendments, ought to be enacted into law. It seems to me it is only fair, just, and right, when we recognize the fact that two of the most famous Admirals of the civil war, Porter and Farragut, were members of this service, that we should not at this late day refuse to acknowledge that the Revenue-Cutter Service has developed men of great credit and great honor to the nation.

I believe it only right and fair that the officers of this service should come to Congress and ask for an increase in pay. One of the provisions of this act does increase their pay. It places the captain of the Revenue-Cutter Service on a par with the major and lieutenant-commander in the Navy, and so on down to grade of third lieutenant. That may sound all very well—"places them on a par"—but if you will notice the pay at present of the three relative divisions you will see that the major in the Army and the lieutenant-commander in the Navy receive $3,500 salary each, and we only propose in this bill to pay to the captains of the Revenue-Cutter Service the same compensation.

Mr. MANN. Will the gentleman allow an interruption?

Mr. DRIGGS. Yes.

Mr. MANN. Does not the gentleman know that the lieutenant-commander gets $2,500 a year and 10 per cent for each five years up to twenty years additional?

Mr. DRIGGS. I am frank to say I did not know it.

Mr. MANN. The pay of a lieutenant-commander is $2,500 a year and 10 per cent added for each five years, making 40 per cent additional, and that is the same with a captain in the Revenue-Cutter Service.

Mr. DRIGGS. If they are on the same footing as far as pay is concerned I am satisfied. But this report does not show it to be so.

I am taking this statement from the report and what I have learned at the Treasury Department in relation to it. Now, I hope the gentleman from Illinois will not take up any more of my time; I have but five minutes, and he had one hour, and made his speech.

Mr. MANN. If the gentleman does not want his statements correct, I am sure I do not care about it.

Mr. DRIGGS. I am making my statement from the report and the bill, which state that it is proposed to place these men on less pay while on the retired list, while in active service they are to receive the same pay. That is the way I understand the proposition. I am willing, however, to concede what the gentleman says, that they are on the same pay as the majors in the Army will receive. If that is correct and they are to receive the same compensation, I have nothing further to say upon that point, and thank the gentleman from Illinois [Mr. MANN] for the information.

I will go on to the next proposition, and that is as to the technical education given the cadets of the Revenue-Cutter Service as compared with the technical education given the cadets of the Naval Academy. One of the chief reasons for opposing this bill that I personally had was the lack of knowledge in reference to the education the cadets of the Revenue-Cutter Service received.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HEPBURN. I have three minutes' time left, which I will yield the gentleman.

Mr. DRIGGS. Now, Mr. Chairman, I desire to call the attention of the House to the education given the cadets of the Revenue-Cutter Service in order that they may thoroughly understand that young men who become third lieutenants in the service are as thoroughly competent and capable of taking care of a ship as a junior officer, an ensign, in the Navy is competent and capable. Before the cadet in the Revenue-Cutter Service can receive a commission he has to pass an examination in seamanship, in gunnery, and in navigation, and the examination in seamanship and in navigation, I have been informed by the best posted nautical men

in Washington, is far more severe and far more drastic, both in its practicability and in its technicalities, than the examination given the cadets at the Naval Academy prior to their graduation.

As far as the technical knowledge of gunnery is concerned, I would like to allude to the general scope of instruction that is given cadets in the Revenue-Cutter Service from the rules and regulations governing the course of instruction on one of their practice ships, the *Chase*. (See report on Revenue-Cutter Service.) So, too, in navigation and mathematics you will find the course of study severe and drastic. But the chief feature of the general scope of instruction to cadets on board the practice ship is the thoroughness of their practical nautical education.

[Here the hammer fell.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SOUTHARD having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 11161. An act to refund excessive postage paid on certain newspapers; and

H. R. 1860. An act for the relief of the trustees of Carson-Newman College, at Mossycreek, Tenn.

The message also announced that the Senate had agreed to the amendment of the House to the bill (S. 4306) for the relief of settlers under the public land laws to lands within the indemnity limits of the grant to the Northern Pacific Railroad Company.

REVENUE-CUTTER SERVICE.

The committee resumed its session.

Mr. SHERMAN. Mr. Chairman, I desire to yield thirty minutes to the gentleman from Iowa [Mr. HEPBURN]. I understand that gentleman does not wish to occupy the time at present. I wish to take a moment to correct a statement which I made the other day. I wish to say that the term of tuition is two years, as stated at that time by the gentleman from Illinois [Mr. MANN]—not three years.

Mr. MANN. I rise to a parliamentary inquiry. The gentleman from New York [Mr. SHERMAN] has already occupied time yielded to him by the gentleman from Iowa. I suppose under the rules the gentleman from New York is entitled to recognition for his full hour.

Mr. SHERMAN. Certainly I am. But I propose to yield one-half hour to the gentleman from Iowa, to be used when he desires to use it, and to reserve the whole hour. I would be glad if gentlemen on the other side would use some time now if they intend to use any at all.

The CHAIRMAN. The gentleman from New York [Mr. SHERMAN] has a right to reserve his hour, of which he can yield any part to the gentleman from Iowa [Mr. HEPBURN] when he desires it.

Mr. SHERMAN. I wish, then, to reserve my time.

Mr. UNDERWOOD. I ask recognition.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] is recognized.

Mr. HEPBURN. Before the gentleman from Alabama proceeds, I would like to ascertain whether we can not reach some arrangement as to the time to be occupied in general debate on this question.

Mr. UNDERWOOD. I think that arrangement had better be made after I have used the time for which I have been recognized.

Mr. HEPBURN. Why not make it now? The gentleman has been recognized for an hour, and we have an hour on this side. I assume the gentleman does not want anything more than reasonable debate.

Mr. UNDERWOOD. Certainly not.

Mr. HEPBURN. It would seem to me that two hours more of debate ought to be enough to bring this matter fairly to the attention of the House. The gentleman has been recognized for an hour, and my colleague on the committee [Mr. SHERMAN] has an hour which he has reserved. Will not that be sufficient?

Mr. UNDERWOOD. Later on, after I have had an opportunity to cousult with gentlemen on this side as to how much time they want, I may be able to enter into some agreement, but I can not do so now. I yield ten minutes to the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. Mr. Chairman, according to my understanding of this bill its purpose is to increase the rank and pay of officers of the Revenue-Cutter Service and to impose upon them a military character and stamp. I have carefully read the bill, and studied its provisions as best I could; yet I am unable to understand in what respect the efficiency of this department of the public service will be enhanced by the measure.

The Revenue-Cutter Service is, I think, essentially a civil service. It was originally created for the purpose of assisting in the collection of our revenues, and by its very nature it became a sort of ocean police—a patrol of the sea. Its equipment was such that it had the facilities for discharging other functions along with the primary duty in assisting in the collection of revenue; and additional duties and responsibilities were imposed upon it. It became a part of the duty of the Revenue-Cutter Service to assist in the enforcement of the navigation laws, to assist in the suppression of piracy and the prevention of smuggling, to assist wrecked vessels, and also to assist in the Life-Saving Service.

But the members of this House ought always to bear in mind the fact that the primary function of the Revenue-Cutter Service is altogether civil in its character; that it is for the collection of revenues; and I am opposed to the policy of imposing on branches of the public service which are purely civil in their origin and character the aspects of the military service.

This bill will involve an increased annual expenditure of over $200,000. I have listened to the arguments which have been made thus far in favor of the measure, and I have failed to discover a single feature in all its provisions that will improve the efficiency of the service.

The salaries now paid are fixed by law. They will be increased at the rate of 40 per cent all along the line. Members of this service will be placed on the retired list, and as was abundantly demonstrated by the gentleman from Illinois [Mr. MANN] in his exceptionally able and peculiarly instructive speech against this measure one day last week, these men may be retired from the active service and draw three-fourths pay at the age of 48 years. A man may enter the service at the age of 18 and after 30 years' service, as I construe the bill, he will have the right, the absolute right, to insist on retirement, to be placed on the waiting-order list, at three-fourths pay.

Mr. SCUDDER. Is it not true that the retirement of these officers will be optional with the President? Does not the bill vest in the President the power to decide whether or not at the end of thirty years an officer of this service shall be retired?

Mr. CRUMPACKER. I do not give the bill that construction. I read carefully the argument of the gentleman from Illinois and analyzed as best I could the provisions of the bill, and I believe the duty will be imperative upon the President, under the terms of this measure, to retire men who comply with the specified conditions, upon their application.

Mr. SCUDDER. I think that if the gentleman will study the bill and not the remarks of the gentleman from Illinois he will find that he is in error.

Mr. DRIGGS. Does the gentleman from Indiana know the provisions of the Revised Statutes covering the retirement of officers of the Army?

Mr. CRUMPACKER. I am not familiar with those provisions in detail.

Mr. DRIGGS. Does the gentleman believe in the retirement of officers of the Army?

Mr. CRUMPACKER. Yes, sir; I do.

Mr. DRIGGS. And therefore the gentleman would follow the provisions of the Revised Statutes covering the retirement of Army officers?

Mr. CRUMPACKER. I am not sufficiently familiar with those provisions in detail to say whether I consider them wise or not. I believe in the general principle of retirement in the military service, but not in the civil service.

Mr. DRIGGS. If the provision of the Revised Statutes covering the retirement of officers of the Army is identically the same as the provision of this bill with reference to officers of the Revenue-Cutter Service, does not the gentleman think that this is a good retirement proposition? If the gentleman is willing, I will read from the Revised Statutes.

Mr. CRUMPACKER. If the provision of law in reference to officers of the Army is identically the same as the provision of this bill, and is subject to the interpretation which I think must be given to this provision, then I think the retirement provision with reference to Army officers ought to be corrected, because I do not believe that any commissioned officer of the Army or Navy ought to have the absolute right to be retired from active service upon three-fourths pay at the age of 48 years, regardless of the condition of his health.

Mr. SCUDDER. Does not the gentleman know that officers have not that right, either under the provisions with reference to the Army or the Navy or under this bill?

Mr. CRUMPACKER. I had so supposed in regard to the Army and the Navy, but it seems that this bill confers that right.

Mr. SCUDDER. The gentleman is in error, I think.

Mr. DRIGGS. Let me read from the Revised Statutes in reference to the Army retirements.

Mr. CRUMPACKER. I have not the time.

Mr. HEPBURN. I think if the gentleman would read this bill instead of the speech of the gentleman from Illinois he would not come to the conclusion which he has stated.

Section 7 provides:

When any officer of the United States Revenue-Cutter Service shall have served thirty years as a commissioned officer in said service, he may be retired from active service by the President upon his own application and may be placed on the retired list.

Section 8 provides:

When any officer in the Revenue-Cutter Service has reached the age of 64, he shall be retired by the President from active service.

Now, these are pari materia, and they are to be construed together, and I think any court would say it was discretionary in the first instance, as it is obligatory in the second.

Mr. CRUMPACKER. I undertake to construe them together. I construe section 7 to mean that an officer of the Revenue-Cutter Service with thirty years' service is entitled to be retired upon his own application, and when he reaches the age of 64 years then it is an imperative duty of the President to retire him without regard to his application.

Mr. HEPBURN. But in the one instance there is the option of the President.

Mr. CRUMPACKER. That is a question of interpretation.

Mr. HEPBURN. By putting the words "in the discretion of the President" in there that difficulty would be solved.

Mr. CRUMPACKER. That difficulty would be removed so far as that section is concerned.

Mr. HEPBURN. I will offer that amendment.

Mr. CRUMPACKER. I think that ought to be in if the bill is to become law.

Mr. HEPBURN. I think it is unnecessary.

Mr. CRUMPACKER. There is another criticism I desire to offer to this bill. Section 16 provides that boards of examiners shall be organized for the purpose of ascertaining the condition of the health of officers of this branch of the service, and if it be discovered that any officer is incapacitated from the performance of the duties of the service he shall be retired. He shall be retired from the active service or wholly retired, as the President may determine.

If he is simply retired from active service, he goes on the waiting-order list, or retired list, and draws retire pay of three-fourths of the regular pay of the service; that is to say, conditions may exist by which an officer may incapacitate himself for the performance of duty by his own vicious habits, and yet he may go on the retired list and draw three-fourths pay.

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

Mr. CRUMPACKER. Certainly.

Mr. SCUDDER. Is it not again discretionary? The bill makes no such absolute provision.

Mr. CRUMPACKER. I said it is discretionary.

Mr. SCUDDER. The President would not exercise that discretion injudiciously.

Mr. CRUMPACKER. Why invest the discretion in any public officer of allowing a man holding a commission from the Government in the military service incapacitating himself by his own vicious conduct and then permit him to go on the retired list at three-fourths pay?

Mr. SCUDDER. Was not that the case of General Eagan?

Mr. CRUMPACKER. Well, if it was the case with General Eagan, it does not make it right.

The CHAIRMAN. The time of the gentleman has expired.

Mr. UNDERWOOD. Does the gentleman from Indiana want any further time?

Mr. CRUMPACKER. I would like to have five minutes more.

Mr. UNDERWOOD. I yield five minutes more time.

Mr. CRUMPACKER. I oppose, Mr. Chairman, the policy of impressing upon any branch of the public service which is essentially civil in its character the aspect of the military service. This bill simply illustrates the aggression of the various departments of the public service. The Revenue-Cutter Service, humble in its beginning, originated simply as a sort of coast police, and is, in many respects, closely analogous to the municipal police in the large cities of the country, a service for the purpose of protecting business, the enforcement of the navigation laws of the country.

It occurs to me that there is no more occasion for classifying this service with the military service of the country than there is in classifying the police organizations of the great cities of the country with the military. The functions of the municipal police of the country are as much military in their character as the functions of the Revenue-Cutter Service. I believe that the pay already accorded the officers of the Cutter Service is abundantly adequate, much higher than the pay granted to officers performing like duty in civil life, almost twice as high as the same character of service in civil life, service that involves as much responsibility, that involves as much risk of life and limb, as the Revenue-Cutter Service.

I am opposed, Mr. Chairman, I repeat, to emphasizing the military character of this great Republic. We are proud of our soldiery; we are proud of our magnificent Navy; but we must bear in mind all the time that the Army and Navy are only necessary in order that the great multitudes of the country may carry on and perform the civil functions of life—may carry on and perform their daily duties as they come to them. They are simply guardians and protectors of the more important activities of life, and should always be subordinate.

I can not understand why, if this bill should pass and the rank and pay of the Revenue-Cutter Service should be increased, that it will improve the efficiency of the service. The salaries of the Revenue-Cutter Service of this country are almost twice as high now as similar salaries for analogous services in foreign countries. While we are increasing our Navy and enlarging our Army—and judiciously so, because the situation of the country demands it—we must bear in mind all the time that the relative cost of the Army and Navy of this country is more than twice as great as the army and navy in any foreign country on the face of the earth.

I oppose this bill because it will impose upon the country an annual expenditure of $250,000 without any corresponding benefit. I believe this important service ought to be under the control of the Secretary of the Treasury. I believe it ought to be classified with the civil service of the country. Its functions are directly and essentially civil. The fact that it may be detailed during time of war as an auxiliary for the Navy should no more characterize it and classify it as a branch of the military service than the fact that persons and property are subject to the same imperative requirement should make all the people of this country members of the military order.

Now, Mr. Chairman, I have not sufficient familiarity with the details of this bill to go into a particular discussion of it. It is a striking illustration of the aggressiveness of the various branches of the public service in demanding more power and more pay, and Congress must stand like a wall of adamant against such encroachments or our revenues will not be sufficient to meet our ordinary expenditures. [Applause.]

Mr. UNDERWOOD. Mr. Chairman, there are a number of reasons why this bill should not be enacted into law. In the first place, there is a great governmental principle involved, one that goes to the very root of our governmental system. The idea of the founders of this Government was that we should have no classes in this country; that every free American citizen should occupy the same position before the law that every other citizen of the country occupies.

We have abandoned that to some extent. We provided for the retirement of officers of the Army and the Navy. If I had been a member of Congress when those laws were originally enacted, I would have voted against them, because I believe that when we provide and give a sufficient salary for the officers of the Army and Navy it is their duty to provide for their future as much as it is my duty and your duty by economy and careful living to provide for our future.

It is true we have also provided for the retirement salary for United States judges. To a certain extent that was compelled, because the Constitution of the United States prohibited the retirement or decrease in the pay of a Federal judge. And it would have been necessary for us to allow men to sit on the Federal bench until they were incapacitated for service unless we had provided some means by which they might exercise the option of a retirement.

In principle it was just as wrong as the original enactment of the retirement pay of Army officers. It is not in keeping with the principles and intent of a republic. It is not in harmony with the great ideas of the founders of this Government, and it is with regret that I see this Congress, step by step and day by day, abandoning the principles on which we have founded this Republic and aping after and copying the systems in vogue in the monarchies of the old country.

They may have their classes there. They may recognize that certain classes of citizens are superior to other classes of citizens; that there is an aristocracy, and that aristocracy must be provided for and protected, but such a principle is not in harmony or keeping with our Government or our ideas.

We all see the effect that it has had on the Army and Navy circles of this country. They are made up of boys selected from the common masses of the country, of the common people, and by virtue of the training we give them at the Military and Naval Academies, by virtue of the fact that we give them to understand that they are to hold lifetime positions, that they are to be provided for as a separate class in the future, we are fast finding ourselves surrounded by a class of citizens that do not believe that they stand on the same basis and the same level with the ordinary American citizen.

Now, Mr. Chairman, how much further are we going along this line? Where are we going to stop? We have ingrafted the system as a part of the law of this country, so far as the Army and Navy are concerned. The pending bill proposes to carry the system into the Revenue-Cutter Service, and train these gentlemen in the same system, make them feel that they are wards of the Government for life, that they are a part of the Government, that even a Representative in Congress is not their equal, because, as some of them say, he comes and goes; that to-day he is here and

to-morrow he is gone, but they remain with their power as long as their lives last.

There are not so many men or officers engaged in this Revenue-Cutter Service. I believe at present the total charge involved on the Federal Treasury a year is about $140,000 additional to what the service is now costing. Well, $140,000 is a considerable sum of money; but the amount of money involved is a mere bagatelle in comparison to the dangerous step you are about to take in this direction. Why? Is there a man in this House that believes in the principle? Is there a Democrat on the floor of this House that can assert, and is willing to assert, that the building up of these special classes is within the line of the doctrines of his party? No, Mr. Chairman.

The corruption that will destroy this Government in the end is not the corruption of bribery, not the power of the millionaire to come upon the floor of this House and corrupt the individual members of Congress, but the corruption that to-day faces the American people is the power of patronage, the power that is vested in the Executive by giving offices to members of Congress and Senators to warp their minds and warp their influence and change their votes on great questions and principles. That is where the danger lies, and it is a danger that is behind this bill.

The gentlemen who are advocating the bill I do not believe are earnestly in favor of it because they believe in the principle involved, but it is because they represent constituencies where the officers of these revenue-cutter boats are popular, where they have numerous friends among their constituents, and where these constituencies appeal to them, without a full knowledge of the step that is being taken, to pass this bill and give these men the additional pay and the retirement pay.

There is nothing in the world that makes as many bad laws and puts them on the statute books as the sympathy and the appeals to sympathy that are brought before this House. They say that here is a man who has rendered good and efficient service in this Revenue-Cutter system; that he has worked hard and earnestly, and done his duty. No doubt that is all true; that he has served up to the time when the span of his life is about to run out, and then they come here and appeal to our sympathy that we should provide for him in the future.

Mr. HEPBURN. Can I ask the gentleman a question?

Mr. UNDERWOOD. Yes.

Mr. HEPBURN. Did the gentleman support the naval personnel bill?

Mr. UNDERWOOD. I did not. How many of the gentleman's constituents and my constituents, I will ask the honorable chairman of the committee, are in the same position that these gentlemen are in the war Revenue-Cutter Service?

How many able, honest, hard-working men have we got—has he got in his district and have I got in my district—who have worked for their families, paid their taxes, done their duty at home and to their country, who are now reaching the close of life, when their energy is gone, and they are no longer able to give their time to business or earning the salary that they were twenty-five years ago? And yet you would put the additional burden of taxes on these men in order to protect them here who have been comfortably taken care of by the Government, many of them for thirty or forty years.

But it will not stop here, Mr. Chairman. This is simply the beginning of the system. These gentlemen of the Revenue-Cutter Service are not naval officers nor Army officers. It is true in times of war they have been called upon to render services to their country and their country's flag, but no more so than many a gallant soldier who sits on the floor of this House who served as a volunteer officer or soldier. The revenue-cutter system from the beginning down to this time has been used for one purpose, and but for one purpose only, and that is to enforce the revenue laws of this country.

In order that we may prevent smuggling, look after our coast, and enforce the laws of the United States on sea as well as on land, it is necessary for us to have a police service at sea as well as on land. The revenue-cutter system and revenue-cutter officers and seamen are policemen of the sea. United States marshals and deputy marshals are the policemen on the land, so far as the United States Government is concerned.

Mr. SCUDDER. Will the gentleman allow me a question?

Mr. UNDERWOOD. Yes.

Mr. SCUDDER. Is it not a fact that the United States marshals are exempt from military duty at all times?

Mr. UNDERWOOD. Well, I have not examined the statute. It is possibly true, because we have to maintain the laws of the country even during times of war. It is not so necessary to maintain the laws at sea when we may need a revenue cutter for other purposes at that time.

Mr. SCUDDER. Will the gentleman kindly state what civil officers render equal service?

Mr. UNDERWOOD. I thought I made myself clear that they are the police officers in a broader sense of the term. They are police officers of the United States Government—that and nothing more.

Mr. BERRY. Will the gentleman allow me a question?

Mr. UNDERWOOD. Yes.

Mr. BERRY. Have they not always in times of war been ordered into the service along with the Navy?

Mr. UNDERWOOD. I admit that, and that they were good volunteers. They are good officers, and I have nothing against the service, but I say that they are no more entitled to be retired on three-fourths pay because they have acted as gallant officers when we have had a war than any other volunteer on the floor of this House.

Mr. SCUDDER. Have they the benefit of the provisions of the statutes in reference to volunteers?

Mr. UNDERWOOD. To what does the gentleman refer?

Mr. SCUDDER. I mean, for instance, the two months' extra pay.

Mr. UNDERWOOD. I can not say whether they receive it or not.

Mr. SCUDDER. As a matter of fact, they do not.

Mr. UNDERWOOD. Very well; that is a mere bagatelle.

Mr. SCUDDER. It is not "a bagatelle" when a man has to risk and perhaps sacrifice his life while in the service of the Government.

Mr. UNDERWOOD. Oh, well, they are serving the United States Government now. They are being paid every month. The volunteers who received that extra pay were being mustered out of the service. They had to go home. They had lost their employment. They had to go back and find some new employment to engage in. The two months' additional pay was given to them upon being mustered out of the service, in order that they might have something in their pockets whilst they were thus seeking new employment to take the place of that which they lost when they answered their country's call.

But when these gentlemen of the Revenue-Cutter Service, at the conclusion of the war, were no longer occupied as a part of the Navy, but were relieved from such service, they were at once sent back to safe and sound positions under the pay of the Government of the United States. The two cases are very different.

Mr. SCUDDER. Will the gentleman say what would have been their condition, or the condition of their surviving families, if they had been wounded or killed?

Mr. UNDERWOOD. They or their survivors would have had the same right, with respect to pensions, that any other volunteer has.

Mr. SCUDDER. The gentleman is mistaken about that. The Department has ruled otherwise.

Mr. UNDERWOOD. If I am mistaken in that matter, it will be the duty of this House to give pensions to those men as volunteers would be pensioned—to pension the particular men, but not to pension the whole crowd. Many of these men of the Revenue-Cutter Service who were assigned to duty in connection with the Spanish war never heard the shot of a hostile gun. You gentlemen propose to pension the whole crowd because some few of them have been gallant in the face of the enemy.

Mr. DRIGGS. When the gentleman speaks of these officers being employed in "safe and sound" positions in time of peace, I wish to ask him whether he considers that service in the expedition which was sent to Alaska, under the command of one of the lieutenants of this service, to rescue the sailors there, was a "safe and sound" position? Those men were one hundred and thirty-one days on the ice—on sledges or sleds drawn by Eskimo dogs.

Mr. UNDERWOOD. Oh, I think the gentleman from Illinois very well answered that suggestion the other day——

Mr. DRIGGS. I do not think so.

Mr. UNDERWOOD. But as that gentleman is not here now, I take pleasure in repeating the answer—that there may be a few individuals in the Revenue-Cutter Service who have performed gallant feats and are entitled to corresponding reward, and if we wish to reward them for the services they performed, let them be rewarded; but do not drag in that matter here as a reason for urging that this whole corps shall be put on the retired list and their regular pay increased because a few men of that service have done their duty bravely.

Mr. DRIGGS. Is it not true that these men are absolutely under the orders of the Secretary of the Treasury, that they go wherever they are sent, just the same as if they were officers of the Army and Navy? What is the difference, so far as that matter is concerned, between an Army or Navy officer and an officer of the Revenue-Cutter Service?

Mr. UNDERWOOD. The great difference between a revenue-cutter officer and an officer of the Navy is that the two classes of men are engaged in different branches of the Government and in different services. The Navy officer is engaged to take care of his

ship for purposes of war; the revenue-cutter officers are under the orders of the Secretary of the Treasury, as police officers and to protect the revenue, and for no other purpose.

Of course there are times when some of the officers of the Revenue-Cutter Service have been engaged in dangerous duty, but no more so than the deputy marshals. There are many deputy marshals and marshals who have lost their lives in the mountains of this country in trying to break up moonshine gangs—to drive out the "moonshiners." More of our men have lost their lives in enforcing the laws of this Government upon the land than these police officers of the sea.

The gentleman's argument carried to its full extent would be equivalent to saying that because, forsooth, revenue-cutter officers have performed good service, and because some of them have given their lives to enforcing the laws of the Government, therefore we must put all the officers of this service on the retired list. Carry that argument to the full extent and you must say because some deputy marshals or marshals have been killed in enforcing the laws of the Government, the men in that branch of the service must be put on a retired list and must be constituted a separate branch or corps of the Government service.

Mr. DRIGGS. The gentleman does not state my proposition aright. I am opposed to any kind of a retirement list, either for the Army, the Navy, or the Revenue-Cutter Service.

Mr. UNDERWOOD. Then there is no difference between us.

Mr. DRIGGS. But when we have a retirement provision applicable to one branch of the service, it is only fair and right that this other branch of the service, standing upon an equally meritorious footing, should be recognized.

Mr. KING. Why not repeal the whole thing?

Mr. DRIGGS. I think that a provision of this kind is as fair for these officers as for the others.

Mr. DINSMORE. The gentleman from Alabama [Mr. UNDERWOOD] will allow me to ask whether he ever heard of any difficulty being encountered by the United States Government in procuring, under present conditions, proper officers for the Revenue-Marine Service?

Mr. UNDERWOOD. The question of my friend from Arkansas [Mr. DINSMORE] is a complete answer to the position of the gentlemen who are supporting this bill. These officers of this service are not willing to retire. I have not heard of any of them sending in their resignations to the Secretary of the Treasury; I have heard no complaint from the Secretary of the Treasury that he has not been able to find plenty of competent men able to fill positions under the present system and at the present salary.

Mr. SULZER. Does not the gentleman think that the man of the Revenue-Cutter Service who is compelled to work all the time during a period of peace, and who in time of war is ordered to the front by the President or the Secretary of the Navy, is entitled to just as much consideration as the graduates at the Academy at Annapolis who lead cotilions around Washington here for five or ten or fifteen or even thirty years without ever doing sea duty?

Mr. UNDERWOOD. That has nothing to do with this matter.

Mr. DINSMORE. Will the gentleman from New York [Mr. SULZER] designate some of those naval officers who are "dancing cotillions" around Washington?

Mr. SULZER. I could give you the names of a great many of them. If you will take the Naval Register you will find the names of men who are wearing naval caps and naval epaulets who have not seen salt water in thirty years.

Mr. UNDERWOOD. Now, since the gentleman has finished—and I wanted to give him a chance to make a speech——

Mr. SCUDDER. Will the gentleman allow me just one further question?

Mr. UNDERWOOD. Go ahead.

Mr. SCUDDER. Is it not a fact that officers of the Army and the Navy are detailed for light-house service under the direction and jurisdiction of the Secretary of the Treasury, and that a similar service is performed by revenue-cutter officers, and that if perchance one of the Army or Navy officers performing such service should be disabled or injured in any way, he receives the full benefit of pension and retirement, whereas the revenue-marine officers injured in the same service have not that benefit?

Mr. UNDERWOOD. I do not think my friend's question has any more applicability to this than if he should say that because he finds an Admiral scrubbing the floor all the scrub women in the service must be put on the retired list. [Laughter.]

Mr. SCUDDER. The gentleman's illustration, I think, is as lame as his argument.

Mr. UNDERWOOD. Just one more word, and I am through.

If, when we come to vote on this question, we vote to put these men on a retired list—to set them apart in this safe service—this bill will be followed by bills making similar provision for the employees in the Weather Bureau and the Signal Service Corps and elsewhere. From every Department in Washington will come efforts to have men of one or another branch of the service put on the retired list.

And there will be no end to the additional charge which will be put on the Government. When we are asked to set up in this Government a class of officeholders who will receive special pay and emoluments, while the balance of the people are to pay the taxes that go to their support—when that day comes, as it will if you continue this system—then it may be truly said that the fabric of the temple in which this Republic of ours holds its seat is about to fall, and can no longer be sustained.

I yield the balance of my time to the gentleman from Missouri [Mr. SHACKLEFORD].

Mr. SHACKLEFORD. Mr. Chairman, as a member of the committee from which this bill comes, I desire in my feeble way to oppose it, not altogether for the abuses contained in the bill itself, but because it is one of a series of provisions that in the end will prove disastrous to the country.

The pseudo military spirit abroad in this land is a great menace to our people. Our boys are impressed that the only way to distinction is through a military career. Our children are educated in so-called military schools, and every effort is made to turn the youth of the land from the walks of civil life.

This mock military spirit is destined, if not checked, to change our national character and arrest the progress of this Republic toward the goal of its true greatness—that of being the most enlightened, prosperous, and happy people in the world. Never was this evil tendency better illustrated than by this bill, providing that a lot of Federal police, constituted to prevent smuggling, shall be togged out with the trappings and rank of naval officers.

But I am opposed to this bill, Mr. Chairman, for another and a better reason. I am a Democrat. I am one of the everlastingly organized Democracy which has stood from the foundation of the Government until now opposed to all class legislation, and this bill is preeminently a piece of class legislation. It confers benefits upon the officers of the Revenue-Cutter Service to the exclusion and at the expense of the rest of the people. We are told that they are efficient officers.

I am not prepared to dispute it. They should be, for they diligently sought the positions they hold and receive good pay. When they become dissatisfied with their jobs, they have the privilege to quit, and there are hundreds of others just as efficient ready to take their places. It is no more arduous or dangerous work in the Revenue-Cutter Service than at a Mississippi cotton gin, or in an Arkansas sawmill, or on a Missouri farm, and yet you want to tax these, tax all the rest of the people, in order to confer upon this Revenue-Cutter Service a special privilege at the expense of the great masses of the people.

Mr. KING. Will the gentleman permit an inquiry?

Mr. SHACKLEFORD. Certainly.

Mr. KING. As you know, recently we have passed, or attempted to pass, from a constitutional form of government into an imperialistic one, and therefore it is eminently proper that we only have two classes of people—the taxpayer and the man who holds office, the tax eater.

Mr. SHACKLEFORD. I recognize that we are rapidly passing into the realm of imperialism, but the principle involved here is that of building up in this country an aristocracy, an officeholding aristocracy, which is to fatten at the expense of the taxpaying masses. This is only one of a series of officeholding classes to be pensioned or put on the retired list.

The gentleman from Pennsylvania, whom I see sitting here, had introduced a bill, now pending, providing for pensioning the ens tire civil-service list. All of these classes are to be pensioned an-retired on pay at the expense of the tax-paying masses of the people

These revenue-cutter officers entered the service voluntarily. They were not forced in, nor are they forced to remain.

The revenue-cutter officer has that which he made great effort to secure. He secured the place that many others sought and could not get. He lives on the fat of the land while those who failed struggle on through life's journey along the highway of poverty, living hard and paying taxes. When they get too old to work they fall as burdens upon the bounty of children or friends, or go "over the hill to the poorhouse." But this office-holding aristocrat who defeated them for the place they sought not only receives liberal compensation for his labors during the days of his competency to serve, but is retired on ample pay when too old to work. Such a system is rank injustice to the masses of the people.

Mr. BROMWELL. May I ask the gentleman a question?

Mr. SHACKLEFORD. Certainly.

Mr. BROMWELL. I am thoroughly in sympathy with what the gentleman says. Is there not about equal of merit in the Life-Saving Service and the Railway Mail Service?

Mr. SHACKLEFORD. Quite as much and more. There are many classes not appointed by the Federal Government who serve the people just as well as the class sought to be favored by this bill. Compare, for instance, this Revenue-Cutter Service with the railway service.

Think of the service and the peril of a crew in charge of a locomotive and train of cars sweeping across the country with the speed of lightning carrying the commerce of this people. Every time that brave engineer mounts that engine and starts out for a trip he takes his life in his hand. And yet, sir, by this bill you would tax him for the benefit of that would-be aristocrat who wants the rank and privileges of a naval officer.

The Government has already given him thirty years' service, and has paid him well. He has not had to look out for a stormy day. The United States furnished him a place to work, furnished the pay, and now he comes and says, "All these days have you taken care of me, Uncle Sam, have fed me the good things of life, and because I have fared better than my brethren, because I got this job and my competitors were turned down, I beseech you to tax these fellows that could not get jobs in order to give me a competency now that I am too old to further enjoy the place secured for me."

That is what is involved in this bill, nothing more or less. They are putting a tax on the farmer, the mechanic, and the laborer throughout the country to give special favors to men who have already received special benefits in having been selected over and above others just as good as themselves. If Revenue-Cutter Service officers can do better in other walks of life, in God's name, why do they not forego their perilous positions and go back to the private vocations?

If they can do better in the Revenue-Cutter Service, then let them cease complaining and out of their liberal pay lay up enough to keep them in their old age. That is what other people must do or suffer for their failure.

Now, then, what is involved in this? I can see how some who belong to the other party, which favors privileges for the few at the expense of the masses, may vote for the measure; but for these, my brethren on this side, I do not understand how they can take the position they do in advocating that the people of this country be taxed in order to confer a special favor upon a special class. It is in violation of the cardinal principle of Democracy.

Mr. BURKE of Texas. Will the gentleman allow me a suggestion?

Mr. SHACKLEFORD. Yes.

Mr. BURKE of Texas. Under the provisions of the bill now before the House 36 out of 37 captains in this service can be retired on full pay the moment the bill becomes a law.

Mr. SHACKLEFORD. That is true, but it is not so enormous within itself if we knew that was to be the end of it. But it is the entering wedge that will open the way for far greater wrongs hereafter. Evils of this character do not all come at once. They creep upon us gradually and stealthily. To-day we will put the Revenue-Cutter Service on the retired list. Next will come the Life-Saving Service. Then the Weather Bureau service, and class after class will be saddled upon the taxpayers of the country.

Now, Mr. Chairman, would we not better stop and take our bearings before we vote in favor of this measure which will be an awful example in the wrong direction. It will come by and by that the farmer, the mechanic, and the laborer will be the only people in the country who are not of the favored aristocracy, and they will have to foot all the bills. You are voting that condition on your country when you vote in favor of this bill.

Mr. Chairman, would it not be well if in this Chamber we sometimes considered the taxpayer? The gentleman in charge of this bill talks much about "the man behind the gun." Sir, I would commend to his consideration the man behind the plow, the man who from early morn to dewy eve must struggle to feed and clothe not only himself but the multitudinous aristocracy of tax-eaters quartered upon him by class legislation of the character here proposed. Sir, whatever may become of "the man behind the gun," I shall be ever ready to raise my voice and cast my vote for the man behind the plow.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the Chair as Speaker pro tempore, a message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 3819. An act for the relief of the widows and children of William Ryan and John S. Taylor, deceased;

H. R. 13803. An act to amend section 19 of chapter 252, Twenty-ninth Statutes at Large, approved May 28, 1896; and

H. R. 5220. An act for the relief of Charles M. Kennerly.

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

S. 6048. An act to amend chapter 559 of the Revised Statutes of the United States, approved March 3, 1891; and

S. 6054. An act authorizing the Texas and Pacific Railway Company to construct a bridge across Red River, Louisiana.

The message also announced that the Senate had still further insisted upon its amendments to the bill (H. R. 13729) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1902, numbered 2 and 3, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WOLCOTT, Mr. CHANDLER, and Mr. BUTLER as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bills of the following titles:

H. R. 10899. An act to restore to the public domain a small tract of the White Mountain Apache Indian Reservation, in the Territory of Arizona;

H. R. 7571. An act to prevent the failure of military justice, and for other purposes;

H. R. 12396. An act to amend an act entitled "an act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and to increase the salary of the commissioner of education provided for by said act; and

H. R. 11598. An act for the relief of Frank B. Case.

The message also announced that the Senate had passed with amendments the bill (H. R. 7760) for the relief of James Kelly, in which the concurrence of the House was requested.

REVENUE-CUTTER SERVICE.

The committee resumed its session.

Mr. SHERMAN. I yield to the gentleman from Iowa [Mr. HEPBURN] such time as I have remaining.

Mr. HEPBURN. Mr. Chairman, I confess to being somewhat surprised at this debate. I am especially surprised at the earnest attacks upon this bill that have been made by my colleague on the committee, the gentleman from Illinois [Mr. MANN]. That committee at times carefully considered this bill; and during all the deliberations of the committee no one of our colleagues brought to us the knowledge of their opposition to the measure.

Mr. MANN. The gentleman will pardon me. I never in the committee heard this bill discussed or referred to; and I believe I have not missed any meetings of the committee which took place while I was in the city.

Mr. HEPBURN. I beg to differ with the gentleman. I know that he was present when this bill was considered; and I know that no word of dissent came from him. He has characterized this bill as the most vicious piece of legislation that has been introduced in this House.

Mr. MANN. The gentleman will permit me to say that I was not present in the committee at any time when this bill was considered.

Mr. HEPBURN. No word of dissent had there been from the gentleman at any time until he took the floor. There is no minority report here, and my associates on the committee time and again, one after another, while the gentleman was making his assault upon the bill, came to me and expressed profound astonishment that with the ideas he expressed in this House he had all the time been silent while the bill was under consideration in the committee.

Mr. MANN. As I understand, the agreement to report this bill was reached at a committee meeting when I was not present. I understood at the time it was not discussed in the committee for fifteen minutes. I know nothing about that, however.

Mr. HEPBURN. Evidently the gentleman does not.

Mr. MANN. "The gentleman" was not present, and knows he was not.

Mr. HEPBURN. I was a little surprised at the reasons which my friend from Missouri [Mr. SHACKLEFORD] gave for opposing this bill. After a few preliminary remarks he announced to the House that he was opposed to this bill because he was a Democrat and because the bill was special legislation and proposed special benefits to somebody. I do not know but that is a fair type of Missouri Democracy, for I have noticed that while the gentleman claims to be animated by those ideas, yet when it comes to an appropriation or legislation for his locality he always votes "aye."

Can the gentleman, in all his legislative experience, point to a negative vote when the affirmative proposed to take a dollar into his district? When we propose a $200,000 appropriation for seeds, of which my friend, like myself, gets a quota, he votes "aye." When there is a proposition to give $5,000,000 for a great show in a great city only a little way from his own he forgets his Democratic principles, forgets that this is a special privilege to a few, and votes "aye." [Laughter and applause.] When there is a proposition pending in the river and harbor bill to improve the harbor—God save the word!—of his city, the gentleman votes "aye." When he has an opportunity to vote for the Southern Railway mail subsidy, I think he votes "aye;" but I may be mistaken.

A MEMBER. He voted "aye."

Mr. HEPBURN. So when we take the gentleman's votes in connection with his declaration that he is a Democrat, we have an accurate definition of what Missouri Democracy is. Prate before the public about special privileges; prate about the importance of saving the money of the dear people; prate about love for

the poor taxpayer, and vote for all the appropriations you can get for your district. [Laughter and applause.]

Mr. Chairman, I think there is a great deal of misinformation in this House in regard to this bill. It has been stated by the gentleman from Illinois that the men who are connected with this service are not educated men.

Mr. MANN. I made no such statement.

Mr. HEPBURN. I will not bandy words with the gentleman.

Mr. MANN. But the gentleman must not misstate what I said.

Mr. HEPBURN. The gentleman forgets in the excitement of making his speech what his utterances are.

Mr. MANN. They are pretty well taken down.

Mr. HEPBURN. The gentleman reminds me of a graphophone. It is an admirable instrument for correct repetition, but when you want to ascertain the veracity of the statement you must discover the fellow who has talked into it at the other end. [Laughter.]

Mr. MANN. The gentleman at least must make statements that are true.

Mr. HEPBURN. I do not yield to the gentleman.

Mr. MANN. The gentleman will not yield on a misstatement.

Mr. HEPBURN. If the gentleman from Illinois can be taught the rules of the House I would be glad.

The CHAIRMAN. The Chair hopes gentlemen will follow the well-understood rules of the House and address the Chair, and the Chair will also address the gentleman speaking, and try to preserve order.

Mr. HEPBURN. I have in my hand, Mr. Chairman, a set of examination papers for admission into the school in which the officers of the Revenue-Cutter Service are taught the examinations they must take. They must secure a pecentage of 75. Here are the subjects: Arithmetic, algebra, geometry, trigonometry, grammar, English literature, geography, chemistry, physics, history, and French. They are in the school for two years. I have here a sample examination, and if the gentleman's arithmetic, algebra, and geometry are no better than his law, he could not pass an examination. [Laughter and applause.] The gentleman made the statement that these men——

Mr. SHACKLEFORD. May I ask the gentleman one question?

Mr. HEPBURN. Yes.

Mr. SHACKLEFORD. What is the average wages of school-teachers in your district?

Mr. HEPBURN. I do not think that is pertinent at all. The examination requires a scholarship far in advance of the average school-teacher in my State, to say nothing of Missouri. [Laughter.]

The gentleman made a statement the other day that no officer could retire in the Army or Navy until he had reached an age service of 45 years in one, and 40 in the other. He repeated it over and over. He held up a clause in this bill that authorizes the retirement, in the discretion of the President, at the end of thirty years' service as an outrage incomparable; and yet I find the law, that the gentleman might have found if he had been of an inquiring mind, in section 1243 of the Revised Statutes:

> When an officer has been thirty years in service he may, upon his own application, in the discretion of the President, be so retired and placed on the retired list.

Now, we have in the bill that the gentleman voted for, I think, the naval personnel bill, a provision whereby—

> An officer may, in the discretion of the President, be retired at any time.

Not even five years of service are necessary; and under certain circumstances, without his own volition, without having committed crime, he may be summarily retired if four of a board of five admirals elect to so recommend him, without regard to time of service.

Mr. McDERMOTT. Will the gentleman permit me to ask him a question?

Mr. HEPBURN. I will.

Mr. McDERMOTT. I call the attention of the gentleman to sections 16 and 17. Section 16 provides——

Mr. HEPBURN. I would be glad if the gentleman would not interrupt.

Mr. McDERMOTT. I was going to ask the gentleman a question. Section 16 provides for the retirement of an employee of the Government if a board shall find that he is incapacitated because of his own vicious habits.

Mr. HEPBURN. Yes, sir.

Mr. McDERMOTT. And it is provided in the next section that officers retired from the service shall be entitled to one year's pay of the rank held by them at the date of such retirement. How does the gentleman justify that when the man has been discharged by reason of his own vicious habits?

Mr. HEPBURN. The difference between that and the provisions in regard to the Navy is that in the Navy he gets the pay of the grade next above that which he fills.

Mr. McDERMOTT. Why should we pay one year's salary if the man is dismissed by the Federal Government?

Mr. HEPBURN. So far as I am concerned, I am entirely willing, and I do not know but what I would be better satisfied with the bill if that section should be out of it; but it was placed there to assimilate the retirement procedure of the Army and the Navy.

Mr. SCUDDER. Will the gentleman yield to me for a question?

Mr. HEPBURN. Certainly.

Mr. SCUDDER. In the case of a Navy officer retired under the circumstances stated by the gentleman from New Jersey, is not his retirement for life on a percentage of his pay?

Mr. HEPBURN. Of a grade higher.

Mr. SCUDDER. So he is paid notwithstanding he is retired for vicious habits, and is retired a grade higher and at half pay?

Mr. HEPBURN. I have not examined.

Mr. MANN. Will the gentleman pardon a question?

Mr. HEPBURN. I will.

Mr. MANN. I understood the gentleman's reference to section 1243 to read that it permitted Army officers to retire after thirty years' service?

Mr. HEPBURN. I did.

Mr. MANN. I wish the gentlman would read the statute through again, because the statute says forty years' service.

Mr. HEPBURN. That shows what interruption does, and that declaration shows the inaccuracy of the gentleman, and shows how little he investigates a subject before he discusses it. I will read the whole section:

> When the officer has served forty consecutive years as a commissioned officer, he shall, if he makes application therefor to the President, be retired from active service and placed upon the retired list.

There the President has no volition.

Mr. MANN. That is what I understood the gentleman read as thirty years.

Mr. HEPBURN (continuing the reading):

> When the officer has been thirty years in service he may, upon his own application, in the discretion of the President, be so retired and placed on the retired list.

Is the gentleman satisfied now?

Mr. MANN. The gentleman when he read the section did read thirty instead of forty.

Mr. HEPBURN. I read the latter clause of the section; that applied to the subject I was discussing.

Mr. Chairman, I believe that these officers ought to be placed upon the plane with the officers of the Navy. I believe that they are entitled to be so placed by reason of their service and its character, by reason of their fitness, and because it would only be a proper recognition of their worth. This House a few years ago passed an act putting them in the Navy, with the rank and pay and all the emoluments of officers of their grade in the Navy. It passed this House.

Mr. PEARCE of Missouri. Will the gentleman allow me to ask him a question? I find in section 1492, Revised Statutes, that the "officers of the Revenue-Cutter Service when serving, in accordance with law, as a part of the Navy, shall be entitled to relative rank as follows: Captains, with and next after lieutenants commanding in the Navy," etc. I would like to ask my friend if there is any good reason why the words "and next after" are eliminated or left out of this bill?

Mr. HEPBURN. When the bill was originally drafted the intent was to put them upon terms of absolute equality; when they were serving together to give them the same rank, but there has been criticism with regard to that, and it is the purpose of the committee to offer an amendment that will make the section in this bill conform to the section that the gentleman has read.

These officers are taught in all the requisites of naval efficiency. They have the same course in gunnery and in all that pertains to the management and the fighting of ships that the naval cadet has. They study the same text-books, they have precisely the same scholarship, with this difference, that they are required under their regulations to frequent rehearsal, so to speak, frequent practice; and they are, for the purposes of war, ship for ship, the full equal and equivalent of anything we have in the United States Navy of the same size.

We have in the service a number of ships of more than 1,500 tons. Nelson never commanded a ship so large. Every ship in the service of the forty and odd are armed ships. They are ready for service at any time. Their crews are constantly and perfectly drilled. They are in every essential the equal of those now in the Navy, with the exception that the Navy has the larger ships. Their service is infinitely more arduous. I make the statement that the officers of this service, with a very few exceptions, are now on shipboard; they are kept on shipboard. There is no extended leave; there are no fat, soft places.

I want to remind gentlemen that that is not true in regard to the naval service. This day, this moment, counting the 94 retired officers in the Navy on leave in the city of Washington, there are 300 naval officers within 40 miles of your capital on shore duty. A tour of three years at sea, a term of three years on shore in some fat, comfortable places. There are now 1,013 officers afloat.

There are nearly 700 of the naval officers ashore to-day, filling mainly civilian positions and drawing their pay.

These men in the Revenue-Cutter Service, on the contrary, are in actual service. You find our revenue cutters all over the world; some you will find in Bering Sea; some you will find in Manila; some you will find in Cuba and Porto Rico, and others along our coasts. When a naval officer sees an approaching storm, if he is near a port, he goes there, perhaps, for safety, but when the storm comes, and when there is peril on the sea, these men go out of a comfortable harbor and face the storm. Their duties are incessant; there is no class of men in the public service so poorly paid.

A few years ago, there being no provision for retirement, there was a larger number of the older officers and officers of higher rank incapacitated. Congress passed an act for their retirement. Thirty-nine have been retired. Now there is an accumulation of eleven, I am told, past the age of usefulness and yet filling the higher places. They ought to be provided for. The humane gentleman from Chicago says, "Turn them out." The old horse is no longer useful. These men have served, boy and man, in war and peace, for forty, and some for fifty years, and the gentleman from Illinois, in his humanity, says, "Turn them out, and get rid *of them.*" Ah, I would trust even him; I would trust even his humanity. He would not turn them out. But if he did not, he would be compelled to allow them to cumber the service.

They can not render an equivalent; they can not perform the duty; and yet they prevent the younger men, the men who ought to be promoted as a reward for service, from having that rank that is their due and that it is our duty to give to them. I say that the gentleman from Missouri is wrong when he discusses this proposition as though promotion was a great benefit that we were conferring upon these officers alone. What is the theory of promotion compensation? It is to secure the better service. It is to enable the men serving to believe that there is a grateful and just and righteous Government that he is serving; that it is ready to reward him for what he does.

It holds out an incentive to him for better and better and better service; it gives to him that stimulus for growth that we all want. We want efficiency in our service. We want the best men, we want the growing men, we want the man who knows something more of his professional duties when he goes to bed than he did when he rose in the morning. We want him to have constant stimulus before him of preferment if he properly serves; and so it seems to me that we ought not to make an exception of this service.

Mind you, gentlemen, that if this bill is passed no man is elevated to a rank so great that he can not serve. There is no rank in this bill higher than captain. The gentlemen who voted a little while ago for the naval personnel bill provided for 18 admirals. How many squadrons have we? How many fleets have we; how many places where these gentlemen can serve? Only 5; and 13 of these admirals are now ashore. The gentleman voted for that.

The gentleman the other day voted for a proposition under which it is possible, so far as the law is concerned, to increase that number by 30. We have 13 supernumeraries, and the gentleman voted for the possible addition of 30 more. Not only that, but to fill the places of 30 captains with 30 commanders, and, in turn, their places with 30 lieutenant-commanders, and so on all along the line; so that there might be, possibly, a condition that the boy from Annapolis as an ensign might, perchance, have his promotion within a year. That was all right, the gentleman thought.

Mr. Chairman, I believe this bill ought to pass. There is an objection in the minds of many, fearing that it creates something in the nature of a civil pension. I want to remind you that the duties of these officers are not civil any more than are the duties of a naval officer. The difference between the two is this: A naval officer in time of peace has nothing to do. When we are at war the revenue-cutter officer does all that the naval officer does, and when we are at peace he then takes up the vocation of an aid to the Secretary of the Treasury in collecting the customs revenue.

Let me correct the gentleman from Indiana—that it is not the internal revenue. I say for the information of that gentleman—and I only refer to it because it illustrates the vast fund of information that all these gentlemen have on the subject—that he was incorrect when he suggested that the revenue-cutter officer aids in the collection of the internal revenue.

Mr. CRUMPACKER. I thank the gentleman for the information and the correction. [Laughter.]

Mr. HEPBURN. The gentleman very naturally fell into the mistake from the remark made by the gentleman from Illinois [Mr. MANN]. [Laughter.] The gentleman from Illinois is very fearful that the revenue-cutter officers may come in contact when serving together with the Army officers, and that there will be infinite confusion. Why, if the gentleman will stop to think, he will remember that the troops, as I understand that term, operate on the land, while the naval officers maneuver their ships upon the sea. [Laughter.] There would be no possible conflict, without the gentleman devised some method by which our soldiers could walk upon the water, or some other method by which our ships could be compelled to maneuver upon the land. [Laughter.]

Mr. CRUMPACKER. I want to thank the gentleman for that information. I think the country is under great obligations to him.

Mr. HEPBURN. Ordinarily it would not have been necessary to refer to primary ideas of this kind. It is only proper in this case in order to meet that density of ignorance which seems to have animated the opponents of this bill. [Laughter and applause.]

Mr. TALBERT. Will the gentleman allow me a suggestion? He spoke a few moments ago about walking upon the water. Does he not remember that a namesake of his in olden times once walked upon the water?

Mr. HEPBURN. Well, my recollection is that he did not make much headway. [Laughter.]

Mr. TALBERT. The difficulty in that case was a want of faith. If these gentlemen of the revenue marine had sufficient faith, perhaps they might walk on the water.

Mr. HEPBURN. My namesake lost his grip. [Laughter.]

Mr. Chairman, I believe this bill ought to pass. I believe we ought to care for these old men in the service. Gentlemen speak of this measure as if it were a new proposition. They forget that we have already done partial justice to this class of men. This legislation is not new. Thirty-seven of these officers have been placed upon the retired list.

The gentleman from Missouri thinks that there ought not to be an increase of salary because there have been no resignations in this branch of the service by reason of the insufficiency of the present salary. I do not think there is very much in that argument. A man fits himself for a position. He studies for years in a college and ultimately secures an appointment to this revenue-cutter training school, the *Chase* school-ship. He there goes through a tutelage for additional years. He fits himself for a particular profession. He is young. He thinks that the position of an ensign is extremely desirable. He enters the service. He goes on day after day, conscious that he is not receiving fit compensation; yet because of a fear, possibly, of going out into the world to "rustle"—having lost that habit or having never gained it—he goes on and on and on, not content, satisfied that he is suffering injustice, yet like thousands of other men, as seen in the examples in every part of this city, he submits rather than go into the world and begin life anew.

There have been efforts time and again to secure something of amelioration for the condition of these officers. As I said before, this House once passed an act making these officers a part of the Navy, giving them all the advantages of naval rank and pay. That bill passed this House by a vote, I think, of 114 to 19. It went to the Senate in the last days, I believe, of a long session. And in the interim the naval gentlemen asserted their opposition. I think that the Secretary of the Navy to-day is in favor of this change; but for some reason or other naval officers do not desire it.

A gentleman says they are jealous. I do not think that is true; but it may be that the spirit lately expressed by one of the high officers of the Navy—a man whom I always honored until I saw his late letter; a man for whose interest I was solicitous—animates some of the naval officers. They may feel, as he seems to feel, that the man who fails to have the educational advantages of a Naval Academy is unfit to represent a country like this upon the quarter-deck. I am glad to believe there are but few men here who sympathize with that feeling. I hope it does not exist to any considerable degree. But if it does, I want to see it stifled now and always. [Applause.] It is un-American.

I remember that a little while ago people throughout this country were sounding the praises of "the man who stood behind the gun." I remember that everywhere we were contrasting our shots and their effectiveness with those delivered from other than American cannon. I remember it was said with pride that of all the shots fired from our fleet at Santiago eight in every hundred took effect. A wonderful record, it was claimed.

You must remember that it was "the man behind the gun" who won the glory at Santiago and at Manila. All the glory that there is for any part of the Navy is that which comes in time of war. And I have thought that the man who was able to play his full part—the man who was able to draw upon himself the attention of all the world when we were in the stress and storm of battle, "the man behind the gun"—might be the man who would properly represent the American people anywhere where our Navy might go. [Loud applause.]

Mr. Chairman, I would like to ask the gentleman from Alabama if he is prepared now to say what time he desires for further debate?

Mr. UNDERWOOD. I understand there are several gentlemen on this side of the House who are still desirous to be heard on the bill.

Mr. HEPBURN. I move that the committee now rise for the purpose of limiting debate.

Mr. MANN. I rise to a point of order on that motion. I submit that the proper form of the motion should be that the committee rise.

Mr. SHACKLEFORD. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. SHACKLEFORD. I want to request the gentleman from Iowa [Mr. HEPBURN] to withhold that motion for a short time. I desire to be heard a little longer on this question.

Mr. HEPBURN. The opposition has had two hours for debate—a quarter of an hour more than we have had. I am unwilling to yield for further debate.

Mr. MANN. I rise to a point of order on the motion submitted by the gentleman from Iowa, which was "that the committee now rise for the purpose of closing debate."

Mr. HEPBURN. That was my explanation of my purpose.

The CHAIRMAN. The Chair will not put the motion in that form. The gentleman from Iowa moves that the committee do now rise.

The question was taken; and the Chairman announced that the ayes had it.

Mr. UNDERWOOD. Division.

Mr. HOPKINS. That comes too late. The Chair had announced the result, and the Speaker had taken the gavel.

The CHAIRMAN. The Chair overrules that point of order. There was no objection. The Chair will state when stating the motion he was looking directly at the gentleman from Alabama and he did not make a motion until the Chair had made the declaration.

Mr. UNDERWOOD. If the Chair will hear me a moment; it is usual, when the Chair states the question, to say, "In the opinion of the Chair the 'ayes' have it," and then, if there is no demand for a division, to state "The 'ayes' have it." The Chair did not state that.

The CHAIRMAN. I agree to that. The Chair will explain. The Chair supposed that this was a sort of unanimous agreement to rise and went through the formula a little more rapidly than usual, and if the gentleman says he was misled by the statement of the Chair, the Chair will order a division.

Mr. HOPKINS. I think there are other members who have rights as well as the gentleman from Alabama. I heard the Chair distinctly make the statement, and the Speaker had taken the gavel and resumed his duties as Speaker before the gentleman from Alabama made the point.

Mr. MANN. If that change had been made, I ask the gentleman how the Chairman has the gavel now?

Mr. HOPKINS. He handed it back to the Chairman.

The CHAIRMAN. If the gentleman insists on a division, the Chair will order one.

Mr. UNDERWOOD. Mr. Chairman, I understand the chairman of the Ways and Means Committee desires to take up the war-revenue bill, or the conference report upon that; and therefore I will not insist on the division.

The CHAIRMAN. The ayes have it, and the committee determines to rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. GROSVENOR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 5499 and had come to no resolution thereon.

Mr. HEPBURN. Mr. Speaker——

WAR-REVENUE REDUCTION.

Mr. PAYNE. Mr. Speaker, I present a conference report.

The SPEAKER. The gentleman calls up a conference report.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that the reading of the report may be dispensed with, and that the statement be read.

The SPEAKER. The gentleman asks unanimous consent that the reading of the report may be dispensed with, and that the statement may be read in the House. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 12394) "to amend an act entitled 'an act to provide ways and means to meet war expenditures, and for other purposes,' approved June 13, 1898, and to reduce taxation thereunder," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment to the House bill and agree to the same amended so as to read as follows:

That section 1 of the act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898, is hereby amended so as to read as follows:

"That there shall be paid, in lieu of the tax of $1 now imposed by law, a tax of $1.60 on all beer, lager beer, ale, porter, and other similar fermented liquors, brewed or manufactured and sold, or stored in warehouse, or removed for consumption or sale, within the United States, by whatever name such liquors may be called, for every barrel containing not more than 31 gallons; and at a like rate for any other quantity or for the fractional parts of a barrel authorized and defined by law. And section 3339 of the Revised Statutes is hereby amended accordingly: *Provided*, That in lieu of or in addition to the present requirements of law in that respect, all stamps used for denoting the tax upon fermented liquors or other taxes may, in the discretion of the Commissioner of Internal Revenue, be canceled by perforations to be made in such manner and form as the Commissioner may by regulations prescribe."

SEC. 2. That section 2 of said act is hereby amended so as to read as follows:

"SEC. 2. That special taxes shall be, and hereby are, imposed annually as follows, that is to say:

"1. Bankers using or employing a capital not exceeding the sum of $25,000 shall pay $50; when using or employing a capital exceeding $25,000, for every additional thousand dollars in excess of $25,000, $2, and in estimating capital surplus shall be included. The amount of such annual tax shall in all cases be computed on the basis of the capital and surplus for the preceding fiscal year. In the case of bankers who were not in business in the preceding fiscal year the tax shall be computed on the capital at the time of commencing business. Every person, firm, or company, and every incorporated or other bank, having a place of business where credits are opened by the deposit or collection of money or currency, subject to be paid or remitted upon draft, check, or order, or where money is advanced or loaned on stocks, bonds, bullion, bills of exchange, or promissory notes, or where stocks, bonds, bullion, bills of exchange, or promissory notes are received for discount or sale shall be a banker under this act: *Provided*, That any savings bank having no capital stock, and whose business is confined to receiving deposits and loaning or investing the same for the benefit of its depositors, and which does no other business of banking, shall not be subject to this tax.

"2. Brokers shall pay $50. Every person, firm, or company, whose business it is to negotiate purchases or sales of stocks, bonds, exchange, bullion, coined money, bank notes, promissory notes, or other securities for themselves or others, shall be regarded as a broker: *Provided*, That any person having paid the special tax as a banker shall not be required to pay the special tax as a broker.

"3. Pawnbrokers shall pay $20. Every person, firm, or company whose business or occupation it is to take or receive, by way of pledge, pawn, or exchange, any goods, wares, or merchandise, or any kind of personal property whatever, as security for the repayment of money loaned thereon, shall be deemed a pawnbroker.

"4. Custom-house brokers shall pay $10. Every person, firm, or company whose occupation it is, as the agent of others, to arrange entries and other custom-house papers, or transact business at any port of entry relating to the importation or exportation of goods, wares, or merchandise, shall be regarded as a custom-house broker.

"5. Proprietors of theaters, museums, and concert halls in cities having more than 25,000 population, as shown by the last preceding United States census, shall pay $100. Every edifice used for the purpose of dramatic or operatic or other representations, plays, or performances, for admission to which entrance money is received, not including halls rented or used occasionally for concerts or theatrical representations, shall be regarded as a theater: *Provided*, That whenever any such edifice is under lease at the passage of this act, the tax shall be paid by the lessee, unless otherwise stipulated between the parties to said lease.

"6. The proprietor or proprietors of circuses shall pay $100. Every building, space, tent, or area where feats of horsemanship or acrobatic sports or theatrical performances are exhibited shall be regarded as a circus: *Provided*, That no special tax paid in one State, Territory, or the District of Columbia shall exempt exhibitions from the tax in another State, Territory, or the District of Columbia, and but one special tax shall be imposed for exhibitions within any one State, Territory, or District.

"7. Proprietors or agents of all other public exhibitions or shows for money not enumerated in this section shall pay $10: *Provided*, That a special tax paid in one State, Territory, or the District of Columbia shall not exempt exhibitions from the tax in another State, Territory, or the District of Columbia, and but one special tax shall be required for exhibitions within any one State, Territory, or the District of Columbia.

"8. Proprietors of bowling alleys and billiard rooms shall pay $5 for each alley or table. Every building or place where bowls are thrown or where games of billiards or pool are played, and that are open to the public with or without price, shall be regarded as a bowling alley or a billiard room, respectively."

SEC. 3. That the internal-revenue tax on cigars weighing more than 3 pounds per thousand shall be $3 per thousand; and the tax on cigars weighing not more than 3 pounds per thousand shall be 18 cents per pound, and on cigarettes weighing not more than 3 pounds per thousand and of a wholesale value or price of not more than $2 per thousand shall be 18 cents per pound; and the tax on cigarettes weighing not more than 3 pounds per thousand and of a wholesale value or price of more than $2 per thousand shall be 36 cents per pound; and all such cigars and cigarettes weighing not more than 3 pounds per thousand shall for purposes of taxation be held and considered as weighing 3 pounds.

SEC. 4. That there shall be allowed a discount of 20 per cent on all sales by collectors to manufacturers of tobacco and snuff upon the stamps provided for the payment of internal-revenue taxes upon manufactured tobacco and snuff: *Provided*, That in addition to the packages of smoking tobacco now authorized by law there shall be packages of 2 ounces, 3 ounces, and 4 ounces: *And provided further*, That on all original and unbroken factory packages of smoking and manufactured tobacco and snuff, and cigars, held by manufacturers or dealers at the time such discount or reduction of tax shall go into effect, upon which the tax has been paid, there shall be allowed a drawback or rebate of the full amount of such discount or reduction of tax, but the same shall not apply in any case where the claim has not been presented within sixty days following the date of the reduction; and no claim shall be allowed or drawback paid for a less amount than $10. It shall be the duty of the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to adopt such rules and regulations and to prescribe and furnish such blanks and forms as may be necessary to carry this section into effect.

SEC. 5. That section 6 of said act is hereby amended by striking out the words "medicines, preparations, matters, and things," in the last paragraph of said section, and inserting in lieu thereof the word "wines," so that the section as amended shall read as follows:

"ADHESIVE STAMPS.

"SEC. 6. That on and after the 1st day of July, 1898, there shall be levied, collected, and paid, for and in respect of the several bonds, debentures, or certificates of stock and of indebtedness, and other documents, instruments, matters, and things mentioned and described in Schedule A of this act, or for or in respect of the vellum, parchment, or paper upon which such instruments, matters, or things, or any of them, shall be written or printed by any person or persons, or party who shall make, sign, or issue the same, or for whose use or benefit the same shall be made, signed, or issued, the several taxes or sums of money set down in figures against the same, respectively, or otherwise specified or set forth in the said schedule.

"And there shall also be levied, collected, and paid, for and in respect to the wines mentioned and described in Schedule B of this act, manufactured, sold, or removed for sale, the several taxes or sums of money set down in words or figures against the same, respectively, or otherwise specified or set forth in Schedule B of this act."

SEC. 6. That section 9 of said act is hereby amended by striking out the proviso, so that the section as amended shall read as follows:

"SEC. 9. That in any and all cases where an adhesive stamp shall be used for denoting any tax imposed by this act, except as hereinafter provided, the person using or affixing the same shall write or stamp thereupon the initials of his name and the date upon which the same shall be attached or used, so that the same may not again be used. And if any person shall fraudulently make use of an adhesive stamp to denote any tax imposed by this act without so effectually canceling and obliterating such stamp, except as before mentioned, he, she or they shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than fifty nor more than five hundred dollars, or be imprisoned not more than six months, or both, at the discretion of the court."

SEC. 7. That section 13 of said act is hereby amended by striking out the words "Schedule A of," and also by inserting in the first proviso, after the words "bonds, debentures, or certificates of stock or of indebtedness," the words "or any instrument, document, or paper of any kind or description whatsoever mentioned in Schedule A of this act;" so that said section as amended shall read as follows:

"SEC. 13. That any person or persons who shall register, issue, sell, or transfer, or who shall cause to be issued, registered, sold, or transferred, any instrument, document, or paper of any kind or description whatsoever mentioned in this act, without the same being duly stamped, or having thereupon an adhesive stamp for denoting the tax chargeable thereon, and canceled in the manner required by law, with intent to evade the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $50, or by imprisonment not exceeding six months, or both, in the discretion of the court; and such instrument, document, or paper, not being stamped according to law, shall be deemed invalid and of no effect: *Provided*, That hereafter, in all cases where the party has not affixed to any instrument the stamp required by law thereon at the time of issuing, selling, or transferring the said bonds, debentures, or certificates of stock or of indebtedness; or any instrument, document, or paper of any kind or description whatsoever mentioned in Schedule A of this act, and he or they, or any party having an interest therein, shall be subsequently desirous of affixing such stamp to said instrument, or, if said instrument be lost, to a copy thereof, he or they shall appear before the collector of internal revenue of the proper district, who shall, upon the payment of the price of the proper stamp required by law, and of a penalty of $10, and, where the whole amount of the tax denoted by the stamp required shall exceed the sum of $50, on payment also of interest, at the rate of 6 per cent, on said tax from the day on which such stamp ought to have been affixed, affix the proper stamp to such bond, debenture, certificate of stock or of indebtedness or copy, or instrument, document, or paper of any kind or description whatsoever mentioned in Schedule A of this act, and note upon the margin thereof the date of his so doing and the fact that such penalty has been paid; and the same shall thereupon be deemed and held to be as valid to all intents and purposes as if stamped when made or issued: *And provided further*, That where it shall appear to said collector, upon oath or otherwise, to his satisfaction, that any such instrument has not been duly stamped, at the time of making or issuing the same, by reason of accident, mistake, inadvertence, or urgent necessity, and without any willful design to defraud the United States of the stamp, or to evade or delay the payment thereof, then and in such case, if such instrument, or, if the original be lost, a copy thereof, duly certified by the officer having charge of any records in which such original is required to be recorded, or otherwise duly proven to the satisfaction of the collector, shall, within twelve calendar months after the making or issuing thereof, be brought to the said collector of internal revenue to be stamped, and the stamp tax chargeable thereon shall be paid, it shall be lawful for the said collector to remit the penalty aforesaid and to cause such instrument to be duly stamped.

"And when the original instrument, or a certified or duly proven copy thereof, as aforesaid, duly stamped so as to entitle the same to be recorded, shall be presented to the clerk, register, recorder, or other officer having charge of the original record, it shall be lawful for such officer, upon the payment of the fee legally chargeable for the recording thereof, to make a new record thereof, or to note upon the original record the fact that the error or omission in the stamping of said original instrument has been corrected pursuant to law; and the original instrument or such certified copy, or the record thereof, may be used in all courts and places in the same manner and with like effect as if the instrument had been originally stamped: *And provided further*, That in all cases where the party has not affixed the stamp required by law upon any such instrument issued, registered, sold, or transferred at a time when and at a place where no collection district was established, it shall be lawful for him or them, or any party having an interest therein, to affix the proper stamp thereto, or, if the original be lost, to a copy thereof. But no right acquired in good faith before the stamping of such instrument, or copy thereof, as herein provided, if such record be required by law, shall in any manner be affected by such stamping as aforesaid."

SEC. 8. That Schedule A of said act is hereby amended so as to read as follows:

"SCHEDULE A.

"STAMP TAXES.

"1. Bonds, debentures, or certificates of indebtedness issued after the 1st day of July, A. D. 1898, by any association, company, or corporation, on each hundred dollars of face value or fraction thereof, 5 cents, and on each original issue, whether on organization or reorganization, of certificates of stock by any such association, company, or corporation, on each hundred dollars of face value or fraction thereof, 5 cents, and on all sales, or agreements to sell, or memoranda of sales or deliveries or transfers of shares or certificates of stock in any association, company, or corporation, whether made upon or shown by the books of the association, company, or corporation, or by any assignment in blank, or by any delivery, or by any paper or agreement or memorandum or other evidence of transfer or sale, whether entitling the holder in any manner to the benefit of such stock, or to secure the future payment of money or for the future transfer of any stock, on each hundred dollars of face value or fraction thereof, 2 cents: *Provided*, That in case of sale where the evidence of transfer is shown only by the books of the company the stamp shall be placed upon such books; and where the change of ownership is by transfer certificate the stamp shall be placed upon the certificate; and in cases of an agreement to sell or where the transfer is by delivery of the certificate assigned in blank there shall be made and delivered by the seller to the buyer a bill or memorandum of such sale, to which the stamp shall be affixed; and every bill or memorandum of sale or agreement to sell before mentioned shall show the date thereof, the name of the seller, the amount of the sale, and the matter or thing to which it refers.

"And any person or persons liable to pay the tax as herein provided, or anyone who acts in the matter as agent or broker for such person or persons, who shall make any such sale, or who shall in pursuance of any such sale deliver any such stock, or evidence of the sale of any such stock or bill or memorandum thereof, as herein required, without having the proper stamps affixed thereto, with intent to evade the foregoing provisions, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than five hundred nor more than $1,000, or be imprisoned not more than six months, or both, at the discretion of the court.

"2. Upon each sale, agreement of sale, or agreement to sell any products or merchandise at any exchange, or board of trade, or other similar place, either for present or future delivery, for each $100 in value of said sale or agreement of sale or agreement to sell, 1 cent, and for each additional $100 or fractional part thereof in excess of $100, 1 cent: *Provided*, That on every sale or agreement of sale or agreement to sell as aforesaid there shall be made and delivered by the seller to the buyer a bill, memorandum, agreement, or other evidence of such sale, agreement of sale, or agreement to sell, to which there shall be affixed a lawful stamp or stamps in value equal to the amount of the tax on such sale.

"And every such bill, memorandum, or other evidence of sale or agreement to sell shall show the date thereof, the name of the seller, the amount of the sale, and the matter or thing to which it refers; and any person or persons liable to pay the tax as herein provided, or anyone who acts in the matter as agent or broker for such person or persons, who shall make any such sale or agreement of sale, or agreement to sell, or who shall, in pursuance of any such sale, agreement of sale, or agreement to sell, deliver any such products or merchandise without a bill, memorandum, or other evidence thereof as herein required, or who shall deliver such bill, memorandum, or other evidence of sale, or agreement to sell without having the proper stamps affixed thereto, with intent to evade the foregoing provisions, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than five hundred nor more than one thousand dollars, or be imprisoned not more than six months, or both, at the discretion of the court: *Provided*, That no bill, memorandum, agreement, or other evidence of such sale, or agreement of sale, or agreement to sell, in case of products or merchandise actually delivered to, and while in vessel, boat, or car, and actually in course of transportation, shall be subject to this tax, provided such bill, memorandum, agreement, or other evidence of such sale, or agreement of sale, or agreement to sell shall be accompanied by bills of lading or vouchers showing that the said products are actually in course of transportation as aforesaid.

"3. From and after the 1st day of April, 1901, every person, association, copartnership, or corporation who or which shall in his, its, or their own behalf, or as agent, engage in the business of making or offering to make contracts, agreements, trades, or transactions respecting the purchase or sale, or purchase and sale, of any grain, provisions, raw or unmanufactured cotton, stock, bonds, or other securities wherein both parties thereto, or such person, association, copartnership, or corporation above named, contemplate or intend that such contracts, agreements, trades, or transactions shall be or may be closed, adjusted, or settled according or with reference to the public market quotations of prices made on any board of trade or exchange upon which the commodities or securities referred to in said contracts, agreements, trades, or transactions are dealt in, and without a bona fide transaction on such board of trade or exchange, or wherein both parties, or such person, association, copartnership, or corporation above named, shall contemplate or intend that such contracts, agreements, trades, or transactions shall be or may be deemed closed or terminated when the public market quotations of prices made on such board of trade or exchange for the articles or securities named in such contracts, agreements, trades, or transactions shall reach a certain figure, and every person, association, copartnership, and corporation who or which shall in his or its own behalf or as agent conduct what is commonly known as a "bucket shop" shall pay a stamp tax of 2 cents on each $100 in value or fraction thereof, of the merchandise covered or pretended to be covered, and also a tax of 2 cents on each $100 on the face value or fraction thereof, of all stocks, bonds, or other securities covered or pretended to be covered by each and all of such contracts, agreements, trades, or transactions: *Provided, however*, That the payment of any tax imposed by this paragraph shall not be held or construed to exempt any such person, association, copartnership, or corporation from any penalty or punishment provided by the laws of any State for carrying on such business, or the making of such contracts, agreements, trades, or transactions within such State, or in any manner to authorize the commencement or continuance of such business or the making of any such contracts, agreements, trades, or transactions contrary to the laws of such State, or in any place prohibited by municipal law; and on or before the 1st day of April, 1901, every such person, association, copartnership, or corporation, as aforesaid, shall, for each office or place of business, and for each branch office or place of business wherever established, pay a special tax of $12.50, and on or before the 1st day of July, 1901, and annually thereafter, for every such office or branch office, a special tax of $50, and such taxes shall be in addition to all other special taxes imposed by this act.

"Every person, association, copartnership, or corporation proposing to engage in or continue the business aforesaid shall, before commencing such business, file with the collector or proper deputy collector of the district in which it is proposed to carry on such business a notice in writing under oath, and in such form as the Commissioner of Internal Revenue may prescribe, stating the name of the person, association, copartnership, or corporation intending to engage in such business, the names of the members of any such association or copartnership, and the names of the officers of any such corporation, together with the residences of all the individuals whose names are thus required, and the place (including street number) where such business is to be carried on, and it shall be the duty of the collector of internal revenue to keep in his office a book in which shall be recorded a complete copy of all such notices, and such book shall be open to public inspection.

"Every person, association, copartnership, or corporation conducting or transacting the business aforesaid shall keep or cause to be kept just and true books of account, wherein shall be plainly and legibly recorded on the day of the making of every such contract, agreement, trade, or transaction a complete and exact specification thereof, including the date thereof, the other party thereto, and the quantity, price, and the gross amount in value of each article or commodity covered or pretended to be covered by each such contract, agreement, trade, or transaction, and such books shall at all reasonable times and hours be subject to the inspection of the collector, deputy collector, and the inspector of internal revenue or any duly authorized agent of the Internal Revenue Department, and every such person, association, copartnership, or corporation shall deliver to the other party to each such contract, agreement, trade, or transaction, at the time of making the same, a written memorandum also containing the complete and exact specification thereof, above referred to, to which the proper stamp shall be, before delivery, affixed.

"Every person, association, copartnership, or corporation who shall, in his or their own behalf, or as agent, engage in or continue in the business hereinbefore defined without having filed the notice herein required, or who shall fail or refuse to keep any such book or make any return, report, or affidavit required as aforesaid, or shall make a false, fraudulent, or partial return,

report, or affidavit, or shall fail or refuse to deliver a written memorandum, as hereinbefore required, or shall in any other respect violate any of the provisions of this paragraph, shall, besides being liable for the amount of the tax or taxes herein prescribed, be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such offense, pay a fine of not less than five hundred nor more than five thousand dollars, or be imprisoned not less than three months nor more than two years, or both, in the discretion of the court. All provisions of law now in force relating to the collection, recovery, and enforcement of taxes, fines, and penalties imposed under the law concerning internal revenue and not inconsistent with the provisions of this paragraph shall extend and apply to the recovery and enforcement of the taxes, fines, and penalties imposed by this paragraph.

"4. Bill of exchange (inland), draft, or order for the payment of any sum of money, otherwise than at sight or on demand, and for each renewal of the same, for a sum not exceeding $100, 2 cents; and for each additional $100 or fractional part thereof in excess of $100, 2 cents.

"5. Bill of exchange (foreign) or letter of credit (including orders by telegraph or otherwise for the payment of money issued by express or other companies or any person or persons), drawn in but payable out of the United States, if drawn singly or otherwise than in a set of three or more, according to the custom of merchants and bankers, shall pay for a sum not exceeding $100, 2 cents, and for each $100 or fractional part thereof in excess of $100, 2 cents.

"If drawn in sets of two or more: For every bill of each set, where the sum made payable shall not exceed $100, or the equivalent thereof, in any foreign currency in which such bill may be expressed, according to the standard of value fixed by the United States, 1 cent; and for each $100 or fractional part thereof in excess of $100, 1 cent. Excepting that bills of exchange drawn against the value of products or merchandise actually exported to foreign countries shall not be subject to this tax, provided that such bills of exchange shall be accompanied by proper invoices, and receipts, bills of lading, or vouchers, showing that goods of a value at least equal to the amount for which said bill of exchange may be drawn shall have been exported.

"6. Freight: It shall be the duty of every railroad or steamboat company, carrier, or corporation, or person whose occupation is to act as such, except persons, companies, or corporations engaged in carrying on a local or other express business, to issue to the shipper or consignor, or his agent, or person from whom any goods are accepted for transportation, a bill of lading, manifest, or other evidence of receipt and forwarding for each shipment received for carriage and transportation, whether in bulk or in boxes, bales, packages, bundles, or not so inclosed or included; and there shall be duly attached and canceled, as is in this act provided, to each of said bills of lading, manifests, or other memorandum, and to each duplicate thereof, a stamp of the value of 1 cent: *Provided*, That but one bill of lading shall be required on bundles or packages of newspapers when inclosed in one general bundle at the time of shipment. Any failure to issue such bill of lading, manifest, or other memorandum, as herein provided, shall subject such railroad or steamboat company, carrier, or corporation, or person to a penalty of $50 for each offense, and no such bill of lading, manifest, or other memorandum shall be used in evidence unless it shall be duly stamped as aforesaid.

"7. Bond: For Indemnifying any person or persons, firm, or corporation who shall have become bound or engaged as surety for the payment of any sum of money, or for the due execution or performance of the duties of any office or position, and to account for money received by virtue thereof, 50 cents.

"8. Certificate of profits, or any certificate or memorandum showing an interest in the property or accumulations of any association, company, or corporation, and on all transfers thereof, on each $100 of face value or fraction thereof, 2 cents.

"9. Contract: Broker's note, or memorandum of sale of any goods or merchandise, stocks, bonds, exchange, notes of hand, real estate, or property of any kind or description issued by brokers, or persons acting as such, for each note or memorandum of sale, not otherwise provided for in this act, 10 cents.

"10. Conveyance: Deed, instrument, or writing, whereby any lands, tenements, or other realty shall be sold, granted, assigned, transferred, or otherwise conveyed to or vested in the purchaser or purchasers, or any other person or persons, by his, her, or their direction, when the consideration or value exceeds $2,500 and does not exceed $3,000, 25 cents, and for each additional $500 or fractional part thereof in excess of $3,000, 25 cents.

"11. Entry of any goods, wares, or merchandise at any custom-house, either for consumption or warehousing, not exceeding $100 in value, 25 cents. Exceeding $100 and not exceeding $500 in value, 50 cents. Exceeding $500 in value, $1.

"12. Entry for the withdrawal of any goods or merchandise from customs bonded warehouse, 50 cents.

"13. Passage tickets: Ticket, order, contract, or certificate for passage by any vessel from any port in the United States to a foreign port, costing $50, 50 cents; and for each $50 or any part thereof in addition thereto, 50 cents."

SEC. 9. That Schedule B of said act is hereby amended so as to read as follows:

"SCHEDULE B.

"Sparkling or other wines, when bottled for sale, upon each bottle containing 1 pint or less, 1 cent. Upon each bottle containing more than 1 pint, 2 cents."

SEC. 10. That section 29 of said act is hereby amended by adding at the end of said section the following: "*Provided*, That nothing in this section shall be construed to apply to bequests or legacies for uses of a religious, literary, charitable, or educational character, or for the encouragement of art, or to legacies or bequests to societies for the prevention of cruelty to children, including all bequests or legacies of such character on which the tax imposed had not been paid or collected on the 1st day of March, 1901: *And provided further*, That the provisions of this act and of the act hereby amended shall not be held to apply to any estate where the testator or intestate died before June 13, 1898;" so that said section as amended shall read as follows:

"LEGACIES AND DISTRIBUTIVE SHARES OF PERSONAL PROPERTY.

"SEC. 29. That any person or persons having in charge or trust, as administrators, executors, or trustees, any legacies or distributive shares arising from personal property, where the whole amount of such personal property as aforesaid shall exceed the sum of $10,000 in actual value, passing, after the passage of this act, from any person possessed of such property, either by will or by the intestate laws of any State or Territory, or any personal property or interest therein, transferred by deed, grant, bargain, sale, or gift, made or intended to take effect in possession or enjoyment after the death of the grantor or bargainer, to any person or persons, or to any body or bodies, politic or corporate, in trust or otherwise, shall be, and hereby are, made subject to a duty or tax, to be paid to the United States, as follows—that is to say: Where the whole amount of said personal property shall exceed in value ten thousand and shall not exceed in value the sum of twenty-five thousand dollars the tax shall be:

"First. Where the person or persons entitled to any beneficial interest in such property shall be the lineal issue or lineal ancestor, brother, or sister to the person who died possessed of such property, as aforesaid, at the rate of 75 cents for each and every hundred dollars of the clear value of such interest in such property.

"Second. Where the person or persons entitled to any beneficial interest in such property shall be the descendant of a brother or sister of the person who died possessed, as aforesaid, at the rate of $1.50 for each and every hundred dollars of the clear value of such interest.

"Third. Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the father or mother, or a descendant of a brother or sister of the father or mother, of the person who died possessed, as aforesaid, at the rate of $3 for each and every hundred dollars of the clear value of such interest.

"Fourth. Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the grandfather or grandmother, or a descendant of the brother or sister of the grandfather or grandmother, of the person who died possessed, as aforesaid, at the rate of $4 for each and every hundred dollars of the clear value of such interest.

"Fifth. Where the person or persons entitled to any beneficial interest in such property shall be in any other degree of collateral consanguinity than is hereinbefore stated, or shall be a stranger in blood to the person who died possessed, as aforesaid, or shall be a body politic or corporate, at the rate of $5 for each and every hundred dollars of the clear value of such interest: *Provided*, That all legacies or property passing by will, or by the laws of any State or Territory, to husband or wife of the person died possessed, as aforesaid, shall be exempt from tax or duty.

"Where the amount or value of said property shall exceed the sum of $55,000, but shall not exceed the sum or value of $100,000, the rates of duty or tax above set forth shall be multiplied by one and one-half; and where the amount or value of said property shall exceed the sum of $100,000, but shall not exceed the sum of $500,000, such rates of duty shall be multiplied by two; and where the amount or value of said property shall exceed the sum of $500,000, but shall not exceed the sum of $1,000,000, such rates of duty shall be multiplied by two and one-half; and where the amount or value of said property shall exceed the sum of $1,000,000, such rates of duty shall be multiplied by three: *Provided*, That nothing in this section shall be construed to apply to bequests or legacies for uses of a religious, literary, charitable, or educational character, or for the encouragement of art, or to legacies or bequests to societies for the prevention of cruelty to children, including all bequests or legacies of such character on which the tax imposed had not been paid or collected on the 1st day of March, 1901: *And provided further*, That the provisions of this act and of the act hereby amended shall not be held to apply to any estate where the testator or intestate died before June 13, 1898."

SEC. 11. That section 30 of said act is hereby amended so as to read as follows:

"SEC. 30. That the tax or duty aforesaid shall be due and payable in one year after the death of the testator and shall be a lien and charge upon the property of every person who may die as aforesaid for twenty years, or until the same shall, within that period, be fully paid to and discharged by the United States; and every executor, administrator, or trustee having in charge or trust any legacy or distributive share, as aforesaid, shall give notice thereof, in writing, to the collector or deputy collector of the district where the deceased grantor or bargainer last resided within thirty days after he shall have taken charge of such trust, and every executor, administrator, or trustee, before payment and distribution to the legatees, or any parties entitled to beneficial interest therein, shall pay to the collector or deputy collector of the district of which the deceased person was a resident, or in which the property was located in case of nonresidents, the amount of the duty or tax assessed upon such legacy or distributive share, and shall also make and render to the said collector or deputy collector a schedule, list, or statement, in duplicate, of the amount of such legacy or distributive share, together with the amount of duty which has accrued, or shall accrue, thereon, verified by his oath or affirmation, to be administered and certified thereon by some magistrate or officer having lawful power to admister such oaths, in such form and manner as may be prescribed by the Commissioner of Internal Revenue, which schedule, list, or statement shall contain the names of each and every person entitled to any beneficial interest therein, together with the clear value of such interest, the duplicate of which schedule, list, or statement shall be by him immediately delivered, and the tax thereon paid to such collector; and upon such payment and delivery of such schedule, list, or statement, said collector or deputy collector shall grant to such person paying such duty or tax a receipt or receipts for the same in duplicate, which shall be prepared as hereinafter provided. Such receipt or receipts, duly signed and delivered by such collector or deputy collector, shall be sufficient evidence to entitle such executor, administrator, or trustee to be credited and allowed such payment by every tribunal which, by the laws of any State or Territory, is, or may be, empowered to decide upon and settle the accounts of executors and administrators.

"And in case such executor, administrator, or trustee shall refuse or neglect to pay the aforesaid duty or tax to the collector or deputy collector, as aforesaid, within the time hereinbefore provided, or shall neglect or refuse to deliver to said collector or deputy collector the duplicate of the schedule, list, or statement of such legacies, property, or personal estate, under oath, as aforesaid, or shall neglect or refuse to deliver the schedule, list, or statement of such legacies, property, or personal estate, under oath, as aforesaid, or shall deliver to said collector or deputy collector a false schedule or statement of such legacies, property, or personal estate, or give the names and relationship of the persons entitled to beneficial interests therein untruly, or shall not truly and correctly set forth and state therein the clear value of such beneficial interest, or where no administration upon such property or personal estate shall have been granted or allowed under existing laws, the collector or deputy collector shall make out such lists and valuation as in other cases of neglect or refusal, and shall assess the duty thereon; and the collector shall commence appropriate proceedings before any court of the United States, in the name of the United States, against such person or persons as may have the actual or constructive custody or possession of such property or personal estate, or any part thereof, and shall subject such property or personal estate, or any portion of the same, to be sold upon the judgment or decree of such court, and from the proceeds of such sale the amount of such tax or duty, together with all costs and expenses of every description to be allowed by such court, shall be first paid, and the balance, if any, deposited according to the order of such court, to be paid under its direction to such person or persons as shall establish title to the same.

"The deed or deeds, or any proper conveyance of such property or personal estate, or any portion thereof, so sold under such judgment or decree, executed by the officer lawfully charged with carrying the same into effect, shall vest in the purchaser thereof all the title of the delinquent to the property or personal estate sold under and by virtue of such judgment or decree, and shall release every other portion of such property or personal estate from the lien or charge thereon created by this act. And every person or persons who shall have in his possession, charge, or custody any record, file, or paper containing, or supposed to contain, any information concerning such property or personal estate, as aforesaid, passing from any person who may die, as aforesaid, shall exhibit the same at the request of the collector or deputy collector of the district, and to any law officer of the United States,

in the performance of his duty under this act, his deputy or agent, who may desire to examine the same.

"And if any such person, having in his possession, charge, or custody any such records, files, or papers, shall refuse or neglect to exhibit the same on request, as aforesaid, he shall forfeit and pay the sum of $500: *Provided*, That in all legal controversies where such deed or title shall be the subject of judicial investigation, the recital in said deed shall be prima facie evidence of its truth and that the requirements of the law had been complied with by the officers of the Government: *And provided further*, That in case of willful neglect, refusal, or false statement by such executor, administrator, or trustee, as aforesaid, he shall be liable to a penalty of not exceeding $1,000, to be recovered with costs of suit. Any tax paid under the provisions of sections 29 and 30 shall be deducted from the particular legacy or distributive share on account of which the same is charged."

SEC. 12. That from and after the passage of this act the Secretary of the Treasury, upon the recommendation of the Commissioner of Internal Revenue, is authorized to appoint a competent person, at an annual salary of $3,000, whose special duty it shall be to conduct such investigations as may be necessary to secure the efficient enforcement of the tax imposed upon legacies and distributive shares of personal property by this act, and the Commissioner of Internal Revenue may also from time to time assign one or more special agents to aid in such investigations.

SEC. 13. That section 35 of said act is hereby amended so as to read as follows:

"SEC. 35. That for the purposes of this act, the words 'mixed flour' shall be taken and construed to mean the food product resulting from the grinding or mixing together of wheat, or wheat flour, as the principal constituent in quantity, with any other grain, or the product of any other grain, or other material, except such material, not exceeding 5 per cent in quantity, and not the product of any grain, as is commonly used for baking purposes: *Provided*, That when the product resulting from the grinding or mixing together of wheat or wheat flour with any other grain, or the product of any other grain, of which wheat or wheat flour is not the principal constituent as specified in the foregoing definition, is intended for sale, or is sold, or offered for sale as wheat flour, such product shall be held to be mixed flour within the meaning of this act."

SEC. 14. That section 18 of said act is hereby repealed.

SEC. 15. That the provisions of this act shall take effect on and after the 1st day of July, 1901, except where otherwise expressly provided.

And the House agree to the same.

The statement was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses (H. R. 12394) "To amend an act entitled 'An act to provide ways and means to meet war expenditures, and for other purposes,' approved June 13, 1898, and to reduce taxation thereunder," make the following statement as a result of the conference report agreed upon:

The difference between the two Houses related, first, to the form of the bill, and by the conference report the House form is retained; second, to certain subjects of taxation, which are disposed of as follows:

The House reduced the tax on beer to $1.60 per barrel; the Senate to $1.50. The House provision is retained in the report.

The Senate reduced the tax on banks and bankers' capital to $1 per thousand. The House bill retained the tax at $2, and the House provision was agreed to.

The House repealed the special tax on theaters, circuses, and other public exhibitions, and the Senate retained the same. The conference report retains these taxes.

The House made no change on tobacco and snuff. The Senate made a discount of 25 per cent, amounting to 3 cents per pound. The conference report agrees to the reduction of 20 per cent, or 2.4 cents per pound.

The Senate made no provision for a change in the size of the package. The conference report authorizes packages of 2, 3, and 4 ounces in addition to those now authorized by law.

The House made a reduction of 60 cents per thousand on cigars weighing over 3 pounds. The Senate made a reduction of 30 cents per thousand. The conference report agrees to the House provision.

The Senate proposed a rate of 54 cents per thousand on cigarettes worth not over $2 per thousand at wholesale and $1.08 on cigarettes worth more than $2 per thousand. Also 54 cents instead of $1 per thousand on cigars weighing not over 3 pounds per thousand. These provisions of the Senate bill are retained in the conference report.

The Senate proposed an amendment taxing transactions in bucket shops 2 cents for each $100 par value on all stocks, etc., transferred or pretended to be transferred, as well as a special tax of $50 per annum. The House agreed to these amendments, with a provision that the same shall go into effect on the 1st day of April, 1901, the remaining provisions of the bill taking effect on the 1st day of July next.

The House retained the provision of the present law for the sale of produce on exchange at 1 cent for each $100, and the Senate agreed to the same with an amendment exempting sales of merchandise in actual course of transportation as evidenced by bill of lading, and the House agreed to this amendment.

The House repealed the tax of 2 cents on bank checks. The Senate disagreed to the same, but the conference report also repeals this tax.

The tax on time drafts was repealed by the House, but the conference report retains it.

The House repealed the 2-cent tax on each $100 on money orders. The Senate retains the same, and the conference report agrees to the provision of the House repealing this tax.

The tax of 4 cents per $100 on foreign bills of exchange was reduced to 2 cents by the action of the conference, and all drafts accompanied by bill of lading for merchandise sold abroad are exempted.

The House repeals the tax on bonds. The Senate retained the tax on bonds of indemnity, which the conference committee agreed to.

The House retained the tax on certificates of profits. The Senate repealed the same. The conference committee retained the same as in the House bill.

The House repealed the tax on conveyances of real estate, and the conference committee exempted such conveyances where the consideration did not exceed $2,500. Exceeding $2,500, the tax is at the rate of 25 cents for each $500.

The House repeals the tax on all insurance policies. The Senate retains the same at one-half the present rate. The conference report accepts the House provision.

The House repealed the tax on manifests for custom-house entry. The Senate retained the same. The conference accepted the House repeal.

The tax on passage tickets was repealed by the House, retained by the Senate, and by the conference such tickets below $50 in value are exempt, and above that taxed at the rate of 50 cents for each $50 or fraction thereof.

The House repealed all of Schedule B, except the tax on wines. The Senate retained the same, with some amendments. The conference report accepts the House action and repeals all these taxes, except on wines.

The House amendment to the mixed-flour-law clause is retained by the conference report.

SERENO E. PAYNE,
JOHN DALZELL,
JAMES D. RICHARDSON,
Managers on the part of the House.

[Applause on Republican side.]

Mr. PAYNE. Mr. Speaker, this conference report retains the House bill in form and very largely in substance. The tax upon fermented liquors is the same as that adopted by the House by a large majority vote. The Senate sought to reduce it. The conference report retains it at the House rate. The Senate made a reduction on tobacco and snuff of 3 cents per pound. The conference report makes a reduction of 2.4 cents a pound, the tax being 12 cents, and the additional tax under the war-revenue act 6 cents.

The Senate made no changes in the packages and no provision for any change of size of package. The law prior to the act of 1898 provided for 2, 3, and 4 ounce packages. Because of that additional tax, the 2, 3, and 4 ounce packages were dispensed with under the war-revenue act and there was substituted therefor packages of 1⅞, 2½, and 3½ ounces. The House contended that if there is to be a reduction in the taxes there should be an opportunity to increase the size of the package.

The provision of the bill is that in addition to 1⅞, 2½, and 3½ there shall be packages of 2, 3, and 4 ounces, leaving it optional with the manufacturer. Of course, if one manufacturer adopts one of these sizes the others will have to do so, and if one adopts another package all will have to do so. The House took off the 60 cents added by the war revenue on cigars. It was $3.60 per thousand. We took off the 60 cents. The Senate made them $3.30—taking off only one-half. They also had some provision for cigars costing less than $3.60 per thousand; but that provision was stricken out, and the House rate was restored at $3, reducing the tax on cigars 60 cents.

On cigarettes the House had made no recommendation. Prior to the war-revenue tax they were 50 cents per thousand. That act made it $1.50. The Senate provision was that all cigarettes sold at not exceeding $2 per thousand, wholesale price, should pay a tax of 18 cents per pound, fixing the weight at 3 pounds, or 54 cents a thousand. For those costing more than $2 the rate will be $1.08. The House acceded to the Senate proposition on cigarettes.

The law also provided a tax of $1 on cigars weighing less than 3 pounds to the thousand. The Senate reduced it to 54 cents, and the House acceded to that. The reason for this reduction of rates on cigarettes and small cigars was that under the reduced rates it is believed there will be a larger manufacture, especially of the smaller cigars, and that ultimately, if not during the next year, there would be no loss in the revenue on that account. If the same number of small cigars and cigarettes should be manufactured as during the past year, the reduction in the revenue would be $1,400,000.

Upon the other main items of the bill the House rates were adopted by the conference committee.

The House took off 2 cents upon checks and upon money orders and upon kindred papers and contracts of that kind. The Senate restored them in their amendment. The conferees have wiped them all out. The House repealed all of Schedule B except the tax upon wine. Schedule B in the original act provided for a tax upon patent medicines, a tax upon cosmetics, and a tax upon chewing gum. The House struck out the tax upon all these items. The Senate restored it, making a reduction upon patent medicines. The conference has wiped them all out, and left nothing of Schedule B except the tax on wine. That is all that is left of Schedule B.

Mr. GAINES. What about telegraphs?

Mr. PAYNE. As to the sending of telegrams and express receipts, there was nothing in conference. They were all wiped out by the House bill and acceded to by the Senate.

Mr. WHEELER. Would it be possible to secure a vote upon that portion of the tobacco schedule referring to tobacco rehandlers and tobacco dealers?

Mr. PAYNE. It would not. The Senate put it in one amendment, and if before the House the items could not be separated you would have to reject the whole report or adopt it.

Mr. WHEELER. If the gentleman will permit me to make a statement, the portion of the schedule which relates to tobacco rehandlers and dealers provides three taxes in the original law, one of $5, one of twelve, and the other of twenty-five. At the early part of the session I introduced an amendment to make them all $12.

The Commissioner of Internal Revenue informed me that it would make a difference of less than $2,000. I have received innumerable letters from tobacco dealers in my State asking me to have the change made, and saying they would rather pay twelve or twenty-five dollars than have their business inspected from day to day to find out the amount of business that they do; and if it would be possible to secure a vote on that question I should be very glad.

Mr. PAYNE. The House did not interfere with that proposition. It has not been before the conferees in any way, and can not be before the House. It is subject to a point of order, and would be subject to a point of order if the whole thing were open.

Now, the gentleman from Kansas had a question.

Mr. RIDGELY. I understood the gentleman to say that the 2-cent tax on checks was repealed, and also the stamp tax on patent medicines.

Mr. PAYNE. Yes; that is correct.

A MEMBER. I would like to ask the gentleman what is the estimated total reduction in the conferees' report?

Mr. PAYNE. I was coming to that a little later.

Mr. SHAFROTH. I would like to ask the gentleman as to the tax on loans.

Mr. PAYNE. If the gentleman will pardon me, I was just coming to that. The House took off all the taxes on promissory notes and mortgages and all matters of that kind and on all bonds except debenture bonds issued by corporations, which the House left on, and the Senate agreed to; we took off the tax on all bonds except these. The Senate restored the tax on bonds of indemnity and the conferees left it there. But bonds given for loans are entirely exempt.

Mr. RIDGELY. How about the tax on deeds?

Mr. PAYNE. The tax on notes and mortgages is entirely removed.

Mr. McRAE. I would like to ask about the tax on deeds.

Mr. PAYNE. I was just going to speak about it. The House took off the tax on deeds and the Senate amended it, provided that all deeds where the consideration did not exceed $2,500 should be free of tax, but where the consideration exceeded $2,500 the tax should be 25 cents for every additional $500 of consideration over and above the $2,500, and the conferees agreed to that amendment of the Senate.

The House took off all taxes on insurance of every description. The Senate restored one-half of the present rate in their bill, and the conference committee adopted the House provision and took off all taxes upon insurance policies of every nature whatever.

Now, Mr. Speaker, these are the main features of the bill. The House took off the taxes on theaters and circuses and shows of that kind, amounting to $225,000 of revenue. We thought that possibly it was not necessary for the Government to exact those taxes at this time, but the Senate restored it, and the conferees yielded to the contention of the Senate and left the tax on. The House took off the tax on foreign bills of exchange, foreign drafts, and letters of credit, and the Senate restored it.

The main reason why the House took off the tax was because these drafts were largely used in collecting pay for products exported abroad, and we did not desire to have any tax upon our exports, even indirectly. The Senate restored this tax upon drafts, and the conference committee allowed it to remain, cutting down the rate one-half, but expressly exempted all drafts which are accompanied by bill of lading showing that the draft is given to collect pay for goods sold abroad.

I am told by the members of the produce exchange in New York that this amendment will cover all transactions where the draft is given or sent abroad for the purpose of collecting pay for goods that are sold abroad. So that the only tax upon foreign bills of exchange, or the principal part of it, will be that paid by tourists who are going abroad.

Mr. KITCHIN. I would like to ask the gentleman whether the tax is retained on orders the farmers give to the merchants for the payment of money?

Mr. PAYNE. Those go off, if they were ever on.

Mr. KITCHIN. I understood by reading the statement that something was said about time drafts.

Mr. PAYNE. On time drafts the tax is left on. I would say to the gentleman that the House took off in its bill the tax upon time drafts, drafts drawn otherwise than at sight. The Senate restored the proposition. It amounted to about $500,000 of revenue. The conferees acceded to the Senate amendment and left the tax on time drafts.

Mr. KITCHIN. How about sight drafts?

Mr. PAYNE. The tax is all off of sight drafts.

Mr. LEVY. I would like to ask the gentleman whether it was not possible to reduce the tax on deeds of a higher consideration than $2,500? That is of no use to us in cities at all.

Mr. PAYNE. Of course the committee were not living in large cities. [Laughter.] The committee thought $2,500, as consideration for real estate, was a good, big price when we made that exemption.

Mr. LEVY. Then cities have to pay the taxes.

Mr. TAWNEY. Will the gentleman from New York yield to me?

Mr. PAYNE. Yes.

Mr. TAWNEY. I see there is a material change in the provision for the exemption of educational and charitable institutions.

Mr. PAYNE. Yes; I was about to speak of that.

Mr. TAWNEY. After the gentleman's explanation I want to ask one question in order to draw out and have it appear in the RECORD what the intention of the conferees was with respect to the item, when this proviso should take effect, and as to the non-payment or exemption of taxes already due.

Mr. PAYNE. The House exempted from tax all bequests for educational, charitable, and religious uses, and also included works of art. That includes the taxes on legacies to institutions for the promotion of art. The Senate added to this a proposition exempting legacies given to humane societies—societies organized for the prevention of cruelty to children.

We gladly adopted the suggestion of the Senate, and they also put on a proviso making certain what we believed was in the House bill. We believe that when we exempted all these bequests from taxation that it related to all bequests that had been made upon which the taxes had not been paid. Some gentlemen were very nervous about a certain bequest for an educational institution where the tax would amount to about $25,000.

Mr. SMITH of Kentucky. Will the gentleman from New York yield to me?

Mr. PAYNE. When I have finished this sentence. And they were nervous, as I say, about the $25,000. It had not been paid and we insisted it would be repealed by the House action. They prevailed on the Senate to put in a clause expressly repealing these taxes which had not been paid. When we came to consider in conference we inserted the provision that should apply to certain taxes that had not been paid up to the 1st of March, 1901.

Mr. TAWNEY. Now, right there. At the conclusion of the bill there is this section that provides that this act will take effect on and after the 1st of July, 1901, except where otherwise expressly provided; whether or not that was the intention of the conference committee that this exception would apply so that these taxes would only be collectible after March 1, notwithstanding the express provision that the bill was not to take effect until July.

Mr. PAYNE. Certainly, because it so provides. It says that no tax shall be collected on legacies which had not been collected up to the 1st of March, 1901. Now, we have taken it out of the power of the Commissioner of Internal Revenue to collect any such tax, and the provision at the end of the bill is that the bill shall take effect on the 1st of July, 1901, except as hereinbefore provided. Perhaps the gentleman represents that $25,000 tax, about which there seems to be so much anxiety.

Mr. TAWNEY. I do not.

Mr. PAYNE. It seems to me there is no occasion at any time for anyone to lose sleep on account of this tax.

Mr. TAWNEY. I simply wanted to make clear what the intent of the committee was.

Mr. PAYNE. The intention of the committee was to repeal all these taxes upon legacies for educational, charitable, and religious uses, and to have the repeal apply to all such taxes as had not been collected up to the 1st of July.

Mr. SMITH of Kentucky. In other words, to have the provision take effect from the 1st of March.

Mr. PAYNE. From the 1st of March, 1901. I hope we have accomplished that object by the bill.

Mr. SMITH of Kentucky. I understand that the tax on sight drafts has been taken off. In the statement showing the effect of the bill as now agreed upon, I find these words:

> Drafts or bills of exchange, inland, 2 cents for each $100.

Mr. PAYNE. Let the gentleman read the bill. That is only a statement.

Mr. SMITH of Kentucky. It is all I have before me.

Mr. PAYNE. The bill reads differently.

Mr. SMITH of Kentucky. That is what I wanted to understand.

Mr. GAINES. I am asked by telegram about the rebate on tobacco. Is there any such thing in the bill as now agreed upon?

Mr. PAYNE. The bill provides for a rebate on all unbroken factory packages of tobacco in the hands of the manufacturers or dealers when the law goes into effect on the 1st day of July next.

Mr. GAINES. In round numbers, how much of war taxation do you reduce by this bill?

Mr. PAYNE. I am going to give a statement on that point.

Mr. FLEMING. Before the gentleman leaves the question of legacies, I would like to make an inquiry. I understood the chairman of the conference committee to say that this conference report removed all taxes on legacies where the tax has not been collected prior to the 1st of March.

Mr. PAYNE. Legacies for charitable, educational, and religious uses.

Mr. FLEMING. I understood the repeal applied to all legacies.

Mr. PAYNE. Oh, no; simply to legacies for charitable, religious, and educational uses. The taxation on other legacies is left in force.

Mr. FLEMING. Let me ask the gentleman this question: When a legacy has become already vested, as it were, before the 1st of March, and the parties have delayed paying it, does the bill as agreed to in conference release taxation in such cases?

Mr. PAYNE. Yes, on all legacies for educational, charitable, or religious uses.

Mr. FLEMING. So that if a party has been negligent in paying over a legacy, he is to profit by the negligence?

Mr. PAYNE. Nobody profits by the remission of the tax except the charitable institution to which the legacy has been given. And I will say to the gentleman further that if heretofore any legacies for any of these purposes have paid taxes, I for one am in favor of refunding the tax in such cases at the first opportunity. I do not think that half a dozen members of this House would have been in favor of putting a tax on legacies for charitable, educational, or religious uses if it had been noticed when the war-revenue act was passed and our attention called to it.

Mr. FLEMING. I agree with the gentleman upon that point.

Mr. PAYNE. And if such taxation has been imposed on legacies of this description I think we ought to take it off at the first possible moment, whether the nonpayment may have resulted from negligence or otherwise; and if the tax has in fact been paid I am in favor of paying it back at the first opportunity.

Mr. FLEMING. There seemed to be an unjust discrimination in allowing an exemption where the tax has already accrued and its nonpayment has simply been the result of negligence.

Mr. PAYNE. We did not want to make this an appropriation bill.

In regard to the taxation of legacies, I want to add one word. The Senate put in a provision for the appointment of an officer whose duty it should be to institute and put in motion the machinery for the collection of this special tax upon legacies. The House acceded to that amendment, because we wanted the measure to be thorough and to secure the payment of these taxes into the Treasury of the United States.

Now, Mr. Speaker, I think I have explained all the important items in the bill.

Mr. COONEY. As I understand this statement, all deeds in which the consideration is $2,500 or less are exempt from taxation, while all deeds in which there is a greater consideration pay tax. I wish to ask the gentleman whether that tax applies to the whole consideration or only to the amount in excess of $2,500?

Mr. PAYNE. The tax applies to the amount of consideration over $2,500.

Mr. RICHARDSON of Tennessee. Up to $2,500 the exemption operates.

Mr. PAYNE. Yes; up to $2,500 there is an absolute exemption on all deeds.

Mr. GAINES. I inquired of the gentleman a few moments ago as to the amount of war tax which would continue in effect after the passage of this bill. The gentleman was about to reply, but was interrupted by the gentleman from Georgia [Mr. FLEMING].

Mr. PAYNE. I do not think I ought to take up the time of the House by reading what is contained in this document, "A summary showing the effect of House bill 12394." Any gentleman may obtain a copy of this statement in the room of the Committee on Ways and Means; and I hope a large number of copies will be printed for the use of the House. This statement shows the action of the House, the action of the Senate, the action of the conference committee, and the revenue derived from each form of taxation for the fiscal year 1900.

Several MEMBERS. Let it be printed in the RECORD.

Mr. PAYNE. It has been printed as a document, and I do not think it necessary to print it in the RECORD.

Mr. HOFFECKER. Is there any provision for the redemption of stamps that may be left on hand on July 1 next?

Mr. PAYNE. No; there is not. The House put in such a provision at the request of the Commissioner of Internal Revenue; but we believe that the act passed a year ago is amply sufficient on this point.

We omitted it from the conference report; and further we found that the act was amply sufficient to redeem every stamp that was not used. It provides that the Internal Revenue Commissioner can redeem every stamp for which the owner has no use, and of course that embraces every unused stamp. The present law requires him to redeem it on presentation, or at any time within two years after the stamp is sold, so that there is no question about that.

Mr. HENRY C. SMITH. Will the gentleman allow me to ask him a question?

Mr. PAYNE. Certainly.

Mr. HENRY C. SMITH. Has there been any change as to the size of the packages of tobacco? In other words, is the poor man's pipe protected?

Mr. PAYNE. I stated that a few moments ago. I spoke fully upon that subject. We have restored the 2, 3, and 4 ounce package, the same size packages that were used before the tax was put at 6 cents.

Mr. HENRY C. SMITH. Just one further question. I see you have retained the tax on freight rates, but have not on express rates. How is that?

Mr. PAYNE. That is because the House was in favor of this proposition, as the gentleman may remember.

Mr. SHAFROTH. Will not the gentleman consent that this schedule be printed in the RECORD?

Mr. PAYNE. I thought it would be better to have it made into a document. I presume it will be put into the RECORD by the Senate. Mr. Speaker, there is such a demand for it, I ask unanimous consent that this summary statement be printed in the RECORD.

The SPEAKER. The gentleman from New York asks unanimous consent that the summary statement of the bill be printed in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The statement is as follows:

Summary showing the effect of H. R. 12394 (as it passed the House and as it passed the Senate and as agreed to in conference) on the war-revenue act of June 13, 1898.

Articles taxed by act of June 13, 1898.	House action.	Senate action.	Conference action.	Revenue derived for fiscal year 1900.
Beer, $2 per barrel and 7½ per cent discount	Reduced to $1.60 per barrel and 7½ per cent discount repealed.	$2 per barrel and 25 per cent discount.	$1.60 per barrel and 7½ per cent discount repealed.	$72,776,831.57
Bankers' capital and surplus, $50 for $25,000, and $2 for each additional $1,000.	Retained	$1 for each $1,000	Present law retained	3,513,850.01
Stockbrokers, $50	Retained	Retained	Retained	309,606.88
Pawnbrokers, $20	Retained	Retained	Retained	37,861.18
Commercial brokers, $20	Repealed	Repealed	Repealed	138,281.12
Custom-house brokers, $10	Repealed	Retained	Retained	6,167.18
Proprietors of theaters, museums, and concert halls, $100	Repealed	Retained	Retained	47,178.02
Proprietors of circuses, $100	Repealed	Retained	Retained	11,744.36
Proprietors of other public exhibitions, $10	Repealed	Retained	Retained	84,218.44
Proprietors of bowling alleys or billiard rooms, $5 for each alley or table.	Retained	Retained	Retained	44,194.81
Tobacco and snuff, 12 cents per pound	Retained	Discount of 25 per cent.	Discount of 20 per cent.	35,267,334.40
Cigars weighing more than 3 pounds per 1,000, $3.60 per 1,000	$3 per 1,000	$3.30 per 1,000	$3 per 1,000	19,138,584.82
Cigars weighing not more than 3 pounds per 1,000, $1 per 1,000	Retained	18 cents per pound	18 cents per pound	646,896.82
Cigarettes weighing more than 3 pounds per 1,000, $3.60 per 1,000	Retained	Retained	Retained	16,014.21
Cigarettes weighing not more than 3 pounds per 1,000, $1.50 per 1,000	Retained	Valued at not more than $2 per 1,000, 18 cents per pound; valued at more than $2 per 1,000, 36 cents per pound.	Valued at not more than $2 per 1,000, 18 cents per pound; valued at more than $2 per 1,000, 36 cents per pound.	3,953,177.09
Dealers in leaf tobacco, $6 to $24	Retained	Retained	Retained	72,030.04
Dealers in tobacco, $12	Retained	Retained	Retained	16,564.00
Manufacturers of tobacco, $6 to $24	Retained	Retained	Retained	18,207.70
Manufacturers of cigars, $6 to $24	Retained	Retained	Retained	222,301.38
Bonds, debentures, certificates of indebtedness, etc., 5 cents for each $100	Retained	Retained	Retained	3,000,000.00
Certificates of stock, original issue, 5 cents for each $100	Retained	Retained	Retained	9,000,000.00
Certificates of stock, transfers, 2 cents for each $100	Retained	Retained and amended so as to include bucket shops.	Retained and amended so as to include bucket shops.	

Summary showing the effect of H. R. 12394, etc.—Continued.

Articles taxed by act of June 13, 1898.	House action.	Senate action.	Conference action.	Revenue derived for fiscal year 1900.
Sales of products at exchanges, 1 cent for each $100	Retained	1 cent for each $200. Sales of merchandise in actual course of transportation exempted from tax.	1 cent for each $100. Sales of merchandise in actual course of transportation exempted from tax.	$1,000,000.00
Bank checks, 2 cents	Repealed	Retained	Repealed	7,000,000.00
Drafts or bills of exchange, inland, 2 cents for each $100	Repealed	Retained	Retained on bills of exchange and drafts other than at sight or on demand.	500,000.00
Certificates of deposit, 2 cents	Repealed	Repealed	Repealed	200,000.00
Promissory notes, 2 cents for each $100	Repealed	Repealed	Repealed	3,500,000.00
Money orders, 2 cents for each $100	Repealed	Retained	Repealed	602,000.00
Bills of exchange, foreign, 4 cents for each $100	Repealed	2 cents for each $100	2 cents for each $100	100,000.00
Bills of lading for export, 10 cents	Repealed	Repealed	Repealed	100,000.00
Express receipts, 1 cent	Repealed	Repealed	Repealed	800,000.00
Freight receipts or domestic bills of lading, 1 cent	Retained	Retained	Retained	400,000.00
Telephone messages, 1 cent	Repealed	Repealed	Repealed	315,000.00
Bonds of indemnity and bonds not otherwise specified, 50 cents	Repealed	Repealed, except bonds of indemnity.	Repealed, except bonds of indemnity.	250,000.00
Certificates of profits, 2 cents for each $100	Retained	Repealed	Retained	Very little.
Certificate of damage, 25 cents	Repealed	Repealed	Repealed	Very little.
Certificates not otherwise specified, 10 cents	Repealed	Repealed	Repealed	200,000.00
Charter party, $3 to $10	Repealed	Repealed	Repealed	100,000.00
Broker's contract, 10 cents	Repealed	Retained	Retained	100,000.00
Conveyance, 50 cents for each $500	Repealed	Exempted below $2,500. Above $2,500, 25 cents for each $500.	Exempted below $2,500. Above $2,500, 25 cents for each $500.	3,000,000.00
Telegraph messages, 1 cent	Repealed	Repealed	Repealed	800,000.00
Entry of goods at custom-house for consumption, 25 cents to $1	Retained	Retained	Retained	500,000.00
Entry for withdrawal, 50 cents	Retained	Retained	Retained	
Insurance, life, 8 cents on each $100	Repealed	4 cents on each $100	Repealed	
Marine, inland, fire, ½ cent on each $1	Repealed	One-fourth per cent on gross premium receipts.	Repealed	3,000,000.00
Casualty, fidelity, and guaranty, ½ cent on each $1	Repealed	One-fourth per cent on gross premium receipts.	Repealed	
Lease, 25 cents to $1	Repealed	Repealed	Repealed	200,000.00
Manifest for custom-house entry, $1 to $5	Repealed	Retained	Repealed	60,000.00
Mortgage or conveyance in trust, 25 cents for each $1,500	Repealed	Repealed	Repealed	1,000,000.00
Passage ticket, $1 to $5	Repealed	Exempted below $30 in value.	Exempted below $50 in value.	200,000.00
Power of attorney to vote, 10 cents	Repealed	Repealed	Repealed	100,000.00
Power of attorney to sell, 25 cents	Repealed	Repealed	Repealed	
Protest, 25 cents	Repealed	Repealed	Repealed	25,000.00
Warehouse receipts, 25 cents	Repealed	Repealed	Repealed	250,000.00
Proprietary medicines, one-eighth cent for each 5 cents	Repealed	One-tenth cent for 10 cents and one-twentieth cent for each additional 5 cents.	Repealed	3,948,283.19
Perfumery and cosmetics, one-eighth cent for each 5 cents	Repealed	Retained	Repealed	
Chewing gum, 4 cents each $1	Repealed	Retained	Repealed	
Sparkling or other wines, 1 pint, 1 cent; more than 1 pint, 2 cents	Retained	Retained	Retained	600,000.00
Petroleum and sugar refineries, one-fourth per cent gross receipts in excess of $250,000.	Retained	Retained	Retained	1,079,405.14
Sleeping and parlor car tickets, 1 cent	Retained	Retained	Retained	75,000.00
Legacies of every description, various rates	Excluded from tax, legacies of charitable, religious, literary, or educational character.	Same as House	Same as House	2,884,491.55
Mixed flour, 4 cents per barrel	Retained	Retained	Retained	7,439.46
Manufacturers of mixed flour, $12 per annum	Retained	Retained	Retained	
Tea, customs duty of 10 cents per pound	Retained	Retained	Retained	8,008,637.00

NOTE.—Such of the above amounts as are in round numbers are estimated.

Mr. PAYNE. The gentleman from Arkansas desires to ask me a question.

Mr. McRAE. On the question of the redemption of stamps, I want to ask the gentleman if he has convinced the Commissioner of Internal Revenue that this law is sufficient for him to redeem the stamps?

Mr. PAYNE. Oh, he has ample authority.

Mr. McRAE. Why did he make the request?

Mr. PAYNE. When he made the request I do not think he had looked at the law. But he has ample law—as full as we could give.

Mr. McRAE. Then, under your statement, you think there will be no trouble about his redeeming the stamps?

Mr. PAYNE. I do not think there can be.

Mr. McRAE. If he should decide otherwise, the stamp holder would have no remedy.

Mr. PAYNE. He can not decide otherwise. The gentleman from Tennessee wanted to ask me a question.

Mr. GIBSON. There are a great many manufacturers of patent medicine; and I would like to ask whether the conference report covers them?

Mr. PAYNE. It takes off entirely the taxes on patent medicines. I want to speak a moment as to the amount of reduction of the bill. The House reduced the war revenue $40,000,000. As it passed the Senate it reduced it about $41,000,000. This bill provides for a gross reduction of $44,665,000, but the Senate proposed an amendment taxing transactions in what is commonly known as the "bucket shops," and provided a tax of 2 cents on the hundred dollars upon every transaction made in any one of those institutions on all goods and stocks sold and all pretended to be sold in those transactions.

It also provided for a special tax of $50 annually upon each one of those institutions and upon all of their branch businesses. The amount of revenue to be derived from this has been variously estimated. It has been estimated as high as $10,000,000 a year. Of course, I do not believe it will produce any such amount of revenue as that; but from the most conservative estimates we could get, the very lowest estimate has been two and a half million dollars a year; and I think it will fairly produce that amount of revenue. So that here is an increase of revenue, as it affects these particular transactions. Of course, they are held by the courts in every State to be gambling transactions, and some doubt has been expressed as to whether the Government of the United States ought to tax gambling transactions. There is a clause in this amendment, the amendment itself being most carefully drawn, which provides that nothing herein shall be held to legalize such transactions in any of the States.

Now, Mr. Speaker, there were taxes on pool rooms and places of that kind, and we did not see any very good reason why we should not tax these "bucket shops." I do not know but what as

a proposition it would be competent, if it came into the House, to make the tax so high on those institutions as to wipe them out altogether. The friends of honest butter could have coupled with it the tax on oleomargarine, and make it sufficient to wipe them out. But we are only trying to look out for any possible deficiency in the revenue as well as being perfectly willing to put a burden upon this class of business. I believe that $2,500,000 a year will be produced. The net reduction of the bill, therefore, is $42,165,000, or $2,000,000 more than the bill as it passed the House and $1,000,000 more than the bill as it passed the Senate.

Mr. BABCOCK. I should like to ask the gentleman a question. I desire to ask in reference to the first section of the bill, which evidently is a misprint. It says, "there shall be paid, in lieu of the tax of $1 now imposed by law, a tax of $1.60."

Mr. PAYNE. I will explain that to the gentleman. You will notice that the first section of the bill provides that the first section of an act entitled "An act to provide ways and means to meet the war expenditures, and for other purposes," approved June 30, 1898, is hereby amended so as to read as follows:

We are amending the first section of the old law, 1898. That section provided there shall be paid, in lieu of the taxes of $1 now imposed by law, a tax of $2, with a rebate of 7½ per cent. That is the old law. We amend the section of the original law and provide the tax shall be $1.60. I will append a statement of the reductions under this bill.

Estimate of reductions effected by conference report.

Commercial brokers	$138,000
Certificates of deposit	200,000
Promissory notes	3,500,000
Bills of lading for export	100,000
Telegraph dispatches	800,000
Telephone messages	315,000
Bonds, other than indemnity	25,000
Certificates not otherwise specified	200,000
Charter party	100,000
Conveyances	1,750,000
Insurance	3,000,000
Lease	200,000
Mortgage	500,000
Passage tickets	100,000
Power of attorney	100,000
Protests	25,000
Warehouse receipts	250,000
Express receipts	800,000
Proprietary medicines, perfumery, cosmetics, and chewing gum	3,950,000
Legacies	500,000
Cigars	3,100,000
Tobacco	7,000,000
Small cigars and cigarettes	500,000
Beer	9,800,000
Bank checks	7,000,000
Foreign bills of exchange	50,000
Money orders	602,000
Manifests for custom-house	60,000
Total	44,665,000
Less increase by bucket-shop amendment	2,500,000
Net reduction	42,165,000

The SPEAKER. The gentleman has twenty-six minutes remaining.

Mr. PAYNE. How much time does the gentleman from Tennessee want?

Mr. RICHARDSON of Tennessee. I will only want a few minutes, but quite a number of gentlemen have asked for some time, and I submit, Mr. Speaker, before saying a word, a request for leave to print on this bill, in order that we may take no time. I know it is a late hour of the session.

Mr. PAYNE. I ask unanimous consent that general leave to print on this bill be granted by the House.

The SPEAKER. The gentleman from New York asks unanimous consent that general leave to print be given upon the bill.

Mr. RICHARDSON of Tennessee. Upon taxation.

The SPEAKER. For what length of time?

Mr. PAYNE. For five days.

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

Mr. RICHARDSON of Tennessee. Now, Mr. Speaker, I only want a few minutes.

Mr. PAYNE. I yield to the gentleman.

Mr. RICHARDSON of Tennessee. Mr. Speaker, after the very clear statement of the gentleman from New York just made, I shall not go over the bill in its details, and shall not refer to the different features of the measure. The conference report, as it is presented, brings the legislation more nearly to the House bill than to the Senate bill. The bill as now presented makes a reduction of $42,000,000 in the war revenue. This side of the House, when the measure was pending here a few weeks ago, thought there should be a reduction of at least $70,000,000 in war revenue, and we voted with practical unanimity for such reduction.

We thought so, Mr. Speaker, because the report of the Secretary of the Treasury shows that there will be a surplus this year of $80,000,000. It is shown that there will be a surplus of about the same sum in the next fiscal year, according to the estimates. Taking the surplus already in the Treasury, the surplus for this year and the estimated surplus that is shown by the report of the Secretary of the Treasury, there is no doubt but there could be and there should be a reduction by this bill of $70,000,000 at least. We pledged ourselves by a vote to that effect. We tried to give relief to the business interests of this country by voting a reduction in these war revenues of $70,000,000. It was conceded that when the war-revenue bill passed in 1898 there was an exigency upon the country and a just demand for an increase in the revenues. When the war with Spain began, we pledged our constituents in enacting the war-tax measure that it was a temporary measure, and that just as quickly as possible we would relieve them.

We have not kept the promise, Mr. Speaker, except in a very limited degree. We have reduced the revenue as stated only about forty million or forty-two million dollars, but a suffering commercial community was entitled to a much larger reduction, and this Congress should have given it. Now, there is no use to speak against this conference report. It is possibly the best we could get. I think it is the best we could get, in view of the political condition of this body, and of the body at the other end of this Capitol. They were not willing to go beyond $42,000,000, and, Mr. Speaker, while we wanted a much larger reduction, we have been unable to get it; but as wise and prudent legislators we can not afford, in my judgment, to vote against this reduction. Therefore, acting as one of the conferees, representing the minority side of the House, I signed the conference report, and would now advise that the bill be passed.

At the same time I emphasize the fact that there should have been a larger reduction, and if we had had an opportunity, if it had been given to some of us to have arranged the items of reduction, we would have changed and made a further reduction upon items upon which only a partial relief is given in the pending bill.

I believe that we have not kept the promise that we made to the people that the war-revenue measure was a temporary imposition put upon them, and that as soon as the war was over they should have relief from the burden. But not being able to get the total relief that I think they were entitled to I signed the report, and I believe the bill should pass.

Mr. PAYNE. I now yield to the gentleman from Missouri three minutes.

Mr. BARTHOLDT. Mr. Speaker, at this stage of the proceedings it is perhaps useless to attempt a modification of this bill, but in behalf of my constituents I am constrained to enter a protest against that section which relates to the tax on malt liquors.

This is not a party question, I believe. The Democratic side has failed to make a minority report on this bill, and when previously I stood upon the floor and made a motion for the purpose of securing a further reduction of the tax on beer Democrats joined hands with Republicans for the purpose of voting down that motion, and consequently it is fair to say that there is no politics in this question.

Mr. RICHARDSON of Tennessee. Will the gentleman yield to me for a question?

Mr. BARTHOLDT. Yes; although I have only three minutes.

Mr. RICHARDSON of Tennessee. I understood the gentleman to say that the Democrats had filed no minority report.

Mr. BARTHOLDT. I understood that both Democratic members of the conference committee have signed the report.

Mr. RICHARDSON of Tennessee. The gentleman must understand that there can be no minority report from a conference committee.

Mr. BARTHOLDT. True; but the gentleman from Tennessee and his colleague, as I understand, both signed the conference report.

Mr. RICHARDSON of Tennessee. There was no other way; there can not be a minority report from a conference committee.

Mr. SULZER. Look up the rule. [Laughter.]

Mr. BARTHOLDT. Mr. Speaker, we content ourselves now with this bill. But I sincerely trust, in the interest of justice and fairness, that at the next session this matter may be taken up again. It is a serious proposition, this question of taxing the people by a tax on consumption. When you tax consumption you tax the poor man as much as you tax the rich man, and in many features of this bill you lay the burden on the shoulders of those who can least afford to bear it.

Besides, as far as the tax on malt liquors is concerned, the reduction is the least of all the reductions granted. The percentage of reduction in every other respect is much larger than in this. Why this unfairness? But, as I say, I shall vote for the bill because I prefer to take half a loaf rather than no loaf at all. Since there does not seem to be any desire on the Democratic side to object, those of us who are dissatisfied with certain features of this measure are helpless, and shall have to accept the situation. I shall be here when in the next Congress justice will be demanded in behalf of a great American industry.

Mr. RICHARDSON of Tennessee. You appeal to the Democrats for help, do you? [Cries of "Vote!" "Vote!"]

The question was taken; and the conference report was agreed to.

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

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to ask the gentleman from New York if he will not make a request for the printing of extra copies of this bill?

Mr. PAYNE. Mr. Speaker, I ask unanimous consent to print 10,000 copies of the bill as it comes from the conference committee, and also the summary which is presented, to be distributed through the folding room.

Mr. SHAFROTH. Why not make it 15,000 copies, so as to provide 5,000 copies for the Senate?

Mr. PAYNE. The Senate will provide for itself.

The SPEAKER. The gentleman from New York asks unanimous consent that there be printed 10,000 copies of the bill for the use of the House, with the conference report and the summary, to be distributed to the members of the House through the folding room. Is there objection? [After a pause.] The Chair hears none.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. HITT. Mr. Speaker, I call up the conference report on the consular and diplomatic appropriation bill, and I ask consent of the House that the statement be read and the reading of the formal report be omitted.

The SPEAKER. Without objection, the statement only will be read. [After a pause.] The Chair hears none.

The Clerk read as follows:

The managers on the part of the House of Representatives make the following statement of the result of the conference with the managers on the part of the Senate on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13850) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1902:

The Senate recedes from No. 2, increasing salary of minister resident and consul-general to Persia $2,500; and

From No. 10, providing five Chinese student interpreters at $1,000 each.

The House recedes and concurs with the Senate amendments as follows:

In No. 1, increasing salary of minister to Ecuador, $2,500.

In No. 5, for salary of secretary of legation to Roumania, Servia, and Greece, $1,800.

In No. 6, for salary of secretary to Netherlands, but striking out Belgium.

In No. 12, increasing from $20,000 to $40,000 the sum to purchase ground and erect buildings for our legation at Pekin.

In No. 14, for safe-deposit vault at Seoul, Korea.

In No. 15, striking out alphabetic list of salaried consulates.

In No. 16, inserting list of consulates in the old form by schedules and classes, and increasing the salaries at Ottawa, Quebec, Odessa, Para, Asuncion, Copenhagen, Leghorn, Port Stanley, Liege, Stetten, and St. Johns, Newfoundland, $500 each; making St. Pierre and St. Christopher salaried consulates at $1,500 each; leaving Lorenco Marquez at $2,000, instead of $2,500 as in Senate amendment.

In No. 18, arranging allowances for clerk hire in the old order instead of alphabetical order, with one increase of clerk hire at Beirut from $480 to $800.

In No. 20, allowing $600 for a prison keeper in Korea.

In No. 22, allowing $500 more for employee of the Bureau of Foreign Commerce in preparing consular reports.

The other amendments relate to footings.

R. R. HITT,
R. ADAMS, JR.,
HUGH A. DINSMORE,
Managers on the part of the House.

Mr. HITT. Mr. Speaker, the changes in the bill made in conference are so slight, and are recited so clearly in the statement just read, that it is unnecessary to repeat them again. We were unanimous in the conference report, and did as well as we could to maintain the House bill in spirit, and the changes are not large.

Mr. RICHARDSON of Tennessee. I desire, Mr. Speaker, to ask how much the bill is increased now, if at all, over what it carried when it passed the House?

Mr. HITT. Thirty-nine thousand six hundred and twenty dollars, one-half of which is for the legation land and buildings at Pekin.

Mr. RICHARDSON of Tennessee. And what is the remainder for?

Mr. HITT. Mostly for slight increases in salaries of consuls and clerks for smaller consulates—poor fellows that only had fifteen hundred or two thousand dollars.

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

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

INVESTIGATION OF PAY OF HOUSE EMPLOYEES.

Mr. MOODY of Massachusetts. Mr. Speaker, I present a privileged report from a special committee to investigate the employees of the House.

The SPEAKER. The gentleman from Massachusetts, chairman of the special committee with instructions to investigate the employees of the House, with instruction to report back within six days, submits the report from that committee. Has the gentleman any suggestion to make in regard to it?

Mr. MOODY of Massachusetts. A parliamentary inquiry, Mr. Speaker. Would the report be printed as a document without any action by the House?

The SPEAKER. If it is referred to the Calendar it would be. The report will be printed and referred to the House Calendar.

Mr. BAILEY of Texas. I suggest to the gentleman that he ask unanimous consent to have that report itself printed in the RECORD.

Mr. MOODY of Massachusetts. I will make that request, Mr. Speaker, except that it shall not include the evidence.

The SPEAKER. The request of the gentleman from Texas would not include the evidence.

Mr. MOODY of Massachusetts. The evidence is a part of the report by the terms of the report itself; so I suggest the modification of the terms of the request so as to include only the report and leave the evidence to be printed as a document.

Mr. BAILEY of Texas. That was my intention—the report to be printed with the evidence as a part of the document, but the report itself only to be printed in the RECORD.

The report is as follows:

The special committee of the House of Representatives, appointed in pursuance of the House resolution passed on Saturday, February 23, submit the following unanimous report:

The committee met immediately after their appointment and have held frequent and protracted sessions, and the testimony taken is made a part of this report. By the terms of the resolution the committee were required to make their report within six days after their appointment. This limitation of time was demanded by the early expiration of this Congress.

The short time at our disposal has rendered it impossible to make a complete investigation; but we believe we have complied with the spirit of the resolution, and are able to report to the House a sufficient number of facts to make clear the method of appointment and payment of the employees of the House, and to characterize properly any abuses which have grown up thereunder.

Including the clerks and assistant clerks and messengers to committees, but excluding members' clerks, the officers and employees of the House number 357, and their aggregate annual compensation is about $400,000.

The four officers elected by the House, namely, the Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster, appoint the employees of the House, except the clerks and assistant clerks of members and committees, four elevator men, the stenographers, and those appointed by House resolutions. The appointments, however, are made on the recommendation of members of the House, and very largely, though not entirely, of members of the dominant party in the House.

If a member upon whose recommendation an appointment is made desires the removal of his appointee and the substitution of another person, the removal and substitution are made without regard to the capacity of either person. In case a member upon whose recommendation an appointment has been made ceases to be a member of the House, an employee recommended by him ordinarily loses his place. Thus the officers of the House, though responsible for the character of the service rendered by the employees, have in reality little or no voice in their selection, and, as might reasonably be expected, the results obtained from the system which we have described are in some cases extremely unsatisfactory. This method of appointing House employees has existed for many years, during which the House has been under the control of each party alternately.

We believe that candor compels us to state at the outset that some of the faults in administration which we have observed are attributable to the system and to the persistence of members of the House in urging upon the officers the appointment of their constituents and friends to subordinate places, and that such faults are deeply rooted, of long standing, and likely to continue under the administration of any political party as long as such a system is maintained. We shall consider the four departments of the House service in turn.

POST-OFFICE.

We find nothing to criticise in the administration of the House post-office during the Fifty-fourth, Fifty-fifth, and Fifty-sixth Congresses.

SERGEANT-AT-ARMS' OFFICE.

We find nothing to criticise in the administration of the office of the Sergeant-at-Arms during the Fifty-fourth, Fifty-fifth, and Fifty-sixth Congresses. There is one fact, however, to which we desire to call the attention of the House: Humphrey H. Lemon was injured in 1870 while in the performance of his duty as a member of the Capitol police; in 1878 Congress appropriated $3,000 for his relief, and in 1882 legislation was had in his behalf by a joint resolution approved July 7, as follows:

"Joint resolution authorizing the appointment of Humphrey H. Lemon upon the Capitol police force.

"*Resolved, etc.*, That the board of Capitol police be authorized and directed to place upon the roll of the Capitol police, as an additional member thereof, Humphrey H. Lemon, formerly belonging to said force, who was maimed for life while in the discharge of his duties, and that when appointed under the authority of this resolution the said Humphrey H. Lemon be assigned to the duty now performed by him as a watchman inhe Dome of the Capitol."

Mr. Lemon is still a member of the Capitol police and paid as such at the rate of $1,100 per annum, although he is and has been for a long time unable to perform any duty.

OFFICES OF THE CLERK AND DOORKEEPER.

It is impossible to separate entirely these offices in the consideration which follows. We have found in both departments certain abuses, which may be grouped under three heads, namely: Transfers of employees from the duties of the positions to which they were appointed to other duties, unjustifiable payments of compensation to employees while absent from their posts of duty, and divisions of salaries.

First. Transfers of employees from the duties to which they were appointed to other duties.—Some part of this evil is doubtless attributable to the fact that the annual appropriation acts have not properly provided for the necessities of the House service. An illustration of this is furnished by the case of Guy Underwood, who is carried on the rolls as a laborer at $720 per annum, while in point of fact he performs the duty of assistant in the Hall Library of the House and his compensation is usually increased to $1,800 per annum by an appropriation of $1,080 in the general deficiency act.

Again, a sufficient number of messengers has not been provided for the actual necessities of the service, while more folders have been provided than are required. As a result of this men have been transferred from the duties of a folder to those of a messenger, and the compensation of some has been increased by appropriation in deficiency acts.

But evils of another class result from transfers, some examples of which we report. They result in part, at least, from an attempt to adjust salaries so as to satisfy the members that their appointees obtain a just share of the whole appropriation, instead of attempting to apportion the compensation to the merits of the respective employees and the character of the services which they render. The following are illustrative instances:

The place of House telegrapher is held by O. M. Enyart, who in point of fact has never served in that position, but for a time was detailed to the stationery room and then to the House library, where he now is. J. J. Constantine actually performs the duty of telegrapher, and has done so during the Fifty-fourth, Fifty-fifth, and Fifty-sixth Congresses. During this time he has been paid from an appropriation carried in the legislative act, as follows: "Hire of horses and wagons and cartage for use of the Clerk's office, $900."

The Clerk has used this appropriation for the payment of Constantine's

salary, while he has procured the service for which it was made by payments of $40 monthly, which sums have been obtained by contributions from other employees in the manner hereinafter described. Such a use of an appropriation is in violation of section 3678 of the Revised Statutes, which is as follows: "All sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others." In the meantime, up to the current year, Constantine has been paid $300 per annum by an appropriation on the general deficiency act, thus making his salary equal to that called for by the place which he actually fills.

Winthrop C. Jones is carried on the roll as a locksmith under the Clerk's department at a salary of $1,440, while in point of fact he performs the duty of a messenger under the Doorkeeper's department at the southwest door of the House lobby, and his duties as locksmith are performed by Daniel P. Hickling, who is on the Doorkeeper's roll as a session folder at $75 per month. Thus the position of locksmith, the duties of which require only a payment of $75 per month during the session, pays to a man who performs none of its duties $1,440 per annum.

And this is not all. There are four other men serving with Jones as messengers at the southwest lobby door. The five men all do exactly the same work, while their respective rates of pay are different. Thus, while Jones receives $1,440, George E. Page, a folder, receives $840; Willard Wilson, also a folder, receives $900; John Deardorff, on the messengers' roll, receives $1,000, and George Jenison, a special employee by House resolution, receives $1,200 per annum.

Jones was at the time of his appointment to the post of locksmith on the roll as a messenger, receiving $1,000 per annum. He continued to perform the same duties after his appointment as locksmith as before, the net effect of the transaction being to increase his compensation $440 a year at the expense of the person to whom that sum was really due for service performed. The whole transaction is so instructive that we report a part of the testimony relating to it:

"The CHAIRMAN. Daniel P. Hickling is performing the duties of locksmith?

"Major MCDOWELL. Yes, sir.

"Q. He is a session folder at $75 a month?

"A. Yes, sir.

"Q. And his pay simply extends through the session, and how much longer?

"A. No longer.

"Q. Is he doing the work properly?

"A. Yes, sir; he is a capable man.

"Q. And you have been able to get for $75 a month the services that the position require?

"A. The position is probably worth a little more; it is probably worth $1,200 a year.

"Q. Did he not hold the position of locksmith once?

"A. Yes, sir.

"Q. And drew the salary?

"A. Yes, sir.

"Q. The whole of it?

"A. Yes, sir.

"Q. How did he happen to be removed from that position?

"A. Several members of the Michigan delegation thought they hadn't their share.

"Q. Where did he come from?

"A. Who, Hickling?

"Q. Yes.

"A. He is from the District here.

"Q. And had no Congressman?

"A. No.

"Q. So that on the demand of the Michigan delegation you removed a competent locksmith who was doing the work and drawing the pay of the place and had him appointed, I believe, as a session folder at $75 a month?

"A. Yes, sir.

"Q. And he still continued to perform the duties of the position?

"A. Yes.

"Q. Was this man Jones, who was appointed, a locksmith?

"A. Indeed, I do not know.

"Q. Have you ever heard that he had any skill in that calling?

"A. No; I never knew anything about him. I know him, but that's all. I do not know what his qualifications are.

"Q. The substance of it was you yielded to the demand of the Michigan delegation without any regard whatever to the interests of the public service?

"A. That's right.

"Mr. LONG. And the man who was appointed to the position of locksmith was put on the door as a messenger?

"The WITNESS. Yes.

"Mr. LONG. That is the fact?

"The CHAIRMAN. Yes; that is the fact.

"It is not surprising to find, as we do, that Jones is a persistent absentee, and not attentive to his duties when present. He was absent from the service of the House from early in April of last year until after the Christmas holidays."

Second. Payments of compensation to employees while absent.—The duty of many of the employees of the House ceases with the end of a session, or very soon thereafter. Such is the case with the reading clerks, messengers, enrolling clerks, and many others who might be named. Their absence from Washington after a session of Congress closes and their duties are finished is as legitimate as the absence of the members themselves.

But many employees who should be at their posts have been from time to time absent without justification, both during sessions and between sessions. In the absence of any record it is impossible for the committee to ascertain with anything like accuracy the amount of absenteeism, but in our opinion it is very considerable.

Some of those employed in the library service have been absent for long periods between the sessions of Congress, although the House library is in a condition which demands constant attention for years to come in order to bring it up to a proper condition of efficiency. The pay roll of the librarian, his assistants, and those detailed to the library service, including deficiency appropriations, amounts to $9,200 per annum.

No one of the employees of the library, with the exception of a $600 deficiency employee and Guy Underwood, who in his freshman year at college was librarian part of one session at the Ohio State University, has ever had any library experience, although they all appear to be capable, intelligent men. The House library is said to consist of 300,000 volumes, many of which are duplicates, and is scattered from the Dome to the basement of the Capitol, in some instances, until recently, books being piled in unused rooms, like so much wood or coal. The present librarian testified as follows:

"Q. It would be difficult to describe a worse condition than existed?

"A. It would, for the condition of books. It would be all right for a barnyard, but for books it was terrible."

It is just to say that under the present administration of the library some attempt has been made at improvement, but the effect of fifty years' neglect can not be remedied in a day. We can not think that any absenteeism, beyond a reasonable vacation, on the part of those employed in the library is justifiable in view of the foregoing facts.

The folders, taking the orders of members rather than those of the Doorkeeper, are absent a great deal during the vacation, and in some cases persons are employed by resolution to do their work. The Doorkeeper testified as follows:

"I think Mr. Lyon told me where members requested they had three months at home during this last Congress.

"Q. Drawing their pay in the meantime?

"A. Yes, sir; they had three months'.

"Q. That is not in the interest of your service, is it?

"A. No, sir.

"Q. Have you been able to prevent it?

"A. No, sir.

"Q. Why?

"A. They would go to the superintendent of the folding room and say to him, "My man has got to go home."

"Q. You mean the members would go?

"A. Yes, sir. I do not like to criticise members, but that is the situation. They go and say, "I have got to have my man home, and he must go home; it is absolutely necessary;" and he has been permitted to go."

We have been unable to inquire as much into specific instances of absenteeism as we desired, but it may be said generally that absenteeism on the folders' force is very general. There are several cases of absenteeism which we report without comment.

C. B. Brockway, assistant file clerk, with an annual compensation of $1,200, has been absent during the present session, owing to severe illness.

Leroy J. Hooker was appointed clerk to the Doorkeeper in May, 1897, and remained in that position until January 11, 1898, when he was appointed upon the soldiers' roll. He was absent from Washington from the date of his appointment until the following December without loss of pay.

E. H. Keller, of New York, has been upon the roll as a cloakroom man at an annual compensation of $600 since July 26, 1897, and is on the roll at the present time. He has never been on duty in the cloakroom, but Mr. Lyon, formerly clerk to the Doorkeeper, testified that during these years he had been at work "off and on for three or four months." It is the opinion of the Doorkeeper that Keller worked six months. In any event, he has not worked over six months in the nearly four years during which he has drawn pay, and has not been in Washington for eleven or twelve months.

Third, division of salaries.—According to the testimony of Thomas H. McKee, the Journal clerk, the custom of dividing salaries is an old one and has existed for at least twenty years. We are satisfied that we are unable to report all the instances of divisions of salaries which have occurred; but we submit the following facts, which were clearly proved before us:

On the organization of the House in the Fifty-fourth Congress it appears that more places, or places with higher salaries, were promised than the officers of the House were able to discover under the law. It does not appear by whom these promises were made. There began at once a system whereby the employees agreed to contribute greater or less portions of the salaries they received for the purpose either of paying persons not on the roll or of increasing the compensation of persons who were on the roll.

Of the latter class, the increases were not proportioned to the character of the services rendered or the merit of the employees, but to the supposed rights of the States or Congressional districts from which the recipients came. Some of these contributions were made voluntarily and cheerfully; others we believe to have been made under a species of moral duress. It must be said, however, that no instance of threat of dismissal appeared before us, and that in the single case of refusal to contribute which appeared before us the person refusing held his position without molestation.

We have been unable to examine all the employees of the House, but it has appeared that Alexander McDowell, Clerk; William J. Browning, Chief Clerk; E. L. Lampson, reading clerk; Messrs. Hatcher and Stratton, former reading clerks; Henry Robinson, disbursing clerk; Henry C. Campbell, formerly assistant librarian; Thomas H. McKee, journal clerk; Herman A. Phillips, assistant journal clerk; Thomas Parran, index clerk; C. S. Hoyt, distributing clerk; O. M. Enyart, telegrapher; R. E. Fleharty, clerk in the stationery room; D. Wright, formerly a clerk in the stationery room, and George W. Sabine, assistant librarian, contributed for these purposes in the Fifty-fourth and Fifty-fifth Congresses sums ranging from $5 to $20 per month from their respective salaries, in addition to the specific instances to which we call attention below. These contributions were paid into the hands of Henry Robinson, disbursing clerk, of William J. Browning, chief clerk, or John L. Morrison, stationery clerk, and by them disbursed to the persons whose salaries were thus provided or increased.

Robert Coates, a colored man, was on the roll as a laborer in the Democratic cloakroom up to June 30, 1896. He was dropped from the roll and was succeeded by another colored man, Daniel W. Lewis, of Oklahoma, who was transferred to other duties. On the suggestion of Mr. Lyon, then clerk to the Doorkeeper, 5 employes in the cloakroom contributed to Coates $10 each per month from their salaries until December 1, 1896, when Coates was restored to the service by resolution of the House, at $70 per month, being $20 more than the amount received by his fellows.

Robert Richardson and William Richardson, two colored men employed in the House bathrooms and carried on the Clerk's roll as laborers at $720 each per annum, have been so employed for many years. In August, 1898, W. W. Wood, of Newcastle, Pa., a white man, was placed upon the roll and continued there for four months, taking the place on the pay roll of Robert Richardson in August and October and of William Richardson in September and November. We have not learned that Wood did anything besides drawing his pay. He never even appeared in the bathrooms.

In the meantime the Richardsons performed all the work, but each lost two months' pay. The transaction was without their consent. In April, 1900, W. H. Ridley, a colored man residing in Media, Pa., came to the bathrooms with another colored man, apparently with the purpose of taking the place of one or other of the Richardsons. The final result was that the Richardsons agreed each to pay $10 per month to Ridley, and did so by registered letters for eight months. Robert Richardson testified that this was done by the Clerk's orders; but this the Clerk denied, asserting his ignorance of the transaction. The Richardsons continued to do the work. Ridley did nothing.

A. C. Smith, of Tennessee, appointed as a clerk in the enrolling room, January 1, 1898, at a salary of $1,600 per annum, served as such until February, 1900, but during all the time except two months paid Mr. Robinson, the disbursing clerk, at the rate of $400 per annum, for the general purposes above described.

Dennis E. Alward entered the employ of the House in April, 1896, as superintendent of the document room, at a salary of $2,000 per annum, and remained in that position until the beginning of the special session of the Fifty-fifth Congress.

During this period, by arrangement between the respective members of the House from whose districts the employees came, he paid at the rate of $400 per annum to the use of Oscar J. Hill, a folder, serving as messenger at the main door. At the special session of the Fifty-fifth Congress Mr. Alward became one of the reading clerks of the House, at a salary of $3,600, and has

continued in that position until the present time. During the two years of the Fifty-fifth Congress he paid Mr. Robinson, by some understanding, the origin of which is uncertain, the sum of $1,600 per annum for the general purposes above described.

We have found no evidence of the continuance of the practice of assessment, contribution, or division of salaries in the present Congress, except in the case of the bathroom employees hereinbefore stated. Upon this subject the Clerk of the House testified as follows, near the close of the investigation, and we commend his testimony to the thoughtful attention of the House:

"Of course those abuses have been going on for years, salaries have been divided for years, and it is generally caused by the members; you understand that. For instance, two men draw two positions. One is $1,200 and the other is $800. They both want the $1,200 position; and they compromise by taking the $800 position and the one of $1,200, and they figure 8 and 12 is 20, one-half of 20 is 10. This is a matter which they figure among themselves. I have never been a party to any of those divisions, and at the beginning of this Congress I told my men that I would have nothing of the kind, that I would not have any divisions or contributions or anything else on the rolls; and so far as I know it has been strictly adhered to."

We have not had the opportunity to consider the subject-matter of our investigation with sufficient care and deliberation to warrant us in submitting specific recommendations for the correction of the abuses which we have reported to the House. Upon the instance of the committee a concurrent resolution has been passed by both Houses of Congress conferring upon the conferees upon the legislative, executive, and judicial appropriation bill jurisdiction which will enable them to deal with some of the questions raised by our investigation. It would not be pretended that the inquiry is at such a stage that the coming action upon the appropriation bill—if there is any such—will dispose finally of the subject, although we hope that there will be some reorganization ot the House force upon that bill and some salutary provisions of permanent law reported.

While the committee is by the resolution directed only to report the facts to the House, we believe that the abuses and evil practices which have by long continuance grown up under the present system of appointment of House employees can not be fully and completely prevented except by a permanent statute which shall properly and equitably adjust compensation and employment, and specifically prevent the abuses which have been herein reported.

WILLIAM H. MOODY.
JESSE OVERSTREET.
CHESTER I. LONG.
JOSEPH W. BAILEY.
FRANCIS G. NEWLANDS.

The SPEAKER. The request of the gentleman from Texas is that the report, without the evidence, be printed in the RECORD, and that the report, with the evidence, be printed as a House document. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAILEY of Texas. In connection with that matter, I ask unanimous consent for the present consideration of a brief resolution which I send to the Clerk's desk to be read.

The Clerk read as follows:

Resolved, That the Speaker of the House appoint a committee consisting of 5 members, not more than 3 of whom shall belong to the same political party, and all of whom shall be members-elect of the Fifty-seventh Congress, whose duty it shall be to frame and report to the next House a bill to regulate the appointment of and payments to the employees of the House of Representatives.

Mr. BAILEY of Texas. Mr. Speaker, if I can have unanimous consent, I desire to say only a word or two in explanation of this resolution.

Mr. HEPBURN. I have no disposition to antagonize the resolution, if it will not call for debate.

Mr. BAILEY of Texas. It will not occupy three minutes.

My first idea was to offer a resolution continuing this special committee, with the exception of myself; but on reflection I have thought it more proper to leave the appointment of the committee entirely with the Speaker, confident in the opinion that he would appoint my associates on the committee.

The House will perceive from the reading of the testimony, as well as the report, that the present service of the House urgently needs revision and correction. The House has already authorized the conferees on the legislative appropriation bill to deal with the question of employment and salaries, but it was the unanimous opinion of the committee that no proper regulation of that matter could be had upon a general appropriation bill, and therefore it was deemed best to offer this resolution.

The committee authorized by this resolution will, of course, have the benefit of whatever labor the conferees may perform in accordance with the other resolution; and when this House assembles for the next session of Congress, this committee, I am more than satisfied, will be ready to submit a bill under which these gross abuses will be impossible. I ask for the adoption of the resolution just read.

There being no objection, the House proceeded to the consideration of the resolution; and it was adopted.

HOMESTEADS ON FORT FETTERMAN MILITARY RESERVATION, WYO.

Mr. LACEY. I ask the consideration of the conference report which I send to the desk.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 323) entitled "An act granting homesteaders on the abandoned Fort Fetterman Military Reservation, in Wyoming, the right to enter one quarter section of public land on said reservation as pasture or grazing land, 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 of Representatives numbered 1, 2, 3, 5, 6, and 7, and agree to the same.

That the House recede from its amendment numbered 4.

JOHN F. LACEY,
CHAS. H. BURKE,
JOHN F. SHAFROTH,
Managers on the part of the House.

THOS. H. CARTER,
C. D. CLARK,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

Statement of the House conferees on S. 323, a bill "to grant homesteaders on the abandoned Fort Fetterman Military Reservation, in Wyoming, the right to enter one quarter section of public land on said reservation as pasture or grazing land."

The effect of the report is as follows: The word "enter" is changed to "purchase," and the price is fixed at $1.25 an acre.

The Senate propose that a homesteader may purchase an additional quarter section in the reservation at any place thereon.

The House amendment required that the additional land should be contiguous to the homestead.

As the reservation is small, about 6 miles by 10, the additional grazing land in any event would not be very distant from the homestead of the settler and the House recedes from its amendment requiring that the additional land be contiguous.

JOHN F. LACEY,
CHAS. H. BURKE,
JOHN F. SHAFROTH,
Managers on the part of the House.

The question being taken, the report of the committee of conference was agreed to.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. I submit a conference report on the Agricultural appropriation bill. I ask that the statement of the House conferees be read in lieu of the conference report.

There was no objection.

Mr. RICHARDSON of Tennessee. Without knowing what this report contains, I want to reserve all points of order.

The report of the committee of conference is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13801) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1902, 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 amendments numbered 53, 55, 70, 72, 73, and 83.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 54, 56, 57, 58, 59, 60, 61, 62, 63, 67, 68, 71, 74, 75, 76, 77, 78, 79, 80, 81, and 82, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: On page 8, line 23, in lieu of the words "forty-three" insert the words "forty-six:" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: On page 8, line 23, in lieu of the word "forty-three" insert the word "forty-six:" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: On page 33, line 21, strike out the word "ten," stricken out by said amendment, and insert "twenty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: On page 33, line 22, strike out the word "sixty," stricken out by said amendment, and insert "sixty-three;" also, on page 33, line 24, after the word "Columbia," insert "of which sum $3,000 shall be immediately available;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: On page 34, lines 1 and 2, strike out the words "forty-six," stricken out by said amendment, and insert "fifty-six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: On page 39, in line 3, strike out the words "five hundred;" and the Senate agree to the same.

J. W. WADSWORTH,
E. S. HENRY,
JOHN S. WILLIAMS,
Managers on the part of the House.

REDFIELD PROCTOR,
H. C. HANSBROUGH,
WM. B. BATE,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The conferees on the part of the House beg to submit to the House the following statement and explanation of the conference report on the Agricultural appropriation bill, H. R. 13801:

Outside of the amendments affecting the reorganization of the Department and the amendments increasing the appropriations for seeds, to both of which the conferees were directed by the House to agree, the remainder are unimportant and relate mainly to changes of totals, omissions, and typographical errors, with the following exceptions:

Amendment 53, by which the appropriation for the biological investigations was increased $7,500 was receded from by the Senate and the amount left at the figure appropriated by the House.

Amendment 56, by which the Senate increased the amount for the Division of Publications by $5,500, was agreed to by the House conferees and was made immediately available, at the earnest request of the Secretary of Agriculture, in order to expedite the work of getting out Department publications which should be distributed before July 1.

Amendment 64, by which the Senate increased the appropriation for the Division of Statistics by $15,000 was compromised at an increase of $10,000.

Amendment 67, increasing the appropriation for the Department library from $14,000 to $16,000 was agreed to by the House conferees, that being the amount originally estimated for by the Department.

Amendment 69, increasing the appropriation for nutrition investigations from $17,500 to $20,000 was agreed to by the conferees on the part of the House, that amount having been originally estimated for by the Department.

Amendment 70, by which the Senate increased the appropriation for irrigation investigations from $50,000 to $75,000 was receded from by the Senate and the amount allowed to remain at $50,000, as fixed by the House.

Amendment 72, whereby the Senate increased the appropriation for the public road inquiry $7,500, was receded from by the Senate, and the amount appropriated was left as fixed by the House.

Amendment 82, enabling the Secretary of Agriculture to procure plans and specifications for a new building for the Department of Agriculture, to be submitted to the next Congress, was agreed to by the conferees on the part of the House, as the necessity for a new building has long been recognized by members of the Agricultural Committee who are familiar with the inadequate accommodations afforded by the present one, and its inconveniences and the combustible character of its construction.

Amendment 83, which provided for the appeal of section 2 of an act approved March 3, 1885, chapter 338, Revised Statutes, Forty-eighth Congress, second session, was stricken from the bill for the reason that it repealed a good law which ought to apply to all Departments, and not alone to the Department of Agriculture.

The section in question is as follows:

"That no part of the money herein or hereafter appropriated for the Department of Agriculture shall be paid to any person, as additional salary or compensation, receiving at the same time other compensation as an officer or employee of the Government; and in addition to the proper vouchers and accounts for the sums appropriated for the said Department to be furnished to the accounting officers of the Treasury, the Commissioner of Agriculture shall, at the commencement of each regular session, present to Congress a detailed statement of the expenditure of all appropriations for said Department for the last preceding fiscal year."

A law which, in the judgment of the conferees of both Houses, should be made applicable to every Department and branch of the Government service. The bill as agreed upon by the conferees carries $4,581,520, an increase of $236,820 over the bill as passed by the House.

Mr. WADSWORTH. I ask for the adoption of the report.

The report was agreed to.

On motion of Mr. WADSWORTH, a motion to reconsider the vote by which the report was agreed to was laid on the table.

REVENUE-CUTTER SERVICE.

Mr. HEPBURN. I move that the House now resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of House bill 5499. Pending that motion, I move that all debate in Committee of the Whole on this bill be closed in five minutes; and upon that motion I ask the previous question.

Mr. UNDERWOOD. I desire to make the motion that the House adjourn, which, I think, takes precedence.

Mr. *HEPBURN*. I make the point of order that the motion of the gentleman from Alabama [Mr. UNDERWOOD] is dilatory.

The SPEAKER. The Chair sustains the point of order.

The question being taken on ordering the previous question, there were on a division—ayes 126, noes 61.

Mr. UNDERWOOD. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 166, nays 80, answered "present" 10, not voting 97; as follows:

YEAS—166.

Acheson,	Davidson,	Lentz,	Roberts,
Adams,	Davis,	Lester,	Ruppert,
Adamson,	Denny,	Levy,	Russell,
Aldrich,	Dick,	Lewis,	Ryan, N. Y.
Allen, Me.	Driggs,	Littauer,	Salmon,
Babcock,	Emerson,	Littlefield,	Scudder,
Baker,	Esch,	Livingston,	Shattuc,
Bankhead,	Fitzgerald, Mass.	Long,	Shelden,
Barber,	Fitzgerald, N. Y.	Lovering,	Sherman,
Barham,	Fletcher,	Lybrand,	Showalter,
Barney,	Fordney,	McAleer,	Sibley,
Bartholdt,	Foster,	McCall,	Smith, Iowa
Bellamy,	Gamble,	McCleary,	Smith, Ky.
Berry,	Gardner, Mich.	McClellan,	Smith, H. C.
Bowersock,	Gardner, N. J.	McDowell,	Smith, Wm. Alden
Brantley,	Gibson,	Mahon,	Southard,
Breazeale,	Gillet, N. Y.	May,	Sperry,
Brewer,	Glynn,	Mercer,	Stallings,
Brick,	Gordon,	Miller,	Stark,
Brosius,	Graham,	Minor,	Steele,
Brown,	Green, Pa.	Moody, Oreg.	Stewart, N. J.
Bull,	Greene, Mass.	Morgan,	Stewart, N. Y.
Burke, S. Dak.	Griffith,	Morrell,	Stewart, Wis.
Burke, Tex.	Grosvenor,	Morris,	Sulloway,
Burkett,	Grout,	Mudd,	Sulzer,
Burleigh,	Grow,	Muller,	Tawney,
Butler,	Hedge,	Naphen,	Taylor, Ala.
Calderhead,	Henry, Conn.	Newlands,	Thomas, Iowa
Capron,	Hepburn,	O'Grady,	Thomas, N. C.
Cochrane, N. Y.	Hill,	Olmsted,	Tompkins,
Connell,	Hitt,	Otey,	Turner,
Conner,	Hoffecker,	Otjen,	Van Voorhis,
Cooper, Wis.	Hopkins,	Overstreet,	Vreeland,
Corliss,	Howell,	Packer, Pa.	Wachter,
Cousins,	Hull,	Payne,	Wadsworth,
Crowley,	Jack,	Pearce, Mo.	Wanger,
Curtis,	Jenkins,	Pearson,	Warner,
Cushman,	Jones, Wash.	Pearre,	Weaver,
Dahle,	Joy,	Phillips,	Wilson, N. Y.
Dalzell,	Lamb,	Polk,	Ziegler.
Davenport, S. A.	Lane,	Ray, N. Y.	
Davey,	Latimer,	Riordan,	

NAYS—80.

Allen, Ky.	Fitzpatrick,	McCulloch,	Rixey,
Allen, Miss.	Fleming,	McRae,	Robb,
Atwater,	Gaines,	Maddox,	Robinson, Ind.
Bailey, Tex.	Gillett, Mass.	Mann,	Robinson, Nebr.
Boutell, Ill.	Graff,	Marsh,	Rucker,
Bromwell,	Griggs,	Metcalf,	Shackleford,
Brundidge,	Hemenway,	Miers, Ind.	Shafroth,
Burleson,	Henry, Miss.	Mondell,	Sheppard,
Caldwell,	Henry, Tex.	Moody, Mass.	Sims,
Cannon,	Jett,	Moon,	Smith, Ill.
Carmack,	Jones, Va.	Needham,	Spalding,
Cochran, Mo.	Kitchin,	Norton, Ohio	Spight,
Cooper, Tex.	Kleberg,	Norton, S. C.	Stephens, Tex.
Cowherd,	Kluttz,	Pierce, Tenn.	Talbert,
Crumpacker,	Lacey,	Prince,	Underwood,
De Armond,	Lanham,	Quarles,	Vandiver,
Dinsmore,	Linney,	Reeves,	Watson,
Dougherty,	Little,	Rhea, Ky.	Williams, J. R.
Driscoll,	Lloyd,	Richardson, Ala.	Williams, W. E.
Finley,	Loud,	Richardson, Tenn.	Williams, Miss.

ANSWERED "PRESENT"—10.

Benton,	Elliott,	King,	Smith, Samuel W.
Boreing,	Hamilton,	Landis,	
Brownlow,	Haugen,	Meyer, La.	

NOT VOTING—97.

Alexander,	Davenport, S. W.	Lassiter,	Stevens, Minn.
Bailey, Kans.	Dayton,	Lawrence,	Stokes,
Ball,	De Graffenreid,	Lorimer,	Sutherland,
Bartlett,	Dovener,	Loudenslager,	Swanson,
Bell,	Eddy,	McDermott,	Tate,
Bingham,	Faris,	McLain,	Tayler, Ohio
Bishop,	Foss,	Meekison,	Terry,
Boutelle, Me.	Fowler,	Mesick,	Thayer,
Bradley,	Fox,	Neville,	Thropp,
Brenner,	Freer,	Noonan,	Tongue,
Broussard,	Gaston,	Parker, N. J.	Underhill,
Burnett,	Gayle,	Powers,	Waters,
Burton,	Gilbert,	Pugh,	Weeks,
Campbell,	Gill,	Ransdell,	Weymouth,
Catchings,	Hall,	Reeder,	Wheeler,
Chanler,	Hawley,	Rhea, Va.	White,
Clark,	Hay,	Ridgely,	Wilson, Idaho
Clayton, Ala.	Heatwole,	Robertson, La.	Wilson, S. C.
Clayton, N. Y.	Howard,	Rodenberg,	Woods,
Cooney,	Johnston,	Ryan, Pa.	Wright,
Cox,	Kahn,	Slayden,	Young,
Cromer,	Kerr, Md.	Small,	Zenor.
Crump,	Kerr, Ohio	Snodgrass,	
Cummings,	Ketcham,	Sparkman,	
Cusack,	Knox,	Sprague,	

So the previous question was ordered.

The following additional pairs were announced:

On the revenue-cutter bill:

Mr. BROWNLOW with Mr. HAY.

Mr. YOUNG with Mr. BENTON.

For the balance of the day:

Mr. LANDIS with Mr. CLARK.

Mr. KNOX with Mr. SPARKMAN.

Mr. KAHN with Mr. SUTHERLAND.

Mr. STEVENS of Minnesota with Mr. SLAYDEN.

Mr. KETCHAM with Mr. GILBERT.

Mr. FARIS with Mr. CLAYTON of New York.

Mr. LOUDENSLAGER with Mr. CLAYTON of Alabama.

Mr. DOVENER with Mr. BRENNER.

Mr. WEYMOUTH with Mr. RHEA of Virginia.

Mr. RODENBERG with Mr. ZENOR.

Mr. BURTON with Mr. BELL.

Mr. BAILEY of Kansas with Mr. BALL.

Mr. CROMER with Mr. COONEY.

Mr. EDDY with Mr. CUMMINGS.

Mr. FREER with Mr. FOX.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. HAWLEY with Mr. GAINES.

Mr. KERR of Maryland with Mr. HOWARD.

Mr. KERR of Ohio with Mr. RANSDELL.

Mr. LAWRENCE with Mr. ROBERTSON of Louisiana.

Mr. POWERS with Mr. RYAN of Pennsylvania.

Mr. PUGH with Mr. SNODGRASS.

Mr. SPRAGUE with Mr. TERRY.

Mr. THROPP with Mr. SWANSON.

Mr. TONGUE with Mr. THAYER.

Mr. WATERS with Mr. WHEELER.

Mr. ALEXANDER with Mr. CUSACK.

On this vote:

Mr. BOREING with Mr. DE GRAFFENREID.

Mr. SAMUEL W. SMITH with Mr. BISHOP.

Mr. WOODS with Mr. NOONAN.

Mr. DAVIDSON with Mr. SMALL.

Mr. WRIGHT with Mr. HALL.

Mr. WEEKS with Mr. JOHNSTON.

Mr. HAMILTON with Mr. KING.

The result of the vote was announced as above stated.

Mr. PAYNE. It is understood between the friends and the opponents of this bill that a vote may be taken without a roll call on limiting debate, and that then the House shall adjourn.

The SPEAKER. The question is on the motion of the gentleman from Iowa [Mr. HEPBURN] to limit general debate in the Committee of the Whole to five minutes.

The motion was agreed to.

Mr. PAYNE. I move now that the House adjourn.

The SPEAKER. Will the gentleman withhold that motion for a few moments?

Mr. PAYNE. Certainly.

HENRY B. SHELL.

The SPEAKER laid before the House the following message from the President of the United States: which was read, and referred to the Committee on Invalid Pensions:

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 27th instant (the Senate concurring) I return herewith the bill of the House (H. R. 9903) entitled "An act granting an increase of pension to Henry B. Shell."

WILLIAM McKINLEY.

EXECUTIVE MANSION, *February 28, 1901.*

INTERNATIONAL EXPOSITION AT PARIS.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, in pursuance of the act of Congress approved July 1, 1898 (U. S. Stat. L., vol. 30, pp. 645, 646), the report of Mr. Ferdinand W. Peck, commissioner-general of the United States to the International Exposition held at Paris, France, during the year 1900.

WILLIAM McKINLEY.

EXECUTIVE MANSION,
Washington, February 28, 1901.

POTOMAC RIVER FLATS.

The SPEAKER laid before the House the amendments of the Senate to the bill (H. R. 13865) relative to the suit instituted for the protection of the interests of the United States in the Potomac River Flats.

The amendments were read, and, on motion of Mr. JENKINS, concurred in.

PUBLIC COMFORT ON INAUGURATION DAY.

The SPEAKER also laid before the House the joint resolution (S. R. 164) giving the Commissioners of the District of Columbia authority to provide for the public comfort; which was read a first and second time.

Mr. JENKINS. I ask unanimous consent for the present consideration of this resolution.

There was no objection.

The House proceeded to consider the joint resolution; which was read, as follows:

Resolved, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to expend a sum not to exceed $500 from the emergency fund of the District of Columbia to provide for the public comfort during the approaching inaugural ceremonies; and the said commissioners may from time to time issue temporary permits for the aforesaid purpose, subject to such regulations as they may prescribe.

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

SENATE BILL AND RESOLUTION REFERRED.

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

S. 4176. An act to preserve the place of burial of Gen. Daniel Morgan—to the Committee on the Library.

S. 6048. An act to amend chapter 559 of the Revised Statutes of the United States, approved March 3, 1891—to the Committee on the Public Lands.

Senate concurrent resolution 113:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate and House of Representatives 6,000 copies of the Legislative History of the General Staff of the Army of the United States, of which 1,500 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 1,500 copies for the use of the War Department—

to the Committee on Printing.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 13575. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1902, and for other purposes;

H. R. 1136. An act for the relief of parties for property taken from them by military forces of the United States;

H. R. 13822. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

H. R. 13992. An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn.;

H. R. 12846. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1902, and for other purposes;

H. R. 149. An act referring to the Court of Claims the claim of William E. Woodbridge for compensation for the use by the United States of his invention relating to projectiles, for which letters patent were ordered to issue to him March 25, 1852;

H. R. 14144. An act to authorize the construction of a bridge across Pearl River at Monticello, Miss.;

H. R. 13907. An act to revive and amend an act entitled "An act to authorize the Georgia Pine Railroad of Georgia to construct a bridge across the Flint River, a navigable stream, in Decatur County, Ga.;" and

H. R. 1860. An act for the relief of the trustees of Carson-Newman College, at Mossycreek, Tenn.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4306. An act for the relief of settlers under the public-land laws to lands within the indemnity limits of the grant to the Northern Pacific Railroad Company; and

S. 2799. An act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain concluded on the 10th day of December, 1898.

BRIDGE ACROSS ALABAMA RIVER.

The SPEAKER laid before the House the bill (S. 5935) to authorize the Montgomery and Autauga Bridge Company to construct a bridge across the Alabama River near the city of Montgomery, Ala.

The bill was read at length.

The SPEAKER. This matter is privileged, being identical with a House bill favorably reported by the committee.

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

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

Mr. PAYNE. I move that the House adjourn.

Mr. GROSVENOR. I ask the gentleman to withdraw that motion. I ask to take a Senate bill up from the Speaker's table.

Mr. PAYNE. I will withdraw my motion.

AMERICAN REGISTER FOR STEAM YACHT MAY.

The SPEAKER laid before the House the bill (S. 6012) to provide an American register for the steam yacht *May*.

The bill was read at length.

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

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

JAMES KELLY.

The SPEAKER also laid before the House the bill (H. R. 7760) for the relief of James Kelly, with a Senate amendment.

The bill and the Senate amendment were read.

Mr. HULL. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

On motion of Mr. HULL, a motion to reconsider the vote by which the Senate amendment was concurred in was laid on the table.

BRIDGE ACROSS RED RIVER, LOUISIANA.

The SPEAKER laid before the House the bill (S. 6054) authorizing the Texas and Pacific Railroad Company to construct a bridge across Red River, Louisiana.

The bill was read at length.

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

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

The SPEAKER. The House bill similar to the one just passed will lie on the table; and of the others, Senate bills 5935 and 6012, the House bills corresponding to those will lie on the table.

BILLS ORDERED TO LIE ON THE TABLE.

The SPEAKER. The Chair submits a list of House bills where similar Senate bills have passed; these bills to lie on the table.

The Clerk read as follows:

Bills, duplicates of which have passed the House, to lie upon the table.

H. R. 2365. A bill to complete the establishment and erection of a military post near the city of Sheridan, in the State of Wyoming, and making an appropriation therefor. (By Mr. MONDELL.) (Union Calendar No. 10.)

H. R. 985. A bill providing that those who had heretofore commuted entries or have not perfected title to tracts entered as homesteads may avail themselves of the provisions of the homestead laws. (By Mr. MONDELL.) (Union Calendar No. 43.)

H. R. 8668. A bill approving a revision and adjustment of certain sales of Otoe and Missouria lands in the States of Nebraska and Kansas. (By Mr. STARK.) (Union Calendar No. 102.)

H. C. Res. 351. A concurrent resolution that there be printed and bound, in the form of eulogies, 14,025 copies of the proceedings in Congress upon the reception and acceptance of the statue of Gen. Ulysses S. Grant presented by the Grand Army of the Republic. (Union, No. 232.)

H. J. Res. 7. A joint resolution authorizing foreign exhibitors at the Pan-American Exposition to be held in Buffalo, N. Y., in 1901, to bring to this country foreign laborers from their respective countries for the purpose of preparing for and making their exhibits under regulations prescribed by the Secretary of the Treasury. (By Mr. ALEXANDER.) (H. C., 172.)

H. J. Res. 252. A joint resolution authorizing foreign exhibitors at the Ohio Centennial and Northwest Territory Exposition, to be held in Toledo, Ohio, in 1902, to bring to this country foreign laborers from their respective countries, for the purpose of preparing for and making their exhibits, under regulations prescribed by the Secretary of the Treasury. (By Mr. SOUTHARD.) (H. C., 232.)

H. R. 12257. A bill for the relief of the heirs of A. T. Hensley. (By Mr. SLAYDEN) Private Calendar 1367.

H. R. 13220. A bill granting an increase of pension to Hubert Bascombe. (By Mr. MORRIS) Private Calendar 1808.

H. R. 13962. A bill to extend the time granted to the Muscle Shoals Power Company, by an act approved March 3, 1899, within which to commence and complete the work authorized in said act to be done by said company. (By Mr. RICHARDSON of Alabama) House Calendar 318.

The SPEAKER. Without objection, these will all lie on the table.

There was no objection, and it was so ordered.

Mr. PAYNE. I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 6 o'clock and 7 minutes p. m.) the House adjourned until 11 o'clock a. m. to-morrow.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a list of documents distributed by the Treasury Department during the calendar years 1899 and 1900—to the Committee on Printing, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting, in reply to a resolution of the House, a statement as to the exportation of horses, mules, and supplies to South Africa—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Wm. S. Fowlkes, administrator of estate of Mial T. Long, against the United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. MOODY of Massachusetts, from the Special Committee on Employment of and Payment to House Employees, in obedience to resolution of the House (H. Res. 427) relating to the employment of and payments to employees of the House of Representatives, submitted a report (No. 2978); which said report was referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. BROWNLOW, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 12175) to correct military record of Harrison Clark, reported the same with amendment, accompanied by a report (No. 2979); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. DAYTON: A bill (H. R. 14309) for the reward of enlisted men of the Navy or Marine Corps—to the Committee on Naval Affairs.

By Mr. CURTIS (by request): A bill (H. R. 14310) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes—to the Committee on Indian Affairs.

By Mr. LATIMER: A bill (H. R. 14314) to amend section 37 of an act entitled "An act providing for the public printing and binding and the distribution of public documents," approved January 12, 1895—to the Committee on Printing.

By Mr. LITTLE: A bill (H. R. 14315) to amend an act to ratify and confirm an agreement with the Cherokee tribe of Indians, and for other purposes—to the Committee on Indian Affairs.

By Mr. HULL: A resolution (H. Res. 437) for the consideration of H. R. 14017—to the Committee on Rules.

By Mr. COOPER of Wisconsin: A resolution (H. Res. 438) authorizing and empowering the Committee on Insular Affairs to visit Porto Rico and the Philippine Islands—to the Committee on Rules.

By the SPEAKER: A memorial from the legislature of Wisconsin relative to imposition of inheritance or succession tax—to the Committee on Ways and Means.

By Mr. OTJEN: A memorial from the legislature of Wisconsin, relating to repeal of war-revenue tax—to the Committee on Ways and Means.

By Mr. DAVIDSON: A memorial from the legislature of Wisconsin, relating to repeal of war-revenue tax—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. COWHERD: A bill (H. R. 14311) for the relief of John P. Duke—to the Committee on War Claims.

By Mr. RICHARDSON of Alabama: A bill (H. R. 14312) for the relief of the heirs of James T. Anderson, deceased—to the Committee on War Claims.

By Mr. THOMAS of North Carolina: A bill (H. R. 14313) for the relief of Adolph Cohn, administrator of the estate of John Chapman, deceased—to the Committee on War Claims.

By Mr. GIBSON: A bill (H. R. 14316) for the relief of Bartley Giffin—to the Committee on War Claims.

Also, a bill (H. R. 14317) for the relief of John M. Dailey—to the Committee on Military Affairs.

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. ACHESON: Petition of the Chicago Federation of Labor, advocating the holding of public lands in the West for the benefit of the people—to the Committee on the Public Lands.

Also, petitions of the Home Mission, Coursin Street Methodist Episcopal Church, West End Methodist Episcopal Church, and First Methodist Episcopal Church, all of McKeesport, Pa., favoring the passage of the Gillett bill for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. ADAMS: Petition of Chicago Federation of Labor, relating to the reclamation and settlement of Government lands—to the Committee on the Public Lands.

By Mr. ALLEN of Maine: Petitions of Mary E. Hill and 7 others of Garden Grove, Cal., and Mrs. Julia A. Bidwell and others, of North Syracuse, N. Y., favoring the exclusion of alcoholic liquor from countries inhabited chiefly by native races—to the Committee on Alcoholic Liquor Traffic.

By Mr. BROWN: Petition of Elizabeth Kirby and others, favoring provision for an adequate and permanent supply of water for the Pima and Papago Indians—to the Committee on Indian Affairs.

Also, petitions of Daniel McClellan and others and Julia M. Turner and others, in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. COWHERD: Petition of John P. Duke, of Missouri, for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. DALZELL: Resolutions of the Chicago Federation of Labor for the reclamation of the arid lands in the Western States—to the Committee on Irrigation of Arid Lands.

Also, petition of sundry citizens of Pittsburg, Pa., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. ESCH: Resolutions of Chicago Federation of Labor, for the reclamation of arid lands—to the Committee on Irrigation of Arid Lands.

By Mr. FITZGERALD of Massachusetts: Resolutions of the thirty-fifth annual encampment, Department of Massachusetts, Grand Army of the Republic, of Boston, Mass., for the passage of Senate bill No. 3422, an act to equalize the rank and pay of certain retired officers of the Navy—to the Committee on Naval Affairs.

Also, petition of Mary B. Graves and 3 other citizens of New York, together with letter of Hon. George F. Edmunds, in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. GRAHAM: Petition of Young People's Society of the Fourth United Presbyterian Church, Allegheny, Pa., Miss G. W. Hood, secretary, for the enactment of legislation to prohibit the sale of firearms, opium, and intoxicating liquors to the inhabitants of the New Hebrides and other islands—to the Committee on Alcoholic Liquor Traffic.

Also, resolutions of the Chicago Federation of Labor, for irrigation of arid lands, and Government to give title to none but actual settlers on any public lands—to the Committee on the Public Lands.

By Mr. LITTLEFIELD: Petition of 7 citizens of Rockland,

Me., favoring the passage of the Gillett bill for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. MULLER: Petition of 16 citizens of Tottenville, N. Y., for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. NEEDHAM: Petition of 15 citizens of Hemet, Cal., favoring the passage of the Gillett bill for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. RIORDAN: Petition of the Chicago Federation of Labor for the reclamation of arid lands—to the Committee on Irrigation of Arid Lands.

By Mr. ROBERTSON of Louisiana: Petition of citizens of Pointe Coupee Parish, La., urging an appropriation for the destruction of the plant known as the water hyacinth in navigable streams in Louisiana—to the Committee on Rivers and Harbors.

By Mr. RUPPERT: Resolutions of the Chicago Federation of Labor, opposing the cession of the lands of the States and recommending the Government building of irrigation works—to the Committee on the Public Lands.

By Mr. RYAN of New York: Petition of Chicago Federation of Labor, for irrigation of arid lands—to the Committee on Irrigation of Arid Lands.

Also, petitions of J. R. Loveless and 62 others of Potsdam, N. Y., and Rev. S. S. Cobb and 363 others for the prohibition of intoxicating liquors in certain islands—to the Committee on Alcoholic Liquor Traffic.

By Mr. SULZER: Petition of the Chicago Federation of Labor, advocating the holding of public lands in the West for the benefit of the people—to the Committee on the Public Lands.

Also, petition of the New York Board of Trade and Transportation, in regard to reduction of war tax—to the Committee on Ways and Means.

By Mr. THOMAS of North Carolina: Resolution of the North Carolina Society of the Cincinnati, at its meeting in Raleigh, N. C., relative to the Nash and Davidson monuments—to the Committee on the Library.

By Mr. VREELAND: Petition of Woman's Christian Temperance Union of Dunkirk, N. Y., for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. YOUNG: Petition of the Chicago Federation of Labor, advocating the holding of the public lands in the West for the benefit of the people—to the Committee on the Public Lands.

SENATE.

FRIDAY, *March 1, 1901.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

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

The PRESIDENT pro tempore. The Journal will stand approved, without objection.

LIST OF JUDGMENTS.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 26th ultimo, a list of judgments rendered by the Court of Claims not heretofore reported to Congress, amounting to $309,919.88.

The Chair calls the attention of the Senator from Iowa [Mr. ALLISON] to the communication and accompanying papers. Does the Senator desire to have them printed?

Mr. ALLISON. I ask to have them printed and referred to the Committee on Appropriations, and I hope the Public Printer will be admonished to have them returned by to-morrow morning.

The PRESIDENT pro tempore. The communication and accompanying papers will be ordered to be printed and referred to the Committee on Appropriations.

LIST OF CLAIMS ALLOWED.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 26th ultimo, a list of claims allowed by the accounting officer of the Treasury under appropriations, the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, etc.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

INSPECTION OF BUILDINGS IN THE CITY OF WASHINGTON.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in connection with the report submitted on the 27th ultimo, a final report of inspection of buildings in the city of Washington occupied by the War Department, made by Maj. John Tweedale, assistant chief of the Record and Pension Office; which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

NAVAJO INDIAN RESERVATION LANDS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 7th ultimo, a letter from the Commissioner of Indian Affairs, together with copies of all papers relating to the location, right of location, claimed leased acquisition of title to mining land or the privileges of exploring for minerals on any part of the Navajo Indian Reservation in Arizona and New Mexico; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 7760) for the relief of James Kelly; and

A bill (H. R. 13865) relative to the suit instituted for the protection of the interests of the United States in the Potomac River Flats.

The message also announced that the House had passed the following bills and joint resolution:

A bill (S. 5935) authorizing the Montgomery and Autauga Bridge Company to construct a bridge across the Alabama River near the city of Montgomery, Ala.;

A bill (S. 6012) to provide an American register for the steam yacht *May;*

A bill (S. 6054) authorizing the Texas and Pacific Railway Company to construct a bridge across Red River, Louisiana; and

A joint resolution (S. R. 164) giving the Commissioners of the District of Columbia authority to provide for the public comfort.

DELINQUENT CHILDREN IN THE DISTRICT OF COLUMBIA.

Mr. McMILLAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 13067) to enlarge the powers of the courts of the District of Columbia in cases involving delinquent children, 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 amendment numbered 4.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 5, and 6; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: At the end of line 1 of said amendment insert "of sufficient financial ability," and in line 3 strike out "willfully and unnecessarily;" and the Senate agree to the same.

JAMES McMILLAN,
WILLIAM P. DILLINGHAM,
RICHARD R. KENNEY,
Managers on the part of the Senate.

J. W. BABCOCK,
JOHN J. JENKINS,
ADOLPH MEYER,
Managers on the part of the House.

The report was agreed to.

PROTECTION OF BIRDS AND PRESERVATION OF GAME.

Mr. McMILLAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11881) to amend an act entitled "An act for the protection of birds, preservation of game, and for the prevention of its sale during certain closed seasons, in the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows:

On page 1, line 11, of the bill strike out "1st day of February" and insert "15th day of March;" and on page 2, line 13, of the bill strike out "1st day of February" and insert "15th day of March;" and the Senate agree to the same.

That the House agree to the amendments of the Senate numbered 2 and 3.

JAMES McMILLAN,
J. H. GALLINGER,
THOMAS S. MARTIN,
Managers on the part of the Senate.

J. W. BABCOCK,
JOHN J. JENKINS,
ADOLPH MEYER,
Managers on the part of the House.

The report was agreed to.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented petitions of S. Ira Paine and sundry other citizens of Horseheads, of the Woman's Christain Temperance Union of Dunkirk, and of the Literary and Scientific Circle of Chautauqua, all in the State of New York, praying for the enactment of legislation to prohibit the sale of intoxicating liquors, firearms, and opium in the New Hebrides and other Pacific Islands; which were ordered to lie on the table.

He also presented a petition of Local Union, No. 246, Cigar Makers' International Union, of Salamanca, N. Y., and a petition