printing hearings on anti-oleomargarine bill—to the Committee on Printing.

By Mr. ESCH: A memorial from the legislature of Wisconsin, for repeal of certain war-revenue taxes—to the Committee on Ways and Means.

By Mr. DAHLE: A memorial from the legislature of Wisconsin, for repeal of certain war-revenue taxes—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. BARTHOLDT: A bill (H. R. 14320) to correct the military record of George L. Hayne, late first lieutenant Company C, First Regiment Louisiana Cavalry—to the Committee on Military Affairs.

By Mr. COOPER of Texas: A bill (H. R. 14321) granting an increase of pension to Henry E. Munger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14322) granting a pension to Martha A. Hollingseed—to the Committee on Invalid Pensions.

By Mr. LONG: A bill (H. R. 14323) for the relief of Luke Stinnett—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. BABCOCK: Petition of Platteville (Wis.) Woman's Christian Temperance Union, 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. BELL: Resolutions of the Chicago Federation of Labor and National Business League, of Chicago, Ill., opposing the cession of the lands of the States and recommending the Government building of irrigation works—to the Committee on Irrigation of Arid Lands.

Also, petition of citizens of Colorado Springs, Colo., favoring antipolygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. BOWERSOCK: Resolution of the Commercial Club of Fredonia, Kans., against the establishment of the parcels-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. BURKETT: Resolutions of the Chicago Federation of Labor and of the National Business League, for the reclamation of the arid lands in the Western States—to the Committee on Irrigation of Arid Lands.

Also, petitions of the Woman's Christian Temperance Union, Christian, Baptist, and Methodist Episcopal churches of Peru, and 70 citizens of Murray, Nebr., 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. COOPER of Texas: Papers to accompany House bill granting an increase of pension to Henry E. Munger, of Orange, Tex.—to the Committee on Invalid Pensions.

By Mr. ESCH: Resolutions of the National Business League for the reclamation of arid lands—to the Committee on Irrigation of Arid Lands.

Also, petition of Young People's Christian Union of St. Paul's Universalist Church of La Crosse, Wis., 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. FOWLER: Petitions of S. P. Hall and others of Plainfield, and Edwin Ferris and others of Montclair, N. J., in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

Also, petition of Union County, N. J., Woman's Christian Temperance Union for the prohibition of 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.

By Mr. GROSVENOR: Petitions of J. R. McFie, of Santa Fe, N. Mex., and G. B. Hubbard and 8 others, favoring the exclusion of alcoholic liquor from countries inhabited chiefly by native races—to the Committee on Alcoholic Liquor Traffic.

By Mr. HEMENWAY: Petition of W. M. Chappell and other citizens of Oakland City, Ind., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. KETCHAM: Petition of citizens of Ulster County, N. Y., in behalf of the passage of the Gillett bill—to the Committee on Alcoholic Liquor Traffic.

By Mr. MANN: Petitions of the National Business Men's League and Heath & Milligan Manufacturing Company, of Chicago, Ill., 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. MERCER: Resolutions of the Chicago Federation of Labor and Iron Moulders' Union of Omaha, Nebr., advocating the holding of the public lands in the West for the benefit of the people and favoring irrigation—to the Committee on Irrigation of Arid Lands.

By Mr. RAY of New York: Petition of Elizabeth McNeal and others favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. RUPPERT: Resolutions of the National Business League of Chicago, Ill., in relation to the reclamation and settlement of arid lands—to the Committee on Irrigation of Arid Lands.

By Mr. RYAN of New York: Resolutions of the National Business Men's League, for the reclamation of arid lands—to the Committee on Irrigation of Arid Lands.

By Mr. SPALDING: Petition of the Presbyterian churches of Galesburg and Broadlawn, in Traill and Steele counties, N. Dak., for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

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

Also, petition of citizens of Raymilton, Pa., asking for the abolishment of the alcoholic liquor traffic from the continent of Africa—to the Committee on Alcoholic Liquor Traffic.

By Mr. SPERRY: Petitions of citizens of Waterbury and East Haven, Conn., and Woman's Christian Temperance Union of Putnam, Conn., for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. SULZER: Resolutions of the National Business Men's League of Chicago, Ill., relating to the reclamation and settlement of Government lands—to the Committee on Irrigation of Arid Lands.

By Mr. SUTHERLAND: Resolutions of the Chicago Federation of Labor, and of National Business League, held at Chicago, favoring appropriations for surveys, dams, and canals throughout the great West—to the Committee on Irrigation of Arid Lands.

Also, petitions of the Woman's Missionary Society of Nelson, Nebr., and A. L. Hunting and 64 others, of Arapahoe, Nebr., for the prohibition of intoxicating liquors in certain islands—to the Committee on Alcoholic Liquor Traffic.

By Mr. TOMPKINS: Petitions of Rev. I. R. Thompson, Rev. W. K. Hall, and certain churches of Newburgh, N. Y., 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 the Woman's Christian Temperance Union of Wyoming, N. Y., and of Friends' Church of Batavia, 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. YOUNG: Petition of the National Business League, favoring the reclamation and irrigation of arid lands—to the Committee on Irrigation of Arid Lands.

SENATE.

SATURDAY, *March 2, 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. GALLINGER, and by unanimous consent, the further reading was dispensed with.

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

REPAIR OF BARRACKS, MARINE CORPS.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Navy submitting an estimate of deficiency in the appropriation for "repair of barracks, Marine Corps," for the fiscal year 1901, $17,500. Does the Senator from Iowa desire to have it printed or simply referred?

Mr. ALLISON. It need not be printed. The deficiency appropriation bill will be reported this morning, and the communication may just as well lie on the table.

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

INDIAN DEPREDATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney-General, transmitting, in response to the resolution of the 28th ultimo, a list of judgments rendered by the Court of Claims in favor of claimants in Indian depredation cases; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

DAUGHTERS OF THE AMERICAN REVOLUTION.

The PRESIDENT pro tempore laid before the Senate the third annual report of the National Society of the Daughters of the

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

American Revolution; which was referred to the Committee on Education and Labor, 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 passed the following bills and joint resolutions:

A bill (S. 437) for the relief of Isaac McConnaughay, private, Company H, Fortieth Iowa Infantry Volunteers;

A bill (S. 5698) to extend the time for the completion of a bridge across the Missouri River;

A joint resolution (S. R. 115) authorizing the Secretary of the Navy to cause bronze medals to be struck and distributed to certain officers and men who participated in the war with Spain, and for other purposes; and

A joint resolution (S. R. 158) ratifying agreement between Tennessee and Virginia with reference to the boundary line of said States.

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. 12904) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1902, and for other purposes.

The message further announced that the House had agreed to the amendment No. 1 to the bill (H. R. 12901) to supplement existing laws relating to the disposition of lands, etc.; agrees to the amendment of the Senate No. 2 to the bill with an amendment; asks a conference with the Senate thereon, and had appointed Mr. LACEY, Mr. MONDELL, and Mr. SHAFROTH managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented the petition of S. W. Crammond, John Hennesy, and sundry other citizens of New York, 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 the Association of United Garment Workers of America, praying that the Committee on Education and Labor of the Senate be discharged from the further consideration of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented petitions of the First Presbyterian, the Trinity Methodist, the Moulton Memorial Baptist, and the Westminster and First Reformed Presbyterian churches, all of Newburg; the Woman's Christian Temperance Union of Attica, and of J. C. Phelps, of Jamaica, all in the State of New York, praying for the enactment of legislation to prohibit the sale of intoxicating liquors, opium, and firearms in the New Hebrides and other islands of the Pacific; which were ordered to lie on the table.

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

[Telegram.]

SACRAMENTO, CAL., *March 1, 1901.*

Hon. T. R. BARD, *Senator, Washington, D. C.:*

Senate joint resolution No. 14 has been adopted by both houses of the California legislature, and, in accordance with instructions, I certify that the following is a true and correct copy of same:

"Senate joint resolution No. 14, inviting the Committee on Rivers and Harbors of the House of Representatives to visit the State of California.

"*Resolved by the senate and assembly of the State of California, jointly,* That we do extend a cordial invitation to the members of the Committee on Rivers and Harbors of the House of Representatives to visit the State of California at their earliest convenience for the purpose of examining the waterways and harbors of this State. The Pacific slope is about to witness a great industrial development, and California must necessarily be the center of increased progress. The bay of San Francisco and the great rivers that empty into it will in the near future possess such a degree of importance that the whole people of the United States will demand their development as commercial waterways to their fullest capacity. From the fact that we are distant from the seat of Government we have difficulty in making our needs known, and believe that an examination of our rivers and harbors would demonstrate their importance to the country. We pledge to the committee during their sojourn in California a most hearty welcome.

"*Resolved,* That our Senators be instructed and our Representatives requested to present this invitation to the members of said committee and to extend to them an invitation to visit California on behalf of this State.

"*Resolved,* That the secretary of the senate be, and he is hereby, requested to transmit a copy of this resolution to each of our Senators and Representatives in Congress by telegraph."

F. J. BRANDON, *Secretary of Senate.*

Mr. SCOTT presented a petition of sundry citizens of Wheeling, W. Va., praying for the enactment of legislation to prohibit the sale of intoxicating liquors, opium, and firearms in the New Hebrides and other islands of the Pacific; which was ordered to lie on the table.

Mr. LODGE presented a petition of 17 citizens of Roslindale, Mass., and a petition of 31 citizens of North Adams, Mass., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of the congregations of the Hope Baptist, the Fifth Avenue Baptist, and the Riverside Baptist churches, all of New York City, and a petition of the Young People's Christian Unions of the Universalist Church of the United States, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the New Hebrides and other islands of the Pacific; which were ordered to lie on the table.

Mr. SEWELL presented a petition of sundry citizens of Trenton, N. J., and a petition of sundry citizens of Somersetin and Plainfield, N. J., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. HOAR presented the petition of Rev. J. W. Fulton and 31 other citizens of Ware, Mass., and the petition of Isaac Jeffries and 56 other citizens of Massachusetts, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. FRYE presented the following memorial of the legislature of Wisconsin; which was ordered to lie on the table, and be printed in the RECORD.

Memorial to Congress for the repeal of that part of the war-revenue act passed by Congress on June 13, 1898, which levies a tax on legacies and distributive shares of personal property.

The memorial of the legislature of Wisconsin to the Congress of the United States respectfully shows that in the opinion of the legislature the imposition of inheritance or succession taxes belongs, except in certain exigencies, to the domain of State taxation; that the emergency of war which may have justified the feature of the national war-revenue act of June 13, 1898, levying a tax on legacies and distributive shares of personal property has now passed away; that many of the States have already adopted, and many more will soon adopt, such inheritance-tax laws, and if such feature of the national act remains in force a large amount of property in the country will be subjected to double taxation, once by the Federal Government and again by the State; and that it is expedient and would be good governmental policy that the part of such national revenue act imposing a tax on legacies and distributive shares be repealed and this feature of taxation be left entirely to the jurisdiction and control of the States. It is the purpose of this memorial, therefore, to respectfully request of Congress the repeal of said feature of the revenue act during the present session.

Resolved, That the governor be, and he is hereby, requested to transmit a copy of this memorial to the President of the Senate and to the Speaker of the House of Representatives and to each of the Senators and Representatives from the State of Wisconsin.

JESSE STONE,
President of the Senate.
GEORGE H. RAY,
Speaker of the Assembly.

Mr. FRYE presented the memorial of E. Torres, president of the municipal council of Guayanilla, P. R., remonstrating against the adoption of certain regulations relative to new police courts in Porto Rico; which was referred to the Committee on Pacific Islands and Porto Rico.

SENATOR FROM MONTANA.

Mr. CHANDLER. I present the memorial of Henry R. Knapp, of Helena, Mont., in his own behalf and of members of the Labor Party of that State, remonstrating against the right of Hon. William A. Clark to a seat in the Senate of the United States as a Senator from that State. I move that the memorial lie on the table and that it be printed as a document.

The motion was agreed to.

DANISH WEST INDIES.

Mr. LODGE. I present a paper, being a list of books (with references to periodicals) on the Danish West Indies, prepared by Mr. A. P. C. Griffin, Chief of Division of Bibliography, Library of Congress. I move that the paper be printed and referred to the Committee on the Library.

The motion was agreed to.

PORTO RICO.

Mr. LODGE. I present a paper, being a list of books (with references to periodicals) on Porto Rico, by A. P. C. Griffin, chief of division of bibliography, Library of Congress. I move that the paper be printed and referred to the Committee on the Library.

The motion was agreed to.

AGRICULTURAL EXPERIMENT STATIONS.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the following concurrent resolution from 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 from the stereotype plates in the Government Printing Office 6,000 copies of House of Representatives Document No. 336, Fifty-sixth Congress, second session, entitled A Report on the Work and Expenditures of the Agricultural Experiment Stations for the Year ended June 30, 1900; of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 3,000 copies for the use of the Department of Agriculture; the quality of paper and style of binding to be the same as in the original edition of the publication.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. ALLISON 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. 12291) making appropriations for the legislative, executive, and judicial expenses of the Government 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 Senate recede from its amendments numbered 23, 33, 34, 35, 36, 39, 40, 41, 42, 53, 55, 59, 62, 65, 66, 67, 72, 73, 76, 77, 78, 88, 94, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 115, 121, 122, 124, 125, 127, 131, 143, 144, 146, 149, 153, 154, 155, 156, 157, 175, 176, 179, 180, 182, 183, 191, 192, 204, 205, 207, 216, 220, and 221.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 20, 21, 22, 25, 26, 31, 32, 44, 45, 47, 49, 50, 51, 56, 58, 60, 61, 64, 68, 69, 70, 71, 74, 75, 79, 80, 82, 86, 87, 90, 91, 92, 93, 95, 96, 108, 109, 110, 111, 112, 113, 114, 116, 119, 120, 123, 126, 130, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 145, 148, 150, 151, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 177, 178, 187, 188, 201, 202, 203, 208, 209, 210, 211, 212, 213, 214, 215, 217, 218, 219, 222, 225, 226, and 227, and agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the number proposed insert "thirty;" and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$74,200;" and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with amendments as follows: Strike out all of the amended paragraph and insert in lieu thereof the following:

"Office of the Clerk: For Clerk of the House of Representatives, including compensation as disbursing officer of the contingent fund, $5,000; hire of horses and wagons and cartage for use of the Clerk's office, $780, or so much thereof as may be necessary; Chief Clerk, journal clerk, and 2 reading clerks, at $3,600 each; tally clerk, $3,000; printing and bill clerk and disbursing clerk, at $2,500 each; file clerk, $2,750; enrolling clerk, $2,250; assistant disbursing clerk, assistant enrolling clerk, resolution and petition clerk, newspaper clerk, index clerk, assistant journal clerk, and assistant to Chief Clerk, at $2,000 each; librarian, distributing clerk, and stationery clerk, at $1,800 each; 1 bookkeeper, 2 assistant librarians, and 7 clerks, at $1,600 each; document and bill clerk, $1,600; document clerk, $1,440; locksmith, who shall be skilled in his trade, $1,200; cabinetmaker, who shall be skilled in his trade, $1,200; 2 assistant cabinetmakers, who shall be skilled in their trade, at $900 each; 1 assistant in Clerk's office and 1 assistant in disbursing office, at $1,400 each; telegraph operator, assistant file clerk, and stenographer to the Clerk, at $1,200 each; 1 assistant in library, 1 assistant in document room, and 1 assistant in stationery room, at $900 each; 1 page, $720; 2 laborers in the bathroom (Robert Richardson and William Richardson), at $720 each; 2 laborers, at $720 each; assistant index clerk, $1,500; page in enrolling room and messenger in Chief Clerk's office, at $720 each; in all $91,460.

"The library of the House of Representatives shall hereafter be under the control and direction of the librarian of Congress, who shall provide all needful books of reference therefor. The librarian, 2 assistant librarians, and assistant in the library, above provided for, shall be appointed by the Clerk of the House, with the approval of the Speaker of the House of Representatives of the Fifty-sixth Congress, and thereafter no removals shall be made from the said positions except for cause reported to and approved by the Committee on Rules."

On page 14 of the bill, after line 8, insert as a separate paragraph the following:

"For janitors for rooms of the Committees on Accounts, Agriculture, Banking and Currency, Claims, District of Columbia, Elections, Foreign Affairs, Interstate and Foreign Commerce, Indian Affairs, Insular Affairs, Invalid Pensions, Judiciary, Merchant Marine and Fisheries, Military Affairs, Naval Affairs, Pensions, Public Buildings and Grounds, Public Lands, Rivers and Harbors, and War Claims, at the rate of $720 per annum each, from December 1, 1901, to June 30, 1902, inclusive, and said janitors shall be appointed by the chairmen respectively of said committees and shall perform all of the duties heretofore required of messengers detailed to said committees by the Doorkeeper; in all, $8,412."

On page 14 of the bill strike out all of lines 12 to 20, inclusive, and insert in lieu thereof the following:

"Office of Sergeant-at-Arms: For Sergeant-at-Arms of the House of Representatives, $4,500; deputy to the Sergeant-at-Arms, $2,000; cashier, $3,000; paying teller, $2,150; bookkeeper, $1,800; assistant bookkeeper, $900; messenger, $1,200; clerk in charge of pairs, $1,400; page, $720; and skilled laborer, $840; in all, $18,510."

And the Senate agree to the same.

Amendments numbered 17 and 18: That the House recede from its disagreement to the amendments of the Senate numbered 17 and 18, and agree to the same with amendments as follows: Strike out all of the amended paragraph and insert in lieu thereof the folllowing:

Office of Doorkeeper: For Doorkeeper, $3,500; hire of horses, feed, repair of wagon and harness, $600, or so much thereof as may be necessary; assistant doorkeeper, and Department messenger, at $2,000 each; 1 special employee (John T. Chancey), $1,500; 1 special employee, $1,500; clerk to Doorkeeper, and janitor, at $1,200 each; 10 messengers, including the messenger to the reporters' gallery, at $1,200 each; 13 messengers, at $1,000 each; messenger to the Speaker's table, $1,000; 14 messengers on the soldiers' roll, at $1,200 each; 12 laborers, at $720 each; 2 laborers in the water-closet, at $720 each; 1 laborer, $600; 8 laborers, known as cloakroom men, at $50 per month each; 10 laborers, during the session, at $60 per month each, $4,180.60; female attendant in ladies' retiring room, $720; superintendent of folding room, $2,000; 4 clerks in folding room, 1 at $1,800, and 3 at $1,200 each; foreman, $1,500; messenger, $1,200; page, $500; laborer, $720; 9 folders, at $900 each; 5 folders, at $840 each; 18 folders, at $720 each; night watchman, $900; driver, $600; 2 chief pages, at $900 each; 33 pages, during the session, including 2 riding pages and 2 telephone pages, at $2.50 per day each, $17,407.50; 10 pages for duty at the entrances to the Hall of the House, during the session, at $2.50 per day each, $5,275; horse and buggy for Department messenger, $250; superintendent of document room, $2,000; assistant superintendent of document room, $1,800; 6 assistants in document room, 1 at $1,600, 2 at $1,400 each, 1 at $1,200, and two at $1,000 each; in all, $150,893.10."

On page 16 of the bill strike out lines 22 to 25, inclusive, and on page 17 of the bill strike out lines 1, 2, and 3 and insert in lieu thereof the following:

"For the following minority employees authorized and named in the resolution adopted by the House of Representatives December 7, 1899, namely: One special employee, $1,500; 2 special messengers, at $1,200 each; and 1 special chief page, $900, and $500 additional for services as pair clerk; in all, $5,300."

And the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with amendments as follows: On page 17 of the bill strike out lines 19 to 24, inclusive, and on page 18 of the bill strike out lines 1 to 9, inclusive, and insert in lieu thereof the following:

"To continue the employment of the person named in the resolution of the House adopted June 5, 1900, as a laborer, at $50 per month, from March 4, 1901, until June 30, 1902, inclusive, $796.67.

"Successors to any of the employees provided for in the six preceding paragraphs may be named by the House of Representatives at any time prior to July 1, 1902.

"Office of postmaster: For postmaster, $2,500; assistant postmaster, $2,000; 12 messengers, including messenger to superintend transportation of mails, at $1,200 each; 8 messengers, at $100 per month each, during the session, $5,574.16; and 1 laborer, $720; in all, $25,194.16.

On page 20 of the bill, strike out lines 7 and 8 and insert in lieu thereof the following:

"For packing boxes, $3,218.40. And hereafter packing boxes for the use of the House of Representatives shall be procured after advertisement for proposals therefor, under specifications to be prepared by the Clerk of the House, and from the lowest and best bidder to furnish the same."

On page 20 of the bill, after line 18, insert the following as new paragraphs:

"Hereafter employees of the House of Representatives under the Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster shall only be assigned to and engaged upon the duties of the positions to which they are appointed and for which compensation is provided, except that in cases of emergency or congestion of public business incident to the close of a session of Congress or other like cause an employee or employees may be assigned or required to aid in the discharge of the duties of any other employee or employees, and in the discretion of the Doorkeeper not more than one folder may, if necessary, be assigned to do clerical work under the direction of the foreman of the folding room, but all assignments made hereunder shall be without additional compensation and shall not constitute the basis of a claim therefor.

"It shall not be lawful to appoint or employ in any position under the House of Representatives more than one person at any one time, or to require or permit any such person to divide with another any portion of his salary or compensation while so employed.

"It shall not be lawful to require or permit any person in the employ of the House of Representatives to sublet to another the discharge of any portion of the duties of the position to which he is appointed.

"No person shall be appointed or employed as a page in the service of the House of Representatives who is under 12 years or more than 18 years of age; but this provision shall not apply to chief pages, riding pages, and telephone pages.

"The Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster shall make certificate each month to their respective pay rolls, stating whether the persons named in such pay rolls and employed in their respective departments have been actually present at their respective places of duty and have actually performed the services for which compensation is provided in said pay rolls, and in each case where a person carried on such pay roll has been absent and has not performed the services in whole or in part for which payment is proposed, the reason for such absence and for such nonperformance of services shall be stated.

"The violation of any of the foregoing provisions of law shall, upon ascertainment thereof, be deemed to be cause for removal from office.

"It shall be the duty of the Committee on Accounts of the House of Representatives from time to time to inquire into the enforcement or violation of any of the foregoing provisions of law; and for this purpose they are hereby authorized to send for persons and papers, and to administer oaths; and they shall report to the House at least once every session their compliance with the duty herein imposed."

And the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,920;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "one assistant, $1,400;" and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the number proposed insert "seven;" and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "three assistants, at $1,000 each;" and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,180;" and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "one assistant for evening service, $1,200;" and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,400;" and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,000;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$71,300;" and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$360;" and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$70,945;" and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,000;" and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$94,220;" and the Senate agree to the same

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$148,329.44;" and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$55,960;" and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement

to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Two clerks;" and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the number proposed insert "four;" and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$70,380;" and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$577,860;" and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$312,520;" and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "twenty-one additional agents, to be appointed under the provisions of section 3 of said act, in lieu of the;" and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with amendments as follows: In lieu of the sum proposed insert "$550,000;" and on page 58 of the bill, after line 7, insert as a new paragraph the following:

"For compensation of the official authorized in section 12 of the act entitled 'An act to amend an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 30, 1898, and to reduce taxation thereunder,' at the rate of $3,000 per annum, until the close of the fiscal year 1902, $4,000, or so much thereof as may be necessary."

And the Senate agree to the same.

Amendment numbered 128: That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In lieu of the number proposed insert "six;" and the Senate agree to the same.

Amendment numbered 129: That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$206,880;" and the Senate agree to the same.

Amendment numbered 147: That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,640;" and the Senate agree to the same.

Amendment numbered 152: That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$38,140;" and the Senate agree to the same.

Amendment numbered 181: That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$52,320;" and the Senate agree to the same.

Amendment numbered 184: That the House recede from its disagreement to the amendment of the Senate numbered 184, and agree to the same with amendments as follows: In line 2 of the matter inserted by said amendment, after the word "dollars," insert the following: "bookkeeper, $1,600;" and in line 4 of the matter inserted by said amendment strike out the words "seven thousand six" and insert in lieu thereof the words "nine thousand two;" and the Senate agree to the same.

Amendment numbered 185: That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000;" and the Senate agree to the same.

Amendment numbered 186: That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,000;" and the Senate agree to the same.

Amendment numbered 189: That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,500;" and the Senate agree to the same.

Amendment numbered 190: That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,500;" and the Senate agree to the same.

Amendment numbered 193: That the House recede from its disagreement to the amendment of the Senate numbered 193, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,000;" and the Senate agree to the same.

Amendment numbered 194: That the House recede from its disagreement to the amendment of the Senate numbered 194, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,800;" and the Senate agree to the same.

Amendment numbered 195: That the House recede from its disagreement to the amendment of the Senate numbered 195, 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.

Amendment numbered 196: That the House recede from its disagreement to the amendment of the Senate numbered 196, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,000;" and the Senate agree to the same.

Amendment numbered 197: That the House recede from its disagreement to the amendment of the Senate numbered 197, 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.

Amendment numbered 198: That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,000;" and the Senate agree to the same.

Amendment numbered 199: That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,000;" and the Senate agree to the same.

Amendment numbered 200: That the House recede from its disagreement to the amendment of the Senate numbered 200, 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.

Amendment numbered 206: That the House recede from its disagreement to the amendment of the Senate numbered 206, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$161,050;" and the Senate agree to the same.

Amendment numbered 223: That the House recede from its disagreement to the amendment of the Senate numbered 223, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,200;" and the Senate agree to the same.

Amendment numbered 224: That the House recede from its disagreement to the amendment of the Senate numbered 224, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,920;" and the Senate agree to the same.

The action taken by the committee of conference and recommended in this report with reference to amendments of the Senate numbered 16, 17, 18, and 19, whereby new matter and certain provisions of law are inserted affecting the officers and employees of the House of Representatives, is based upon the authority expressed in the concurrent resolution of the two Houses, adopted February 27, 1901, and which is as follows:

"*Resolved by the House of Representatives (the Senate concurring)*, That the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12291) making appropriations for legislative, executive, and judicial expenses are authorized to include in their report such alterations, changes, and recommendations as they may deem proper with reference to so much of the text of said bill as relates to the officers and employees of the House of Representatives."

W. B. ALLISON,
W. J. SEWELL,
H. M. TELLER,
Managers on the part of the Senate.

HENRY H. BINGHAM,
J. A. HEMENWAY,
L. F. LIVINGSTON,
Managers on the part of the House.

The report was agreed to.

EXPENDITURES OF ISTHMIAN CANAL COMMISSION.

Mr. MORGAN. I ask unanimous consent to offer a resolution, which it is necessary to have adopted at once in order to get information for the purpose of informing the Senate in regard to the expenditures of the Isthmian Canal Commission. I will read the resolution that I ask unanimous consent to have adopted:

Resolved, That the Secretary of State is directed to send to the Senate an account, in detail, of the expenditures of the Isthmian Canal Commission, of which Admiral John G. Walker is president, up to date, and what sum, if any, is needed to complete the work of said commission and for what purposes the same is needed.

An appropriation of $75,000, I am informed, has been put by the House on the deficiency appropriation bill. I have had no intimation of it as chairman of that committee, and I do not believe there is a dollar of it just. I want the information from the Secretary of State to enable me to show the facts.

Mr. ALDRICH. I suggest to the Senator from Alabama that it ought to go over to the State Department immediately, because the deficiency appropriation bill is to be considered this morning.

Mr. MORGAN. I ask for the immediate consideration of the resolution.

Mr. WOLCOTT. I should like to have it read.

The PRESIDENT pro tempore. The resolution, if there be no objection, will be received. The Senator from Alabama asks unanimous consent for the present consideration of the resolution. It will be read.

The Secretary read the resolution.

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

Mr. ALLISON. I suggest to the Senator from Alabama that it would be impossible to comply with the resolution in time for the consideration of the item in the deficiency appropriation bill. I have no objection, and I am sure no one will have objection, to a complete and detailed account of the expenditure, but I understand the Secretary of State has written a letter, upon the recommendation of the chairman of this commission, asking for an additional sum, and I have no doubt he has given the reasons for asking it in that letter. It is not in the possession of the Senate; it was sent to the House, I understand; but of course it would be impossible to furnish an account of the detailed expenditures of the commission in time for the consideration of the deficiency appropriation bill.

Mr. MORGAN. Well, I will ask for the adoption of the resolution, and if it does not do some good to-day it may hereafter.

Mr. ALLISON. Very well.

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

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I report back from the Committee on Appropriations with amendments the bill (H. R. 14236) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for prior years, and for other purposes, and I ask that it be taken up now and considered.

Mr. HEITFELD. Will the Senator yield for morning business?

Mr. HALE. After the bill is taken up I will yield.

The PRESIDENT pro tempore. There will be plenty of time for morning business.

Mr. HALE. I ask that the bill be now considered.

Mr. PETTIGREW. With the understanding that we shall take up morning business immediately after the bill has been concluded.

Mr. HALE. Of course. The Senator must see the importance of getting this bill out of the way.

Mr. PETTIGREW. I have no objection, provided we shall take up the morning business regularly and have time allowed for morning business.

Mr. HALE. That can be done.

Mr. PETTIGREW. With that understanding, I do not object.

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

Mr. ALDRICH. I should like to know what is understood by morning business.

Mr. HALE. The regular routine morning business.

Mr. ALDRICH. Not to include contested questions.

Mr. PETTIGREW. To include resolutions.

Mr. ALDRICH. We can not consider contested resolutions this morning.

Mr. HALE. I hope the Senator from South Dakota will not object and stop the bill.

Mr. ALDRICH. We might as well go on with the bill now.

Mr. TELLER. Let us go on with the appropriation bill.

Mr. PETTIGREW. I wish to understand whether at 1 o'clock we shall be excluded from the consideration of the resolution that I introduced yesterday.

Mr. HALE. I hope there will be unanimous consent that the morning hour may be, if necessary, further extended.

Mr. WOLCOTT. I object.

Mr. PETTIGREW. I object, then, to the consideration of the bill at this time.

Mr. HALE. I move to take up the bill.

The PRESIDENT pro tempore. The Senator from Maine moves that the Senate proceed to the consideration of the deficiency appropriation bill.

The motion was agreed to.

Mr. CLAY. I did not enter any objection to the request of the Senator from Maine, but I gave notice that I would address the Senate briefly this morning. I desire to state that I shall claim the floor when this bill is completed and the morning business is completed.

Mr. HALE. All right.

Mr. PETTIGREW. Do I understand that the morning business can be thus laid absolutely aside?

Mr. HALE. It can.

Mr. PETTIGREW. By a majority vote of the Senate?

Mr. HALE. It can, by a majority vote, on an appropriation bill.

Mr. PETTIGREW. I wish to say that unless I can get a vote on the resolution I introduced I think we will not facilitate the passage of this bill or any other measure by this motion. The railroads talked out the resolution yesterday morning, talking out the two hours, and I intend to have a vote on it before we adjourn.

Mr. HALE. I shall be out of the way in an hour.

Mr. PETTIGREW. It is one hour and thirty-five minutes until 1 o'clock, when the morning hour will expire.

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

The PRESIDENT pro tempore. The Senator will state it.

Mr. ALDRICH. It is that the motion is not debatable.

Mr. PETTIGREW. Very well; there will be questions that will be debatable in about two minutes; and they will be debated, too.

Mr. HALE. I hope the Senator from Rhode Island will withdraw his objection.

Mr. ALDRICH. I did not make the objection. The Senator from Colorado made the objection.

Mr. HALE. I hope the Senator from Colorado will let me go on with the appropriation bill.

Mr. WOLCOTT. I am delighted to have the Senator from Maine go on with the bill.

Mr. HALE. Then, I hope the Senator from South Dakota will not stop it, because he is an old member of the Senate and knows how important it is that the bill should now be gotten through and out of the way and into conference.

Mr. PETTIGREW. I shall protect myself by every possible rule that I can invoke. If it facilitates the passage of this measure to object and to shut us out of the morning hour and prevent a vote upon those resolutions, others can decide whether it will facilitate matters or not.

Mr. HALE. I have no object of that kind.

Mr. PLATT of Connecticut. I apprehend that no one member of the Senate has a right to say that he is going to have a vote on some resolution that he wants to have considered or is going to do some other terrible thing. A member of the Senate may ask protection, but I think it will be quite time for the Senate to have some protection if that is the spirit in which we are to transact our business.

Mr. PETTIGREW. I shall do nothing that the rules do not permit; neither can I force a vote; but I can invoke the rules.

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

Mr. WOLCOTT. I call for the regular order.

The PRESIDENT pro tempore. The bill is before the Senate.

Mr. PETTIGREW. I ask that the bill be read in full. I insist on the reading.

Mr. HALE. I ask unanimous consent that the formal reading of the bill be waived and that the amendments reported by the committee be considered in their order.

Mr. PETTIGREW. To that I object.

Mr. HALE. The Senator has a right to object, but that is the invariable course on appropriation bills. I hope the Senator will not insist on his objection.

Mr. PETTIGREW. I shall object, Mr. President.

Mr. HALE. If my request is objected to, it will simply take up an hour's time in reading the bill.

Mr. PETTIGREW. We could get a vote on my resolutions certainly in less than an hour.

Mr. WOLCOTT. I call for the regular order.

Mr. HALE. Let the Secretary go on with the bill.

The PRESIDENT pro tempore. The bill will be read.

The Secretary proceeded to read the bill.

Mr. CULLOM. I desire, by the consent of the Senator having the appropriation bill in charge, to report favorably at this time from the Interstate Commerce Committee House bill 10302, with certain amendments.

Mr. WOLCOTT. I call for the regular order, Mr. President.

Mr. CULLOM. I simply want to get the bill printed as soon as possible.

Mr. WOLCOTT. I call for the regular order.

The PRESIDENT pro tempore. The regular order is demanded. The Secretary will proceed with the reading of the bill.

The Secretary resumed and continued the reading of the bill to the end of the following clause, beginning in line 14, on page 4:

Isthmian Canal Commission: To defray the expenses necessarily incurred in making the investigation authorized by sections 3 and 4 of the river and harbor appropriation act approved March 3, 1899, $75,000.

Mr. MORGAN. I understand that this is an addition to the appropriation of a million dollars made during the last Congress for the Isthmian Canal Commission. They have never reported any account, at least to Congress; no report has been made of their expenditures; and I am astounded at the idea that they could expend a million dollars in this length of time, and that there is now a demand presented here for more. This demand, at least for the sake of respectability, ought to have been notified to the Committee on Interoceanic Canals of this body; but no notice has come and no information has been given, and this proposition is bounced in upon the Senate without the slightest knowledge of what this commission has done or proposes to do.

Mr. HALE. I do not think the Senator understands that this is nothing but the formal reading of the bill.

Mr. MORGAN. I want some information about it.

Mr. HALE. When we come to consider the bill, of course the Senator will then have the opportunity of asking for such information as he may desire; but this is simply the formal reading.

Mr. MORGAN. I understand what it is; but if this provision is passed over it will be taken for granted that it is adopted, unless objection is made to it.

Mr. HALE. Nothing can be done now, except the reading of the bill.

Mr. MORGAN. I do not raise any question for the decision of the Senate now. I merely want the Senator to explain the provision to which I have referred for my information on the subject.

Mr. HALE. When we reach the consideration of the bill and debate is in order, of course it will be explained to the Senator; but it can not be explained now. Under the call of the Senator from South Dakota [Mr. PETTIGREW], nothing can take place but the formal reading of the bill.

Mr. MORGAN. I have just got a resolution through the Senate asking the Secretary of State to give some information as to this item. The whole business looks to me as if it were surreptitious.

The PRESIDENT pro tempore. The reading of the bill will be resumed.

The reading of the bill was resumed, and continued to the end of line 18, on page 9.

Mr. PETTIGREW. I object to the consideration of the bill, on the ground that it was reported to-day.

Mr. GALLINGER. The objection comes too late, Mr. President.

Mr. COCKRELL. The bill was taken up by unanimous consent.

Mr. PETTIGREW. I asked of the Chair when I objected before if it was in order.

The PRESIDENT pro tempore. What is the Senator's objection?

Mr. PETTIGREW. My objection is that this bill was reported to-day; and I object to its being considered at this time.

Mr. HALE. It is clearly too late now to make the point of order, because I moved to take up the bill. The motion was agreed to, and the Senate has taken it up.

Mr. PETTIGREW. The point of order is good at any time.

Mr. HALE. Not a point of order of that kind.

The PRESIDENT pro tempore. The bill is up by vote of the Senate for consideration.

Mr. MORGAN. This bill ought not to be proceeded with until it is printed. We have no print of it here.

Mr. HALE. I have taken care of that. The bill has been printed.

Mr. MORGAN. No, sir; I have inquired, and I have been told that there is no copy of it in print here.

Mr. HALE. Senators can get copies; they are here.

Mr. PETTIGREW. We can not get copies.

Mr. HALE. There is no trouble about that. The copies will be furnished Senators, if they are not already provided with them.

The PRESIDENT pro tempore. The Secretary will continue the reading of the bill.

The reading of the bill was resumed, and continued to the end of line 19, on page 15.

Mr. HALE. I withdraw the bill for the present, and will let the morning hour go on.

The PRESIDENT pro tempore. Reports of committees are in order.

REPORTS OF COMMITTEES.

Mr. CULLOM. I am directed by the Committee on Interstate Commerce, to whom was referred the bill (H. R. 10302) 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, to report it with amendments.

I ask that the bill be sent to the Government Printer immediately, so that we can get it back with the amendments inserted in it in time for consideration to-day.

Mr. PETTIGREW. Why not consider the bill now?

Mr. CULLOM. It is amended so that Senators could hardly consider it intelligently without having the print before them containing the amendments.

Mr. FAIRBANKS, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 5956) to provide for the erection of a public building at Findlay, Ohio, reported it without amendment, and submitted a report thereon.

Mr. PLATT of Connecticut, from the Committee on Patents, to whom was referred the bill (S. 5355) for the relief of the Military Order of the Loyal Legion of the United States, submitted a report thereon, accompanied by a bill (S. 6066) to protect veteran organizations against the fraudulent use of badges or insignia, which was read twice by its title.

Mr. PLATT of New York, from the Committee on Printing, reported an amendment submitted by Mr. LODGE on the 21st ultimo, proposing to appropriate $2,000 for the purchase of the copyright of the publication entitled The Political Register and Congressional Directory, by Ben: Perley Poore, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

LOWER BAND AND KATHLAMET BAND OF CHINOOK INDIANS.

Mr. THURSTON, from the Committee on Indian Affairs, to whom were referred the following bills:

A bill (S. 1941) for the relief of the Lower Band of the Chinook Indians of the State of Washington; and

A bill (S. 2140) for the relief of the Kathlamet Band of the Chinook Indians of the State of Oregon—

reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That Senate bill No. 1941, for the relief of the Lower Band of Chinook Indians of the State of Washington, and Senate bill No. 2140, for the relief of the Kathlamet Band of Chinook Indians of the State of Oregon, now pending in the Senate of the United States, together with all the papers accompanying the same, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provision of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883. And the said court shall proceed in accordance with the provisions of said act, and report the same to the Senate in accordance therewith.

ESTATE OF JAMES S. DOUGLASS AND OTHERS.

Mr. TELLER, from the Committee on Claims to whom were referred the following bills:

A bill (S. 5095) for the relief of the estate of James S. Douglass;

A bill (S. 5206) for the relief of George F. Brott; and

A bill (S. 6060) for the relief of Mary E. Brewer—

reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved. That the claims represented by the following bills, to wit, S. 5095, 5206, and 6060, for the relief of the estate of James S. Douglass, deceased; for the relief of George F. Brott, and for the relief of Mary E. Brewer, now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said Court of Claims shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

SHIPPING INTERESTS.

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. NELSON on the 28th ultimo, reported it with an amendment, to add on line 8, after the word "Senate," the words "not to exceed two hundred and fifty dollars;" and it was considered by unanimous consent, and agreed to, as follows:

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, not to exceed $250, 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.

ASSISTANT CLERK TO COMMITTEE.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted by Mr. MCMILLAN on the 28th ultimo, reported it without amendment; and it was considered by unanimous consent, and agreed to:

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."

PUBLIC LANDS IN HAWAII.

Mr. HANSBROUGH, from the Committee on Public Lands, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That a subcommittee of the Committee on Public Lands, to consist of three members thereof, be, and they are hereby, authorized and directed to make an investigation of the laws covering and conditions existing with respect to the public lands in the Territory of Hawaii, and to report by bill or otherwise at the next session of Congress; and for this purpose the subcommittee is authorized to sit during the recess 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.

BILLS INTRODUCED.

Mr. FAIRBANKS introduced a bill (S. 6067) for the relief of Robert J. Tate; which was read twice by its title and referred to the Committee on Claims.

Mr. SULLIVAN introduced a bill (S. 6068) for the relief of the heirs of Augustus Catchings; which was read twice by its title and referred to the Committee on Claims.

Mr. CLAY introduced a bill (S. 6069) for the relief of the Propeller Towboat Company, of Savannah; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

COST OF PUBLIC BUILDINGS.

Mr. FAIRBANKS introduced a bill (S. 6070) increasing the limit of cost of certain public buildings, and for other purposes; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. FAIRBANKS subsequently, from the Committee on Public Buildings and Grounds, to whom the above bill was referred, reported it without amendment; and the bill was placed upon the Calendar.

CHARLES HURRLE.

On motion of Mr. FORAKER, it was

Ordered, That the papers pertaining to the claim of Charles Hurrle (S. 3053, Fifty-sixth Congress) be withdrawn from the files of the Senate, there being no adverse report thereon.

CONSULAR REPORTS.

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

Resolved, That the Secretary of State be, and he is hereby, requested to transmit to the Senate at the beginning of its next regular session reports from the consular officers of the United States giving an account of each consulate and consular agency, showing its principal industries and exports, the surrounding climatic and social conditions, the general cost of living, and similar information.

PNEUMATIC-TUBE SYSTEM.

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

Resolved, That the Senate Committee on Post-Offices and Post-Roads be, and are hereby, authorized and directed to make a full and complete investigation into the merits and utility of the pneumatic-tube system for the transportation of mails in the large cities of the country, including cost of construction, cost of operation, Government ownership, etc., with authority to send for persons and papers and to report their conclusions to the Senate at the earliest practicable moment, the necessary expenses to be paid out of the contingent-expense fund of the Senate.

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 1st instant, approved and signed the following acts and joint resolutions:

An act (S. 345) granting a pension to Catherine L. Nixon;
An act (S. 413) granting a pension to Albert S. Cummings;
An act (S. 648) granting a pension to Margaret G. White;
An act (S. 715) granting a pension to Fidillar White;
An act (S. 914) granting a pension to Charles L. Summers;
An act (S. 1269) granting a pension to Nancy J. Dunaway;
An act (S. 1936) granting a pension to Mamie Craig Lawton;
An act (S. 2079) granting a pension to William Ashmead;
An act (S. 2232) granting a pension to Frederick Sien;
An act (S. 2709) granting a pension to Marietta Elizabeth Stanton;
An act (S. 2905) granting a pension to George M. Wilson;
An act (S. 3386) granting a pension to Catherine L. Taylor;
An act (S. 3391) granting a pension to John Black;
An act (S. 3521) granting a pension to William P. Payne;
An act (S. 4237) granting a pension to Frances Helen Lewis;
An act (S. 4531) granting a pension to Harriet S. Richards;
An act (S. 4542) granting a pension to Jean W. Wood;
An act (S. 4695) granting a pension to James Dorcey;
An act (S. 4734) granting a pension to Mary A. O'Brien;
An act (S. 4960) granting a pension to Minerva M. Helner;
An act (S. 5119) granting a pension to Jessie A. Bruner;
An act (S. 5170) granting a pension to Louise Wolcott Knowlton Browne;
An act (S. 5172) granting a pension to Elizabeth Bughman;
An act (S. 5187) granting a pension to Corinne R. Strickland;
An act (S. 5201) granting a pension to Samuel F. Radford;
An act (S. 5326) granting a pension to Maggy Alice Brady;
An act (S. 5363) granting a pension to Lizzie Wattles;
An act (S. 5397) granting a pension to Charity McKenney;
An act (S. 5400) granting a pension to Martin Dismukes;
An act (S. 5505) granting a pension to Kate M. Scott;
An act (S. 5506) granting a pension to Mary Fryer;
An act (S. 5507) granting a pension to Mary Priscilla Allen;
An act (S. 1065) granting an increase of pension to Bettie Lee Ward;
An act (S. 1203) granting an increase of pension to Lewis S. Horsey;
An act (S. 1212) granting an increase of pension to John W. Canaday;
An act (S. 1365) granting an increase of pension to Lorinda N. Smith;
An act (S. 1455) granting an increase of pension to Alexander W. Browning;
An act (S. 1550) granting an increase of pension to Kate Ezekiel;
An act (S. 1602) granting an increase of pension to Morris B. Kimball;
An act (S. 1698) granting an increase of pension to Henry Hegwer;
An act (S. 1722) granting an increase of pension to Bertha Leavey;
An act (S. 1786) granting an increase of pension to Fielding Marsh;
An act (S. 1850) granting an increase of pension to James C. Delaney;
An act (S. 2037) granting an increase of pension to George F. Burrage;
An act (S. 2104) granting an increase of pension to William L. Aten;
An act (S. 2153) granting an increase of pension to Jesse N. Dawley;
An act (S. 2163) granting an increase of pension to Franklin Kersting;
An act (S. 2227) granting an increase of pension to Uriah Clark;
An act (S. 2738) granting an increase of pension to James M. Munn;
An act (S. 2785) granting an increase of pension to William H. Gardner;
An act (S. 2828) granting an increase of pension to Hippolyte Perrault;
An act (S. 2843) granting an increase of pension to John Johnson;
An act (S. 2915) granting an increase of pension to Samuel Z. Murphy;
An act (S. 3030) granting an increase of pension to Henry Guckes;
An act (S. 3193) granting an increase of pension to Charles H. Force;
An act (S. 3280) granting an increase of pension to Henry Keene;
An act (S. 3343) granting an increase of pension to Keziah Fansler;
An act (S. 3400) granting an increase of pension to Charles T. Shaw;
An act (S. 3482) granting an increase of pension to Elias M. Lynch;
An act (S. 3483) granting an increase of pension to Jeremiah Jackson;
An act (S. 3580) granting an increase of pension to Theron Johnson;
An act (S. 3619) granting an increase of pension to Mary A. Colhoun;
An act (S. 3648) granting an increase of pension to Peter Shult;
An act (S. 3653) granting an increase of pension to Henry Smith;
An act (S. 3746) granting an increase of pension to George W. Bodurth;
An act (S. 3935) granting an increase of pension to James Ryan;
An act (S. 4543) granting an increase of pension to Stacy H. Cogswell;
An act (S. 4630) granting an increase of pension to James H. Bellinger;
An act (S. 4692) granting an increase of pension to Asa W. Taylor;
An act (S. 4728) granting an increase of pension to Marvin V. Tufford;
An act (S. 4731) granting an increase of pension to Henrietta M. Leiter;
An act (S. 4772) granting an increase of pension to John W. Eichelberger;
An act (S. 4828) granting an increase of pension to Norman Stewart;
An act (S. 4938) granting an increase of pension to Esther Ann Grills;
An act (S. 4985) granting an increase of pension to George C. Jarvis;
An act (S. 5006) granting an increase of pension to John T. Comegys;
An act (S. 5007) granting an increase of pension to George N. Tarburton;
An act (S. 5019) granting an increase of pension to Julia Crenshaw;
An act (S. 5031) granting an increase of pension to Margaret A. Potts;
An act (S. 5039) granting an increase of pension to Lucie M. Mabry;
An act (S. 5050) granting an increase of pension to Charles A. Marsh;
An act (S. 5074) granting an increase of pension to Sarah F. Bridges;
An act (S. 5144) granting an increase of pension to Charles Scott;
An act (S. 5146) granting an increase of pension to Robert H. Jones;
An act (S. 5171) granting an increase of pension to Albert H. Fairchild;
An act (S. 5191) granting an increase of pension to Selah V. Reeve;
An act (S. 5204) granting an increase of pension to John Scott;
An act (S. 5233) granting an increase of pension to Philetus M. Axtell;
An act (S. 5272) granting an increase of pension to Thomas M. Wimer;
An act (S. 5322) granting an increase of pension to Daniel W. Warren;
An act (S. 5369) granting an increase of pension to Edmund Cragg;
An act (S. 5405) granting an increase of pension to John H. Taylor;
An act (S. 5409) granting an increase of pension to John W. Phillips;
An act (S. 5428) granting an increase of pension to Charles R. Cole;
An act (S. 5431) granting an increase of pension to William H. Ball;
An act (S. 5450) granting an increase of pension to Rachel J. B. Williams;
An act (S. 5451) granting an increase of pension to Mary M. Hyde;
An act (S. 5525) granting an increase of pension to Warren Damon;
An act (S. 5559) granting an increase of pension to Adolphus Richardson;
An act (S. 5560) granting an increase of pension to James W. Harden;
An act (S. 5586) granting an increase of pension to John F. Townsend;
An act (S. 5622) granting an increase of pension to Georgina M. Mack;
An act (S. 5675) granting an increase of pension to Mary C. Holmes;
An act (S. 5681) granting an increase of pension to Merrit C. Welsh;
An act (S. 5726) granting an increase of pension to Zadok S. Howe;
An act (S. 5868) granting an increase of pension to Hubert Bascombe;

An act (S. 5869) granting an increase of pension to Martin Rodman;

An act (S. 1126) for the relief of Narcissa G. Short;

An act (S. 1293) for the relief of Francisco V. De Coster;

An act (S. 726) for the relief of Alice Walsh;

An act (S. 3205) for the relocation of certain tracks of street railways in the District of Columbia;

An act (S. 5857) 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;

An act (S. 5925) to revive and amend an act entitled "An act to authorize the Pittsburg and Mansfield Railroad Company to construct and maintain a bridge across the Monongahela River;" and

A joint resolution (S. R. 163) regulating licenses to proprietors of theaters in the District of Columbia.

The message also announced that the President of the United States had on this day approved and signed the following acts:

An act (S. 1017) for the relief of John M. Guyton; and

An act (S. 3270) for the relief of Nathan S. Jarvis.

CORPORATIONS IN THE DISTRICT OF COLUMBIA.

The PRESIDENT pro tempore. If there are no further concurrent or other resolutions, the Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted on yesterday by Mr. TILLMAN, 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. The question is on agreeing to the resolution.

The resolution was agreed to.

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 Chair calls the attention of the Senator from North Dakota [Mr. HANSBROUGH] to the resolution.

The Secretary read the resolution submitted by Mr. HANSBROUGH on February 18, 1901, 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.

Mr. HANSBROUGH. I understand that the Senator from Maine [Mr. HALE] is willing to let the resolution pass as originally introduced.

Mr. ALDRICH. I should like to ask the Senator from North Dakota if the letters referred to in the resolution are not included in the Madison Papers and Jefferson Papers already published?

Mr. HANSBROUGH. I am not so very sure about that. I should like to have the original papers from the Department.

Mr. ALDRICH. It is not the intention, I trust, of the Senator from North Dakota to ask that the originals be transmitted to the Senate.

Mr. HANSBROUGH. No; I mean copies of the originals.

Mr. ALDRICH. I have no doubt that they are all now in print.

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

The resolution was agreed to.

LIEUT. COL. H. O. S. HEISTAND.

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 yesterday by Mr. PETTIGREW, as follows:

Whereas it has been charged in the public prints that Lieut. Col. H. O. S. Heistand, assistant adjutant-general, was in the summer of 1899 engaged in forming a combination for the purpose of controlling the hemp output of the Philippine Islands; and

Whereas it is further stated that on various occasions he represented as associated with him in the progress of such enterprise George D. Meiklejohn, Assistant Secretary of War; James E. Boyd, Assistant Attorney-General; Charles H. Allen, then Assistant Secretary of the Navy, and H. C. Corbin, Adjutant-General; and

Whereas it is further stated that in connection with the formation of such company said Lieut. Col. H. O. S. Heistand, intending to indicate that the tariff duties of the Philippine Islands would be adjusted for its benefit when formed, wrote the following letter:

WASHINGTON, D. C., *July 31, 1899.*

MY DEAR MAJOR HAWKS: Your note of the 26th to hand, and I note with gratification what you say of our prospects and progress. I have sent you a pamphlet showing export duties, etc., as at present arranged. Of course the needs of the future will be met as developments require.

Yours, truly.

H. O. S. HEISTAND.

And

Whereas it is alleged that because of a claim made by Major Hawks upon Lieutenant-Colonel Heistand for compensation for his services in connection with the formation of such company and in part settlement thereof, George D. Meiklejohn, Assistant Secretary of War, guaranteed to Major Hawks a substantial position in the Government service, and did appoint him to the position of customs inspector in the Philippine Islands; and

Whereas shortly after his entry upon service as such inspector, by an order dated before the commencement of said service, said Major Hawks was summarily removed from such position;

Resolved by the Senate of the United States of America, That the Committee on Military Affairs be, and it is hereby, directed to investigate and report to the Senate whether the foregoing statements are true, and particularly if Lieutenant-Colonel Heistand was engaged in such combination and was or was not authorized to represent that other Government officials were so engaged with him, and that tariff duties would be adjusted for their benefit; and also whether the Assistant Secretary of War has used Government positions for the purpose of paying private debts of any officer of the Government, and whether the salary of such position was charged against funds arising from the Philippine Islands; and with full authority to said committee to summon witnesses, administer oaths, and employ a stenographer.

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

The resolution was agreed to.

SAFETY APPLIANCES ON RAILROADS.

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 yesterday by Mr. PETTIGREW, 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, and so forth, by requiring common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes, and so forth, approved March 2, 1893.

Mr. PETTIGREW. I think the Committee on Interstate Commerce have reported the bill referred to in the resolution, and I therefore withdraw the resolution.

The PRESIDENT pro tempore. The resolution is withdrawn.

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

Resolved, That the Committee on Education and Labor be discharged from the further consideration of H. R. 6882, an act 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. PETTIGREW and Mr. KYLE addressed the Chair.

Mr. ALDRICH. I hope the Senator from South Dakota [Mr. PETTIGREW] will allow that resolution to go over until to-morrow morning.

Mr. PETTIGREW. That resolution has been pending for two or three days. I think it ought to be acted upon. It simply asks that the Committee on Education and Labor be discharged from the further consideration of the bill named, which went to that committee on the 23d of last May.

Mr. KYLE. I believe I have the floor, Mr. President.

The PRESIDENT pro tempore. The Chair intended to recognize and did recognize the other Senator from South Dakota [Mr. PETTIGREW].

Mr. KYLE. Very well.

The PRESIDENT pro tempore. While the Chair looked at the Senator from South Dakota on his right [Mr. KYLE] he recognized the Senator from South Dakota on his left [Mr. PETTIGREW]. [Laughter.]

Mr. HALE. As the main subject in controversy for the possession of the floor has been got out of the way by the report of the Senator from Illinois [Mr. CULLOM], I hope the Senator from South Dakota [Mr. PETTIGREW] will not now insist upon this resolution coming up, because I see clearly it is going to give rise to extended discussion.

Mr. PETTIGREW. If the resolution is going to give rise to protracted debate, I will let it go over until to-morrow.

Mr. HALE. I hope the Senator will do so.

Mr. PETTIGREW. Perhaps my colleague [Mr. KYLE] can tell me whether it is going to give rise to extended discussion or not.

Mr. KYLE. I simply wish to state in a few words the position of the committee.

Mr. ALDRICH. I hope that the resolution will be permitted to go over until to-morrow. It will certainly give rise to considerable discussion.

Mr. CHANDLER. Why not adopt it now?

Mr. HALE. We are not ready to adopt it.

Mr. PETTIGREW. Why can not this arrangement be made: Let the resolution go over until the deficiency bill has been disposed of, and then have the resolution taken up at once?

Mr. GALLINGER. Oh, no; we can not do what the Senator from South Dakota requests. We have more important matters.

Mr. PETTIGREW. Very well, Mr. President; I will allow the resolution to go over, retaining its place, if I can have unanimous consent.

The PRESIDENT pro tempore. The Senator from South Dakota asks unanimous consent that the resolution go over, retaining its place. Is there objection? The Chair hears none, and it is so ordered.

BONDS OF PIMA COUNTY, ARIZ.

Mr. DILLINGHAM. I wish to call attention to the motion made by the Senator from South Dakota [Mr. PETTIGREW] to reconsider the vote agreeing to the conference report on the bill (H. R. 8068) authorizing the board of supervisors of Pima County, Ariz., to issue fifty-year 5 per cent bonds of Pima County, Ariz., to redeem certain refunded indebtedness of said county.

Mr. PETTIGREW. I withdraw the motion to reconsider.

The PRESIDENT pro tempore. The motion to reconsider is withdrawn, and the report stands agreed to.

DISPOSITION OF CERTAIN PUBLIC LANDS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives agreeing to amendment No. 1 of the Senate to the bill (H. R. 12901) to supplement existing laws relating to the disposition of land, etc., and agreeing to amendment No. 2 with an amendment, and requesting a conference with the Senate on the bill and amendment.

Mr. HANSBROUGH. I move that the Senate concur in the House amendment to the amendment.

Mr. STEWART. What is it? I should like to know what lands are referred to.

Mr. HALE. If this is to take any time, I shall raise the question of consideration, because everything has got out of the way for the appropriation bill. I raise the question of consideration.

Mr. HANSBROUGH. This provision is the usual one in regard to opening lands of that character.

Mr. STEWART. What character?

The PRESIDENT pro tempore. Objection being made to its consideration, the matter will lie over for the present.

Mr. HANSBROUGH. I hope the Senator from Maine will withdraw his objection.

Mr. JONES of Arkansas. Has the Committee on Public Lands acted on this proposition?

Mr. HANSBROUGH. The Committee on Public Lands has passed on the bill generally and amended it.

Mr. JONES of Arkansas. I know; but the question I wish to put to the Senator is whether the Committee on Public Lands has passed on this amendment?

Mr. HANSBROUGH. It has just come from the House.

Mr. JONES of Arkansas. I think the Committee on Public Lands ought to pay some attention to it, and it ought not to be disposed of in this way.

The PRESIDENT pro tempore. Objection being made, the matter will go over.

Mr. HANSBROUGH. I move that the Senate disagree to the House amendment to the amendment and accede to the request for a conference.

Mr. HALE. That is right.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. HANSBROUGH, Mr. CARTER, and Mr. HEITFELD were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to 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, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. MOODY of Massachusetts, and Mr. MCRAE 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 (S. 3288) for the relief of Daniel Coonan; and

A bill (H. R. 14017) making appropriation for the support of the Army for the fiscal year ending June 30, 1902.

SUNDRY CIVIL APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to 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, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist on its amendments and agree to the request for a 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; and Mr. ALLISON, Mr. HALE, and Mr. COCKRELL were appointed.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. Let us go on with the appropriation bill, Mr. President. When that is done, I will yield the floor.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14236) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for prior years, and for other purposes.

Mr. HALE. I renew my request regarding action on the amendments.

The PRESIDENT pro tempore. The Senator from Maine asks unanimous consent that the formal reading of the bill be dispensed with; that it be read for amendment, and that the committee amendments first receive consideration. Is there objection? The Chair hears none.

The bill has been read down to page 15. The Chair supposes the Senator from Maine proposes to go back now to the beginning and start with the amendments?

Mr. HALE. Yes.

The PRESIDENT pro tempore. There is no need of rereading it?

Mr. HALE. No.

The PRESIDENT pro tempore. The first committee amendment will be stated.

The first amendment of the Committee on Appropriations was, at the top of page 2, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Contingent expenses, Executive Office," for the fiscal year 1900, $1,715.82.

The amendment was agreed to.

The next amendment was, on page 2, after line 22, to insert:

To reimburse the master and owners of the Russian bark Hans for all losses and damages incurred by reason of the wrongful and illegal arrest and detention of Gustav Isak Dahlberg, the master and principal owner of said bark, by officers of the United States district court for the southern district of Mississippi in 1896, $5,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 21, to insert:

To enable the Secretary of State to pay and distribute all increment and accretions upon the sums reserved by the Department of State from the fund received by the Government of the United States upon the account of the payment of the awards of the late Spanish and American Claims Commission, and to pay and distribute the same pro rata to the claimants, their heirs or assigns, to whom said awards were made as shown by the report of the Secretary of State, transmitted to the President in his message dated February 27, 1888, and printed as Senate Executive Document No. 93, first session Fiftieth Congress, $14,435.50.

The amendment was agreed to.

The next amendment was, on page 4, after line 9, to insert:

For payment to Ella Lowery Moseley, widow of Robert E. Moseley, who died while consul-general at Singapore, a sum equal to three months' salary as such consul-general, $750.

The amendment was agreed to.

The next amendment was, on page 5, line 23, before the word "cents," to strike out "fourteen thousand three hundred and three dollars and ten" and insert "eighteen thousand four hundred dollars and eighty-seven;" so as to make the clause read:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Contingent expenses, United States consulates," for the fiscal year 1900, $18,400.87.

The amendment was agreed to.

The next amendment was, on page 6, line 4, before the word "cents," to strike out "three thousand six hundred and forty-four dollars and sixty-three" and insert "four thousand one hundred and sixty-eight dollars and seventy;" so as to make the clause read:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Contingent expenses, United States consulates," for the fiscal year 1899, $4,168.70.

The amendment was agreed to.

The next amendment was, on page 6, line 15, before the word "cents," to strike out "fifty-two dollars and forty" and insert "sixty-eight dollars and seventy-eight;" so as to make the clause read:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Loss by exchange, diplomatic service," for the fiscal year 1899, $168.78.

The amendment was agreed to.

The next amendment was, on page 7, after line 4, to insert:

For stationery for the Treasury Department and its several bureaus, $5,000.

The amendment was agreed to.

The next amendment was, on page 7, line 15, to increase the appropriation to pay the account of the Smithsonian Institution for the transmission of mail for the Treasury Department for the fiscal year 1901 from $242.80 to $244.05.

The amendment was agreed to.

The next amendment was, on page 7, line 19, to increase the appropriation to pay the account of the Smithsonian Institution for the transmission of mail matter for the Treasury Department for the fiscal year 1900 from $428.85 to $453.50.

The amendment was agreed to.

The next amendment was, on page 7, after line 19, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Contingent expenses, Treasury Department: Freight, telegrams, etc.," for the fiscal year 1901, $1,338.34.

The amendment was agreed to.

The next amendment was, on page 8, line 1, after the word "thousand" to strike out "three hundred and fifty-three dollars and twenty-six" and insert "four hundred and twenty-eight dollars and ninety;" so as to make the clause read:

For freight, expressage, telegraph and telephone service, for the fiscal year 1900, $1,428.90.

The amendment was agreed to.

The next amendment was, on page 9, after line 18, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Numbering, adding, and other machines, Treasury Department," for the fiscal year 1901, $1,050.

The amendment was agreed to.

The next amendment was, on page 14, after line 11, to insert:

Credit in account of Maj. T. E. True: That the proper accounting officers of the Treasury are hereby authorized and directed to credit and allow to Maj. T. E. True, quartermaster, United States Army, depot quartermaster, Washington, D. C., the voucher for $1,300, for payment made by him to Sheldon Jackson, under the approval of the War Department of March 18, 1899, said payment being in the nature of extra compensation to Sheldon Jackson for services rendered by him in connection with the relief of people in the mining regions of Alaska, and to charge the same to the credit of the appropriation made for that purpose by the act approved December 18, 1897.

The amendment was agreed to.

The next amendment was, at the top of page 15, to insert:

Payment to B. W. Johnson: For payment to B. W. Johnson, of Key West, Fla., in full satisfaction for his services in rescuing from loss a barge or lighter which had broken adrift from the transport fleet of Major-General Shafter, in 1898, $800.

The amendment was agreed to.

The next amendment was, on page 16, line 2, after the word "dollars," to insert "Major W. L. Fisk, $116.15;" and in line 3, after the word "all," to strike out "one hundred and ten dollars and twenty-three," and insert "two hundred and twenty-six dollars and thirty-eight;" so as to make the clause read:

Credit in accounts of certain officers Corps of Engineers: Authority is hereby granted to the accounting officers of the Treasury to allow and credit in the accounts of certain officers of the Corps of Engineers, United States Army, amounts standing against them on the books of the Treasury as follows: Capt. W. E. Craighill, $27.23; Maj. E. H. Ruffner, $83; Maj. W. L. Fisk, $116.15; in all $226.38.

The amendment was agreed to.

The next amendment was, on page 16, after line 13, to insert:

Reimbursement of Cuban revenues: To enable the Secretary of the Treasury to reimburse the revenues of the island of Cuba for the amount expended in said island in furnishing information to the Secretary of War, as directed by him, relating to receipts and expenditures in said island, heretofore paid from said revenues, the sum of $15,786.91.

The amendment was agreed to.

The next amendment was, under the subhead "Quarantine service," on page 17, line 9, before the word "cents," to strike out "twenty-two dollars and forty-four" and insert "sixty-six dollars and eighty;" so as to make the clause read:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Quarantine service," for the fiscal year 1900, $2,666.80.

The amendment was agreed to.

The next amendment was, on page 17, line 14, before the word "cents," to strike out "thirty-five dollars and fifty-eight" and insert "fifty-nine dollars and twenty-three;" so as to make the clause read:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Quarantine service," for the fiscal year 1899, $159.23.

The amendment was agreed to.

The next amendment was, on page 17, after line 21, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Post-office and court-house, Philadelphia, Pa.," $15.53.

The amendment was agreed to.

The next amendment was, on page 18, line 9, before the word "thousand," to strike out "twenty-five" and insert "fifty;" so as to make the clause read:

For repairs and preservation of public buildings: Repairs and preservation of custom-houses, court-houses, and post-offices, and quarantine stations, and other public buildings and the grounds thereof under the control of the Treasury Department, exclusive of marine hospitals, $50,000.

The amendment was agreed to.

The next amendment was, on page 18, line 16, before the word "thousand," to strike out "ten" and insert "twenty-five;" so as to make the clause read:

Heating apparatus for public buildings: For heating, hoisting, and ventilating apparatus, and repairs to the same, for all public buildings, including marine hospitals and quarantine stations, and the marine hospital sanitarium, Fort Stanton, N. Mex., under control of the Treasury Department, exclusive of personal services, except for work done by contract, $25,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 16, to insert:

Vaults, safes, and locks for public buildings: For vaults, safes, and locks, and repairs to the same, for all public buildings under control of the Treasury Department, exclusive of personal services, except for work done by contract, $10,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 2, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Expenses of Revenue-Cutter Service" for the fiscal year 1900, $3,452.58.

The amendment was agreed to.

The next amendment was, under the subhead "Collecting internal revenue," on page 20, line 16, before the word "thousand," to strike out "forty" and insert "fifty;" so as to make the clause read:

For salaries and expenses of collectors and deputy collectors and surveyors, and clerks, including transportation of public funds, and also including expenses of enforcing the act of August 2, 1886, taxing oleomargarine, and the act of August 4, 1886, imposing upon the Government the expense of the inspection of tobacco exported; also the act of June 6, 1896, imposing a tax on filled cheese, $50,000.

The amendment was agreed to.

The next amendment was, on page 20, under the same head, line 21, before the word "thousand," to strike out "forty" and insert "seventy-five;" so as to make the clause read:

For the fiscal year 1901, $75,000.

The amendment was agreed to.

The next amendment was, on page 23, line 13, before the word "cents," to strike out "one dollar and seventeen" and insert "five dollars and twenty-one;" so as to make the clause read:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Contingent expenses, assay office at Boise," for the fiscal year 1899, $5.21.

The amendment was agreed to.

The next amendment was, on page 25, after line 5, to insert:

FISH COMMISSION.

Neosho (Missouri) station: For the purchase of additional land and water rights and construction of additional ponds, and for rebuilding of hatchery, and other improvements, $7,500.

The amendment was agreed to.

The next amendment was, on page 25, after line 10, to insert:

Woods Hole (Massachusetts) station: For the completion of improvements, $2,000.

The amendment was agreed to.

The next amendment was, under the head "District of Columbia," at the top of page 26, to insert:

Board of charities: For salaries, $240.

The amendment was agreed to.

The next amendment was, on page 26, after line 6, to insert:

For amount required to reimburse the surveyor, District of Columbia, for damages incurred by incorrect survey made in fiscal year 1900, based on defective record, $205.

The amendment was agreed to.

The next amendment was, on page 26, line 25, after the name "Brewer," to insert "and the late Charles Wilson;" on page 27, line 1, after the word "formerly," to strike out "surveyor" and insert "surveyors;" and in line 2, after the word "town," to insert "as their respective interests may appear;" so as to make the clause read:

To enable the Commissioners of the District of Columbia to purchase the entire collection of maps, field notes, records, and other surveying data, of the late H. W. Brewer and the late Charles Wilson, formerly surveyors of Georgetown, as their respective interests may appear, $15,000.

The amendment was agreed to.

The next amendment was, on page 27, after line 12, to insert:

To pay the office of recorder of deeds for reporting real estate transfers and recording deeds for the District of Columbia for the fiscal years 1895 to 1899, inclusive, to be available for the service of the fiscal year 1901, $1,315.53.

The amendment was agreed to.

Mr. MORGAN. I wish to make an inquiry in regard to this amendment. I wish the Senator in charge of the bill would explain why it is necessary to pay that sum of money.

Mr. HALE. Does the Senator raise a question about the amendment?

Mr. MORGAN. I wish information about it.

Mr. HALE. I will send for the papers. The Clerk has them, and meanwhile it may be passed over.

Mr. MORGAN. Is he a salaried officer?

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 27, after line 21, to insert:

For sprinkling, sweeping, and cleaning the streets, avenues, and alleys, and suburban streets, $13,480.

The amendment was agreed to.

The next amendment was, on page 28, line 5, after the word "repairing," to strike out "and;" in the same line, after the word "renewing," to insert "and replacing;" and in line 6, after the word "dollars," to insert "to continue available during the fiscal year 1902;" so as to make the clause read:

For repairing, renewing, and replacing the heating apparatus in school buildings, $30,000, to continue available during the fiscal year 1902.

The amendment was agreed to.

The next amendment was, on page 28, after line 13, to insert:

For amount required for contingent expenses to pay outstanding bills for preparing photographs, models, etc., sent to the International Exposition at Paris, fiscal year 1900, $1,173.

The amendment was agreed to.

The next amendment was, on page 28, after line 21, to insert:

That the sum of $80.75, paid for printing, photographic material, etc., for the International Exposition at Paris, 1900, is hereby allowed, and the accounting officers of the United States Treasury are authorized and directed to credit the same in the accounts of C. C. Rogers, disbursing officer, District of Columbia, fiscal year 1900.

The amendment was agreed to.

The next amendment was, on page 29, after line 3, to insert:

The accounting officers of the Treasury are authorized and directed to allow $196.61 in the accounts of the disbursing officers, District of Columbia, for the purchase of bayonets, swords, and other military equipments from the appropriation "Contingent expenses, public schools," fiscal year 1901.

The amendment was agreed to.

The next amendment was, on page 33, after line 2, to insert:

Garfield Memorial Hospital: For isolating wards for minor contagious diseases, maintenance, $2,000.

The amendment was agreed to.

The next amendment was, at top of page 34, to insert:

Militia, District of Columbia: For printing and stationery, $150; for expenses of drills and parades, $250; in all $400.

The amendment was agreed to.

The next amendment was, under the subhead "Pay Department," on page 37, after line 6, to insert:

For the reimbursement of traveling expenses on account of travel from their homes or the places of original acceptance of offer of employment, and for salary, when on leaves of absence, of contract or acting assistant surgeons employed by the Medical Department of the Army since April 21, 1898, where such traveling expenses or salary may have heretofore been disallowed or deducted on the ground that the terms of the written contracts made with the contract surgeons did not entitle them to the allowances in question, $10,000, or so much thereof as may be necessary therefor: *Provided*, That all such claims now pending or that may hereafter be presented for payment shall be settled and allowed, where such claims relate to salary, in accordance with the leave privileges governing in the case of commissioned officers of the Army, and where such claims relate to traveling allowances, as in the case of assistant surgeons of the Army on their first appointment, but the amounts so allowed shall in no case exceed the amounts authorized by the War Department in regulations governing the matter: *And provided further*, That disbursing officers of the Paymaster's Department of the Army who have already paid or shall hereafter pay accounts for such traveling expenses or for salary during leaves of absence, as above provided, shall be given credit in the settlement of their accounts at the Treasury for all such payments upon the presentation of proper vouchers.

Mr. TILLMAN. Is the amendment of the committee open to general amendment now?

The PRESIDENT pro tempore. It is not, under the unanimous-consent agreement.

Mr. TILLMAN. Is not the amendment we are on now open to amendment?

Mr. HALE. It is a committee amendment.

Mr. TILLMAN. I should think the amendment of which I spoke to the Senator from Maine this morning would come in right there. It has reference to the same matter of payment in the Army, and this is in regard to payment in the Army.

Mr. HALE. I wish the Senator would wait until we get through.

Mr. TILLMAN. Of course, if the Senator desires it, I will wait.

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

The amendment was agreed to.

Mr. STEWART. I have an amendment to offer to the amendment reported by the committee, but before I offer it I desire to state what it is.

Under the Thurman Act the pay for Government service by the bond-aided railroads was to be retained and credited on the interest due the Government. Nonaided roads, of course, did not come under the Thurman Act. But it was contended here in this Chamber and elsewhere that inasmuch as the stockholders in the Central Pacific were also stockholders in the Southern Pacific, the Government should retain the earnings on those roads and apply it on the debt. The Government did retain it. The Supreme Court held that the United States had no right to retain it. If the Government had had a right to retain it and had retained it it would have offset the interest from the date of service.

When the settlement was made with the Central Pacific it was understood that there would be an adjustment of this matter. It was frequently discussed, and it was contended that, no matter if it was due to the Southern Pacific Company, the Government ought to keep it back until the final settlement. At the final settlement it was understood that the accounts would be brought in and an adjustment would be made.

When the accounting officers came to adjust the accounts, however, they found that there was no law to allow interest as an offset against the interest paid by the company, and consequently they could not be equitably adjusted. If it had been the aided roads it would have applied at 6 per cent, but on nonaided roads the law was defective, and it could not be adjusted. Although the companies were paying 6 per cent to the Government and the money was retained by the Government for this service, it could not be an offset.

The Secretary of the Treasury has made a statement and recommends the allowance of 4 per cent, which the Government allows on judgments. It will not make a complete settlement, because the companies were paying 6 per cent. Remember if the Government had rightfully retained it, it would have allowed 6 per cent; but the Government having no right to retain it, there could not be an adjustment without legal authority to offset interest against interest. The Secretary of the Treasury says the Government pays only 4 per cent on judgments. I have the communication here.

Mr. HALE. Will the Senator state where he proposes his amendment?

Mr. STEWART. I propose the amendment on page 38, at the end of line 7.

Mr. HALE. Let it be read.

Mr. STEWART. I will send it to the desk and have it read. I have found no man who suggested that it was unjust and ought not to be done.

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

The SECRETARY. At the end of line 7, on page 38, insert:

And provided further, That the Secretary of the Treasury is hereby authorized and directed to make a settlement of the claims growing out of Government transportation over nonbond-aided lines of the Southern Pacific Company and Central Pacific Railroad Company by crediting against the notes of the Central Pacific Railroad Company held in the Treasury of the United States interest on all of said judgments and allowed claims at 4 per cent per annum, as set forth in his letter to the chairman of the Committee on Appropriations of the Senate, dated May 12, 1900.

Mr. HALE. I make the point of order that there is no law for this amendment.

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

Mr. STEWART. I ask unanimous consent that it may be put on the bill.

The PRESIDENT pro tempore. The Senator from Nevada asks unanimous consent that the amendment he proposes may be adopted.

Mr. HALE. I can not consent to that, Mr. President.

The PRESIDENT pro tempore. Objection is made.

Mr. STEWART. I shall then have to appeal to the Senate. I believe it is in order. It is a deficiency, and I propose to put it on the deficiency appropriation bill, and it is in order to settle up matters of this kind on that bill. I ask to have the letter of the Secretary of the Treasury with regard to this matter read on the point of order.

The PRESIDENT pro tempore. The Chair understands the Senator from Nevada to appeal from the decision of the Chair?

Mr. STEWART. I do.

The PRESIDENT pro tempore. The Senator from Nevada appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. HALE. I move to lay the appeal on the table.

The PRESIDENT pro tempore. The Senator from Maine moves to lay the appeal on the table.

Mr. HEITFELD. What is the question?

The PRESIDENT pro tempore. The Senator from Nevada offered an amendment and the Chair ruled the amendment out of order. The Senator can state what the amendment is, if he will.

Mr. STEWART. The amendment proposes to allow the adjustment, as was intended, in the settlement of the claims of the Central Pacific Railroad Company. The Government held back the pay for non-aided roads. The Thurman Act authorized the Government to hold back the pay on bond-aided roads and apply it on the debt. They held it back on the non-aided roads. The Supreme Court held that the Government had no right to hold it back on the non-aided roads, but the Department continued to do it. It was insisted here in the Senate by Senators that it should be done; that it dib not make any difference whether they had a right to do it or not, the stockholders were the same practically in the two companies, and that the Government should retain it until the final settlement.

When they came to the final settlement they found that they could not pay an offset, as it was contended here at that time was the way it should be settled; that it was impossible for the Department to allow interest on the money that they held back wrongfully. If they had held it back rightfully it would have been applied to the interest. When they held it back wrongfully they could not pay the interest. The Secretary of the Treasury explains that, and I ask unanimous consent——

Mr. LODGE. Mr. President, is this motion debatable?

The PRESIDENT pro tempore. It is not, but the Senator from

Idaho asked for information as to the amendment, and the Senator from Nevada is undertaking to state what it is.

Mr. STEWART. Nobody questions the justice of the amendment. I have not heard it questioned by anybody. The only question now is a question of order, and the Senator from Maine has moved to lay on the table my appeal from the decision of the Chair.

Mr. GALLINGER. Mr. President, let us have the regular order.

Mr. STEWART. There need be no hurry about the regular order; it will not facilitate the passage of this bill.

Mr. GALLINGER. It is not debatable.

Mr. STEWART. Something will be debated on this bill.

Mr. GALLINGER. Undoubtedly the Senator will talk.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Maine to lay on the table the appeal taken by the Senator from Nevada from the decision of the Chair.

The motion to lay on the table was agreed to.

Mr. STEWART. I ask that the letter of the Secretary of the Treasury be printed as a document, if there be no objection.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

Mr. STEWART. And I ask that it be printed in the RECORD, also.

The PRESIDENT pro tempore. It will be printed, without objection, in the RECORD, also as a document.

The letter is as follows:

MAY 12, 1900

SIR: The Department is in receipt of your communication of the 30th ultimo, inclosing copy of an amendment offered to the sundry civil bill now pending before your committee, relating to the question of interest upon certain allowed claims for transportation services rendered to the Government over the nonbonded lines of the Central Pacific Railroad Company and Southern Pacific Company. The amendment proposed provides for interest at the rate of 4 per cent per annum upon amounts which became due from the United States to the Central Pacific Railroad Company and the Southern Pacific Company for transportation services rendered to the Government over the lines of these companies for which no subsidy bonds were issued by the United States in aid of their construction.

Replying to your request to be furnished with a statement in as much detail as practicable as to the dates when these claims were settled and allowed by the accounting officers, and also as to such claims as were embraced in the judgments rendered in favor of the companies, I have the honor to state that under the Pacific Railroad acts of 1862 and 1864 one-half of the earnings from Government transportation over the bond-aided roads was required to be applied to the payment of the principal and interest of the subsidy bonds issued by the Government in aid of their construction, and by the act of May 7, 1878, commonly known as the "Thurman Act," the other half of Government transportation earnings over the bond-aided lines was to be withheld and applied to the sinking fund created by said act. Neither of these acts related to the transportation earnings over the nonbonded lines, which, under certain decisions of the Supreme Court, were required to be paid in cash.

The services for which payment was withheld were rendered in most part during the years 1883 to 1896, inclusive. Under various rulings of the accounting officers, payments for these services being withheld, suit was commenced by the Central Pacific Railroad Company in the Court of Claims in November, 1885, for recovery of amounts then due and for further amounts accruing for similar services. This case was decided in favor of the company, and, on appeal by the Government, was affirmed by the Supreme Court.

After the spring of 1885 the transportation services for the Government over the nonaided lines of the Central Pacific Railroad Company were rendered by the Southern Pacific Company as lessee of these lines, and as compensation for such services was also withheld, suit was commenced by the Southern Pacific Company in the Court of Claims therefor, and judgment was rendered in favor of the company in January, 1893, for $1,824,336.44. The question as to withholding payment having already been decided by the Supreme Court, as above stated, no appeal was taken by the Government.

The Second Comptroller, in a decision rendered in August, 1885, says: "With reference to the order of the late Secretary of the Treasury of January 12, 1884 (directing that all balances ascertained by the accounting officers to be due for these services should be certified without suggestion as to the mode of payment, but should be held in abeyance for the future disposition of Congress), it is difficult to see how it can longer be upheld. It was evidently intended only to be temporary in its operation, and to anticipate that some explanatory or remedial legislation by Congress would be had; but two sessions have since passed and that body had manifested no disposition to further legislate upon the subject. Under this order an approximate estimate shows that over $900,000 are now held in suspense, having been neither paid to the company nor credited to them under the Thurman Act. It is clear that the Government can not properly refuse to act at all in the matter. It should either pay this money over to the company or else it should be covered into the Treasury and invested and applied as required by the act of 1878."

The following is a summary of the amounts of interest on the various allowed claims computed at 4 per cent:

1. Interest on claims embraced in judgments of the Court of Claims for the periods from the respective dates of rendition of such judgments to the respective dates of payment thereof.	$640,041.89
2. Balance of interest, exclusive of amount stated in foregoing, on all claims from the respective dates of certifications by the accounting officers to the respective dates of payment thereof.	856,048.52
Total amount of interest	1,496,090.41

Credit for these claims and judgments, amounting to $1,162,939.48, was allowed in settlement agreement entered into with the company by the United States February 1, 1899, but, in the absence of express authority of law, the amounts of interest as herein stated were not allowed.

I inclose herewith a statement showing somewhat in detail the amounts of interest on claims embraced in each judgment and the interest on allowed claims separately. These judgments and claims are all reported in Senate Document No. 34, Fifty-fourth Congress, second session, and Senate Document No. 236, Fifty-fourth Congress, first session.

I have also had prepared a statement showing by date, number, and amount each allowed claim, and the date, number, and amount of each judgment, with the interest computed at 4 per cent thereon from the respective dates of settlement by the accounting officers to the dates of payment thereof, which I will take pleasure in forwarding to the committee should it so desire.

Respectfully,

L. J. GAGE, *Secretary.*

Hon. W. B. ALLISON,
Chairman Committee on Appropriations, United States Senate.

Statement showing amounts of interest at 4 per cent per annum on claims allowed by the accounting officers for transportation services rendered for the United States by the Central Pacific Railroad Company and Southern Pacific Company over lines in aid of the construction of which no subsidy bonds were issued by the United States.

CLAIMS EMBRACED IN JUDGMENTS.

	Amount of claims.	Interest from dates of certification to rendition of judgments.	Interest from dates of rendition of judgments to dates of payment.	Total.
Judgment No. 14711, rendered by Court of Claims Mar. 8, 1886, favor of Central Pacific R. R. Co., first reported in House Ex. Doc. 181, Fifty-first Congress, first session; Senate Doc. 34, Fifty-fourth Congress, second session.	$1,113.31	$28.21	$574.65	$602.86
Judgment No. 15785, rendered by Court of Claims Feb. 11, 1889, favor of Central Pacific R. R. Co., first reported in House Ex. Doc. 234, Fifty-first Congress, second session; Senate Doc. 34, Fifty-fourth Congress, second session	804,094.31	125,256.18	261,716.18	386,972.36
Judgment No. 16697, rendered by Court of Claims Jan. 31, 1893, favor of Southern Pacific Company, first reported in Senate Ex. Doc. 59, Fifty-second Congress, second session:				
Senate Doc. 34, Fifty-fourth Congress, second session	499,208.46	106,576.76	68,165.90	174,742.66
Senate Doc. 236, Fifty-fourth Congress, first session	1,310,281.09	265,443.12	309,585.16	595,028.28
Total interest on claims in judgments		517,304.27	640,041.89	1,157,346.16

CLAIMS NOT IN JUDGMENTS.

	Amount of claims.	Interest from dates of certification to dates of payment.
Senate Doc. 34, Fifty-fourth Congress, second session	$1,043,631.03	$212,180.16
Senate Doc. 236, Fifty-fourth Congress, first session	298,837.50	126,564.09
Total interest on claims not in judgments		338,744.25
Total interest		1,496,090.41

SUMMARY.

Interest on claims in judgments from dates of rendition of same by the Court of Claims to dates of payment or settlement		$640,041.89
Interest on claims in judgments from dates of certification by the accounting officers to dates of rendition of judgments	$517,304.27	
Interest on allowed claims (not in judgment) from dates of certification by the accounting officers to dates of payment or settlement	338,744.25	856,048.52
Total interest		1,496,090.41

SENATOR FROM NORTH CAROLINA.

Mr. MONEY (at 1 o'clock p. m.). Mr. President, yesterday I gave notice that at 1 o'clock to-day I would make some remarks in reply to the speech of the Senator from North Carolina [Mr. PRITCHARD]. I find myself this morning physically unable to proceed with the speech, and I therefore will not go on, as I had intended. Later on, if the condition of public business will permit me to do so, I will take advantage of the courtesy of the Senate to submit some remarks, but I will not do so if the business shall occupy the time.

GENERAL DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14236) making appropriations to supply

deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for prior years, and for other purposes.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was, under the head "naval establishment," page 51, line 11, to insert:

For pay, Marine Corps, 1898 and 1899, $6,561.57.

The amendment was agreed to.

The next amendment was, on page 51, line 19, after the word "hundred," to strike out "seven hundred and eighty-nine dollars and ninety-seven" and insert "two thousand one hundred and forty-two dollars and eighty;" so as to make the clause read:

For transportation, recruiting, and contingent, Bureau of Navigation, 1900, $2,142.80.

The amendment was agreed to.

The next amendment was, on page 51, line 23, after the word "hundred," to strike out "sixty thousand two hundred and ninety-four dollars and sixty-three" and insert "sixty-one thousand one hundred and three dollars and eighty-nine;" so as to make the clause read:

For equipment of vessels, Bureau of Equipment, 1900, $61,103.89.

The amendment was agreed to.

The next amendment was, on page 52, line 2, after the word "thousand," to strike out "eight hundred and eighty-three dollars and thirty-two" and insert "nine hundred and forty-five dollars and forty-two;" so as to make the clause read:

For Medical Department, Bureau of Medicine and Surgery, 1900, $3,945.42.

The amendment was agreed to.

The next amendment was, on page 52, after line 4, to insert:

For contingent, Bureau of Medicine and Surgery, $133.70.

The amendment was agreed to.

The next amendment was, under the subhead of "General account of advances, naval establishment," on page 52, line 21, before the word "cents," to strike out "four thousand eight hundred and eighty-three dollars and seventeen," and insert "thirteen thousand eight hundred and two dollars and sixty-three," so as to read:

In all, $213,802.63.

The amendment was agreed to.

The next amendment was, on page 55, after line 13, to insert:

To pay voucher in favor of James A. McMahon on account of naval training station, California, $814.95.

The amendment was agreed to.

The next amendment was, on page 56, line 15, after the word "cents," to insert the following proviso:

Provided, That the transportation to their homes, if residents of the United States, of enlisted men and apprentices discharged on medical survey; and the transportation to the place of enlistment, if residents of the United States, of enlisted men and apprentices discharged on account of expiration of enlistment, shall hereafter be chargeable to the appropriation "Transportation, recruiting, and contingent."

So as to make the clause read:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Transportation, recruiting, and contingent, Bureau of Navigation," for the fiscal year 1900, $939.66: *Provided*, That the transportation to their homes, if residents of the United States, etc.

The amendment was agreed to.

The next amendment was, on page 58, line 17, to increase the appropriations for the Bureau of Equipment from $1,000,000 to $1,350,000.

The amendment was agreed to.

The next amendment was, on page 58, line 25, after the word "hundred," to strike out "fourteen thousand four hundred and sixty dollars and ninety-six" and insert "fifteen thousand two hundred and seventy dollars and twenty-two;" so as to make the clause read:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Equipment of vessels, Bureau of Equipment," for the fiscal year 1900, $15,270.22.

The amendment was agreed to.

The next amendment was, on page 59, after line 19, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Medical department, Bureau of Medicine and Surgery," fiscal year 1900, $62.10.

The amendment was agreed to.

The next amendment was, on page 65, after line 20, to insert:

For improvements and repairs to buildings, sewerage, plumbing, prison cells, lights, and other necessary expenses, marine barracks, navy-yard, New York, $17,500.

The amendment was agreed to.

The next amendment was, under the head "Department of the Interior," page 67, line 20, before the word "hundred," to strike out "four" and insert "five;" in line 21, before the word "hundred," to strike out "eight" and insert "nine;" and on page 68, line 2, after the word "two," to insert:

The Public Printer is hereby authorized to print, on the requisition of the Secretary of the Interior, 5,000 copies of the connected and separate United States and other maps prepared in the General Land Office, for sale by the Interior Department under the laws and regulations now in force.

So as to make the clause read:

Of the whole number of United States maps procured under the appropriation made for the fiscal year 1899, for connected and separate United States and other maps prepared in the General Land Office, there shall be delivered, in addition to the number now required by law, 5,500 copies to the Senate and 10,930 copies to the House of Representatives for distribution; and the appropriation of $14,840 for connected and separate United States and other maps made for the fiscal year 1901 is hereby made available for expenditure during the fiscal year 1902. The Public Printer is hereby authorized to print, on the requisition of the Secretary of the Interior, 5,000 copies of the connected and separate United States and other maps prepared in the General Land Office, for sale by the Interior Department under the laws and regulations now in force.

The amendment was agreed to.

The next amendment was, on page 70, after line 2, to insert:

For repairs in Senate restaurant, regilding frames of Moran paintings, and for fire extinguishers for the Senate folding rooms and Maltby Building, $1,394.50.

The amendment was agreed to.

The next amendment was, on page 76, after line 14, to insert:

Classification of certain mineral lands in Montana and Idaho: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Classification of certain mineral lands in Montana and Idaho," for the fiscal year 1900, $74.17.

The amendment was agreed to.

The next amendment was, on page 77, after line 23, to insert:

To pay Chapman and Bannister, deputy surveyors, amount due and unpaid for surveys under contract No. 146, $2,106.06.

The amendment was agreed to.

The next amendment was, on page 78, after line 2, to insert:

To pay F. W. Pettigrew amount due and unpaid on contract for surveys of public lands, No. 132, of July 12, 1897, $383.33.

The amendment was agreed to.

The next amendment was, on page 78, after line 23, to insert:

Fort Sherman abandoned military reservation: To pay salary of the custodian of the Fort Sherman abandoned military reservation, Idaho, from March 1 to June 30, 1901, at the rate of $480 per annum, $161.30.

The amendment was agreed to.

The next amendment was, at the top of page 80, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Geological Survey" (mineral resources), for the fiscal year 1900, $33.11.

The amendment was agreed to.

The next amendment was, on page 81, line 24, before the word "dollars," to strike out "six hundred" and insert "eight hundred and fifty;" so as to make the clause read:

For service of officers, at $15 per month each, and privates, at $10 per month each, of Indian police, to be employed in maintaining order and prohibiting illegal traffic in liquor on the several Indian reservations and within the Territory of Alaska, in the discretion of the Secretary of the Interior; for the purchase of equipments and for the purchase of rations for policemen at nonration agencies, for the fiscal year 1900, $850.

The amendment was agreed to.

The next amendment was, on page 82, line 3, before the word "dollars," to strike out "three hundred and thirty-nine" and insert "four hundred and fifty-nine;" so as to make the clause read:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Pay of Indian police," for the fiscal year 1900, $459.80.

The amendment was agreed to.

The next amendment was, on page 82, line 14, after the word "hundred," to strike out "one thousand nine hundred and forty-eight dollars and ninety-five" and insert "two thousand and ninety-six dollars and eighty;" so as to make the clause read:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Telegraphing and purchase of Indian supplies," for the fiscal year 1900, $2,096.80.

The amendment was agreed to.

The next amendment was, on page 82, line 24, before the word "dollars," to strike out "two" and insert "twenty-two;" so as to make the clause read:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Vaccination of Indians," for the fiscal year 1900, $222.

The amendment was agreed to.

The next amendment was, on page 83, line 19, after the word "hundred," to strike out "four hundred and sixty-seven dollars and four" and insert "five hundred and eighty-eight dollars and twenty-nine;" so as to make the clause read:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Support of Mexican Kickapoos" for the fiscal years 1899 and 1900, $588.29.

The amendment was agreed to.

The next amendment was, on page 84, line 1, before the word "cents," to strike out "sixty-eight dollars and sixty" and insert "eight hundred and twenty-three dollars and thirty-five;" so as to make the clause read:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Support of Absentee Shawnees, Big Jim's Band," for the fiscal years 1899 and 1900, $823.35.

The amendment was agreed to.

The next amendment was, on page 84, after line 22, to insert:

The Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may allow a larger per capita expenditure than $167 at the Indian school for the Sac and Fox Reservation, Iowa, if he deems the same necessary: *And provided*, That this provision shall also apply to the fiscal year ending June 30, 1901.

Mr. HALE. I move to amend the amendment just read, in line 2, on page 85, after the words "necessary: *And*," by striking out the words "*provided*, That;" and in line 4 to change the date "1901" to "1902."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to amend the amendment on page 85, line 2, after the word "*And*," by striking out the words "*provided*, That;" and in line 4, at the end of the amendment, to strike out "one" and insert "two;" so as to read: "nineteen hundred and two."

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 Appropriations was, on page 86, after line 15, to insert:

For the relief and civilization of the Chippewa Indians of Minnesota, reimbursable, $10,000.

The amendment was agreed to.

The next amendment was, on page 88, after line 17, to insert:

To reimburse Leonard T. Cool, assistant postmaster at Canton, Ohio, for expenses incurred for legal services in defending a suit brought against him by virtue of his official employment, $100.

The amendment was agreed to.

The next amendment was, on page 88, after line 21, to insert:

To provide lookouts over the main working room of the Washington, D. C., post-office, $6,000.

The amendment was agreed to.

The next amendment was, under the head of "Postal service," on page 91, after line 6, to insert:

For rent of offices in Washington, D. C., for the division superintendent of Railway Mail Service, from August 13, 1900, to June 30, 1900, $1,857.26.

The amendment was agreed to.

The next amendment was, on page 92, after line 2, to insert:

For the fiscal year 1900, $315,571.99.

The amendment was agreed to.

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

To pay the amounts set forth in Senate Document No. 205, of this session, fiscal year 1900, $17.58.

The amendment was agreed to.

The next amendment was, on page 93, after line 4, to insert:

For compensation of postmasters, as set forth in Senate Document No. 205, of this session, for the fiscal years as follows:
For the fiscal year 1900, $170.13.
For the fiscal year 1899, $17.91.

The amendment was agreed to.

The next amendment was, on page 93, after line 20, to insert:

For the fiscal year 1899, as set forth in Senate Document No. 205, of this session, $204.76.

The amendment was agreed to.

The next amendment was, on page 94, after line 5, to insert:

For star routes, fiscal year 1900, as set forth in Senate Document No. 205, of this session, $2,898.43.

The amendment was agreed to.

The next amendment was, on page 96, line 18, before the word "cents," to strike out "thirty-eight dollars and twenty-five" and insert "sixty-seven dollars and fifty;" so as to make the clause read:

Prosecution of crimes: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Prosecution of crimes" for the fiscal year 1900, $467.50.

The amendment was agreed to.

The next amendment was, under the head of "United States courts," page 99, after line 10, to strike out:

That witnesses in misdemeanor and civil cases before the United States commissioners' courts in the Indian Territory shall be entitled to 3 cents a mile, for each mile actually and necessarily traveled, in going to and returning from said court; and witnesses subpœnaed in behalf of the United States shall be paid on the order of the commissioner, as in felony cases. When a witness is subpœnaed and in attendance upon said court in more than one case at the same term, only one travel fee and one per diem compensation shall be allowed for attendance, and the same shall be taxed in the case first disposed of, after which the per diem attendance only shall be taxed in the other cases in the order in which they are disposed of.

The amendment was agreed to.

The next amendment was, on page 99, after line 23, to insert:

That for all services rendered by United States marshals for the several districts of the Indian Territory and their respective deputies the fees and compensation provided by section 829 of the Revised Statutes of the United States, as amended, shall be taxed and allowed, and the field deputy marshals shall receive compensation in accordance with section 11 of the act approved May 28, 1896, and all deductions and disallowances made under a decision of the Comptroller of the Treasury in re United States Marshal Hammer, dated October 12, 1900, shall be allowed.

The amendment was agreed to.

The next amendment was, on page 100, after line 11, to insert:

That witnesses at preliminary examinations before United States commissioners and witnesses before the district courts in the Indian Territory shall be entitled to the fees prescribed in section 828 of the Revised Statutes of the United States, except as provided in section 850 of said statutes.

The amendment was agreed to.

The next amendment was, under the head "Legislative," page 103, after line 18, to insert:

SENATE.

To enable the Secretary of the Senate to pay Mrs. Harriet F. Gear, widow of Hon. John H. Gear, late a Senator from the State of Iowa, $5,000.

The amendment was agreed to.

The next amendment was, on page 103, after line 22, to insert:

To enable the Secretary of the Senate to pay Mrs. Anna Malcom Agnew Davis, widow of Hon. Cushman K. Davis, late a Senator from the State of Minnesota, $5,000.

The amendment was agreed to.

The next amendment was, on page 104, after line 2, to insert:

For compensation of officers, clerks, messengers, and others in the service of the Senate, namely: For 10 clerks to Senators who are not chairmen of committees, from March 4, 1901, to June 30, 1901, inclusive, at the rate of $1,500 per annum, $6,153.

The amendment was agreed to.

The next amendment was, on page 104, after line 9, to insert:

For fuel, oil, and cotton waste, and advertising, for the heating apparatus, exclusive of labor, $3,000.

The amendment was agreed to.

The next amendment was, on page 104, after line 11, to insert:

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding $1.25 per printed page, $10,000.

The amendment was agreed to.

The next amendment was, on page 104, after line 17, to insert:

For miscellaneous items, exclusive of labor, $25,000.

The amendment was agreed to.

The next amendment was, on page 104, after line 19, to insert:

To reimburse the official reporters of the proceedings and debates of the Senate for expenses incurred from March 4, 1900, to March 4, 1901, for clerk hire and other extra clerical services, $3,990.

The amendment was agreed to.

The next amendment was, on page 104, after line 24, to insert:

To enable the Secretary of the Senate to pay the persons who performed the work of compiling the laws, proclamations, orders, and history of claims, and the decisions of the courts relating thereto for use in the consideration of claims bills, $1,400, to be paid only upon vouchers signed by the chairman of the Senate Committee on Claims.

The amendment was agreed to.

The next amendment was, on page 105, after line 6, to insert:

To pay Hawkins Taylor, assistant clerk to the Committee on Foreign Relations, for extra services, including preparation of the work entitled "Precedents with reference to treaties between the United States and Foreign Nations," $600.

The amendment was agreed to.

The next amendment was, on page 105, after line 11, to insert:

To pay John H. Walker for extra services as clerk to Committee on Pensions, $500.

The amendment was agreed to.

The next amendment was, on page 105, after line 13, to insert:

To pay Dennis M. Kerr, clerk detailed from the Bureau of Pensions, for services to Committee on Pensions, $500.

The amendment was agreed to.

The next amendment was, on page 105, after line 16, to insert:

To pay J. H. Jones for services in the care of the Senate chronometer, and for the work in connection therewith, for the second session of the Fifty-sixth Congress, $100.

The amendment was agreed to.

The next amendment was, under the subhead "House of Representatives," on page 106, line 13, after the word "fiscal," to strike out "year" and insert "years 1899 and;" so as to make the clause read:

To supply a deficiency in the appropriation for salaries of officers and employees, fiscal years 1899 and 1900, $11.59.

The amendment was agreed to.

The next amendment was, on page 110, after line 9, to insert:

To James A. Gibson, $480;
To H. A. Dumont, $379.09;
To Don C. Walters, $594;
To John Hollingsworth, $900;
To George C. Randall, $300;
To Charles O. Houk, $360;
To Ed. H. Sharp, $300;
To John B. Fletcher, $300;
To O. M. Enyart, $400;
To William A. Forbis, $200;
To Minot Reed Stewart, $295;
To O. A. Harvey, $853.32;
To Thomas F. Tracy, $403.48.

The amendment was agreed to.

The next amendment was, on page 111, line 3, to increase the total items of appropriations for the House of Representatives from $6,935.36 to $12,700.25.

The amendment was agreed to.

The next amendment was, on page 111, after line 5, to insert:

To pay William A. Watson, special messenger, authorized in the resolution adopted by the House of Representatives February 7, 1900, at the rate of $1,200 per annum, from March 4, 1901, to June 30, 1902, inclusive, $1,593.30.

To pay George C. Randall, B. W. Armstrong, John W. Herndon, J. M. McKay, and F. B. Lyon each a sum equal to two months' pay at the rate of compensation respectively received by them January 1, 1901, for extra services rendered in the folding room under resolution of the House No. 253, $1,133.32.

Mr. COCKRELL. I desire the Senator in charge of the bill to make some explanation as to why the Senate has added amendments referring to House employees and House affairs.

Mr. HALE. It always happens, particularly on this bill, that there are certain matters which have not reached the House and have not been matured, and when we get a report from the Committee on Accounts of the House and the Committee on Appropriations of the House, asking us to put on their matters, we put them on.

Mr. COCKRELL. That is what I wanted to know. It was only done at the special request of the House Committee on Appropriations?

Mr. HALE. Certainly; otherwise we never lift a hand in regard to House matters.

The PRESIDENT pro tempore. The Chair calls the attention of the Senator from Maine to line 16, page 111, where the words "nine hundred and one" appear. Should it not be "nineteen hundred and one?"

Mr. HALE. Yes; let that amendment be made.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HALE. On page 111, after line 20, I move to insert what I send to the desk.

The SECRETARY. On page 111, after line 20, it is proposed to insert:

Library of Congress: That the appropriation of $2,000 heretofore made in the legislative, executive, and judicial appropriation bill for special temporary and miscellaneous service, at the discretion of the Librarian of Congress, shall be immediately available.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 113, line 6, after the word "in," to strike out "House Document No. 65" and insert "Senate Document No. 189;" and in line 9, before the word "dollars," to strike out "eighty-two thousand two hundred and eleven" and insert "four hundred and twenty thousand three hundred and thirty-two;" so as to read:

For payment of judgments rendered by the Court of Claims in Indian depredation cases, certified to Congress at its present session in Senate Document No. 189, $420,332, etc.

Mr. HALE. In line 7, after the word "eighty-nine," I move to insert the word "and" and then a blank for the number to be inserted in conference.

The amendment to the amendment was agreed to.

Mr. HALE. I move, in line 9, to strike out "$420,332," and insert "$435,728."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, under the head, on page 114, line 9, after the word "fifty-four," to insert "and Senate Document No. 211;" and in line 11, before the word "cents," to strike out "four hundred and forty-nine thousand five hundred and seventy-four dollars and seventy-nine" and insert "seven hundred and fifty-nine thousand four hundred and ninety-four dollars and sixty-seven;" so as to read:

For the payment of the judgments rendered by the Court of Claims, reported to Congress at its present session in House Document No. 354 and Senate Document No. 211, $759,494.67, etc.

The amendment was agreed to.

The next amendment was, at the top of page 115, to insert:

That the sum or sums appropriated to be paid to the administrator of Peter C. Brooks, deceased, in the act of Congress approved March 3, 1899, entitled "An act for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes," be paid Charles F. Adams as the administrator of said estate: but the amount thus appropriated shall not be paid until the Court of Claims shall certify to the Secretary of the Treasury that the administrator of said estate represents the next of kin of the said Peter C. Brooks, and the court which granted the administration shall have certified that said administrator has given adequate security for the legal disbursement of the amounts.

The amendment was agreed to.

The next amendment was, on page 115, line 23, after the word "sixty-seven," to insert "and Senate Document No. 192;" and in line 25, after the word "appealed," to strike out "two thousand two hundred and seventy-seven dollars and ten" and insert "three thousand and fifty-two dollars and seventy;" so as to make the clause read:

For payment of the final judgments and decrees, including costs of suit, which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," certified to Congress at its present session by the Attorney-General in House Document No. 367 and Senate Document No. 192, and which have not been appealed, $3,052.70, together with such additional sum as may be necessary to pay interest on the respective judgments at the rate of 4 per cent per annum from the date thereof until the time this appropriation is made.

The amendment was agreed to.

The next amendment was, on page 116, after line 8, to insert:

For payment of interest at 4 per cent per annum on the final judgment against the United States in favor of Patrick Henry Winston, rendered by the circuit court of the United States for the district of Washington, on the 1st day of October, 1894, under and by virtue of jurisdiction conferred by the act of Congress approved March 3, 1877, $406.26.

The amendment was agreed to.

The next amendment was, on page 125, after line 2, to insert as a new section the following:

SEC. 3. That for the payment of the following claims, certified to be due by the several accounting officers of the Treasury Department 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, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1898, and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Document No. —, Fifty-sixth Congress, second session, there is appropriated as follows:

CLAIMS ALLOWED BY THE AUDITOR FOR THE TREASURY DEPARTMENT.

For contingent expenses, Treasury Department: Freight, telegrams, etc., fiscal year 1901, $397.13.

For contingent expenses, Treasury Department: Freight, telegrams, etc., $10.95.

For heating apparatus for public buildings, $5.30.

For repairs and preservation of public buildings, $6.40.

For additional compensation to certain employees in the civil service at Washington, D. C., under joint resolution of February 28, 1867, $1,070.84.

For collecting the revenues from customs, $78.30.

For repayment to importers excess of deposits, $220.55.

For redemption of stamps, $405.83.

For refunding taxes illegally collected, $18,736.62.

CLAIMS ALLOWED BY THE AUDITOR FOR THE WAR DEPARTMENT.

For contingent expenses, War Department, $1.35.

For pay, etc., of the Army, $743.09.

For regular supplies, Quartermaster's Department, $129.49.

For incidental expenses, Quartermaster's Department, $8.05.

For transportation of the Army and its supplies, $267.30.

For clothing, and camp and garrison equipage, $40.01.

For headstones for graves of soldiers, $1.25.

For pay, transportation, services, and supplies of Oregon and Washington Volunteers in 1855 and 1856, $281.62.

CLAIMS ALLOWED BY THE AUDITOR FOR THE NAVY DEPARTMENT.

For pay of the Navy, $868.19.

For contingent, Marine Corps, $65.12.

For indemnity for lost clothing, $4,998.85.

For destruction of clothing and bedding for sanitary reasons, $137.18.

For bounty for destruction of enemy's vessels, $5.63.

For enlistment bounties to seamen, $833.33.

CLAIMS ALLOWED BY THE AUDITOR FOR THE INTERIOR DEPARTMENT.

For contingent expenses, Department of the Interior, $4.43.

For appraisal and sale of abandoned military reservations, $100.

For surveying the public lands, $14,110.83.

For surveying private land claims, $372.03.

For pay of matrons, $7.

For payment to Overton Love, a Chickasaw Indian, for stock stolen from him by Comanche Indians in 1867, $7,350.

For Army pensions, $30.

For Navy pensions, $10.

CLAIMS ALLOWED BY THE AUDITOR FOR THE STATE AND OTHER DEPARTMENTS.

DEPARTMENT OF STATE.

For salaries, secretaries of embassies and legations, 11 cents.

For pay of consular officers for services to American vessels and seamen, $18.69.

For loss by exchange, diplomatic service, $48.79.

For contingent expenses, United States consulates, $25.04.

DEPARTMENT OF AGRICULTURE.

For forestry investigations, $5.77.

For general expenses, Weather Bureau, $12.44.

DEPARTMENT OF JUSTICE.

For salaries, fees, and expenses of marshals, United States courts, $440.20.

For fees of commissioners, United States courts, $119.15.

For fees of witnesses, United States courts, $24.30.

CLAIMS ALLOWED BY THE AUDITOR FOR THE POST-OFFICE DEPARTMENT.

For advertising, $8.50.

For railroad transportation, $72.33.

For star transportation, $9.54.

The PRESIDENT pro tempore. Does the Senator from Maine desire to fill the blank in line 14, on page 125?

Mr. HALE. Yes; I move to insert the words "two hundred and twelve."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was concluded.

Mr. STEWART obtained the floor.

Mr. HALE. Will the Senator from Nevada wait a moment until certain committee amendments can be adopted? Will he restrain his impatience for a moment?

Mr. STEWART. I desire to make an appeal.

The PRESIDENT pro tempore. On page 27 there is an amendment which was passed over, which will be stated.

The SECRETARY. On page 27, after line 12, it is proposed to insert:

To pay the office of recorder of deeds for reporting real estate transfers

and recording deeds for the District of Columbia for the fiscal years 1895 to 1899, inclusive, to be available for the service of the fiscal year 1901, $1,315.50.

Mr. HALE. The objection to that has been withdrawn. Let it be agreed to.

The PRESIDENT pro tempore. Without objection, the amendment on page 27 will be agreed to.

Mr. HALE. On page 36, after the word "dollars," in line 10, I move to insert the words "to be available until expended."

The amendment was agreed to.

Mr. HALE. I think that disposes of the committee amendments, and I trust Senators will allow the bill to go through now without further amending it.

Mr. MORGAN. I called the attention of the Senator from Maine——

Mr. HALE. The Senator from New Hampshire [Mr. GALLINGER] has an amendment to offer.

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

Mr. MORGAN. I call the attention of the Senator from Maine to the part of the text of the bill to which I referred. I wish to get some information now, if I can, about the Isthmian Canal Commission on page 4.

Mr. HALE. What is the item?

Mr. MORGAN. The item is as follows:

To defray the expenses necessarily incurred in making the investigation authorized by sections 3 and 4 of the river and harbor appropriation act, approved March 3, 1899, $75,000.

I want to know why that is in the bill?

Mr. HALE. I sent for the papers, and I send them to the Senator from Alabama. Let the paragraph be passed for the moment and let the Senator look at them.

Mr. GALLINGER. I have sent an amendment to the desk to which the Senator from Maine does not object. It has been reported favorably from the committee.

The PRESIDENT pro tempore. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 34, after line 8, insert:

That of the unexpended balance of the appropriation for repairs to the Aqueduct Bridge, District of Columbia, the sum of $1,465 may be used, under the direction of the Secretary of War, for the temporary protection of said bridge, and the further sum of $3,000 may be used for obtaining plans and estimates for rebuilding said bridge, the said amounts to be immediately available.

Mr. HALE. That does not cause any new appropriation, and is reported by the committee, I understand.

Mr. GALLINGER. That is right.

The amendment was agreed to.

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

The SECRETARY. On page 99, after line 5, insert:

The accounting officers of the Treasury are hereby authorized and directed to reopen and restate the accounts of H. G. McMillan, D. C. Dunbar, C. H. McClure, and K. S. Boreman and settle them in accordance with the provisions of the act approved January 19, 1901, entitled "An act relating to the accounts of United States marshals and clerks of the district courts of the Territory of Utah."

Mr. HALE. There is no objection to the accounts being examined. There is no appropriation involved.

The amendment was agreed to.

Mr. SPOONER. I offer an amendment, which I send to the desk, to be inserted at any appropriate place in the bill. I have not a copy of the bill.

The SECRETARY. It is proposed to insert:

To pay to Francis Bloodgood, of Milwaukee, Wis., balance of a judgment rendered in his favor in the district court of the United States for the eastern district of Wisconsin, for services rendered as United States commissioner, $610.

Mr. HALE. Is that the Wisconsin matter which was before the court, where a judgment had been rendered?

Mr. SPOONER. It is.

Mr. HALE. That is right. I think that is the end of it.

Mr. SPOONER. If the Senator will pardon me a moment, I should like the attention of the Senate for not over five minutes upon this subject. I want to state the case just as it is.

Mr. HALE. I do not object to the amendment.

Mr. SPOONER. But I want to state the case. I know the Senator does not object to it. If the Senate thinks this provision ought not to be inserted, I do not wish to have it inserted, and it will not take me more than two or three minutes.

The claimant here was a United States commissioner for a great many years, and is now. He had been paid at certain rates for his services as a court commissioner in criminal cases for many years. At last his fee bill, if I may so call it, was challenged by the Department of Justice in part. Under the Tucker Act he brought suit in the United States court for the eastern district of Wisconsin against the Government for the amount of $2,036.20. Of course it was unquestioned that the court had jurisdiction. The Government, by the United States district attorney, appeared in the cause and contested it, and the court entered a judgment in behalf of the plaintiff for the amount of $2,036.20 principal, and $7.20 costs. That was April 24, 1893, and copies of the entry of judgment were served on the United States district attorney and the clerk of the court April 24, 1893.

The time for the Government to appeal expired October 24, 1893, and the judgment, therefore, without any fault of the plaintiff, became absolute against the Government.

The Supreme Court of the United States four months later, on an appeal from a decision in another part of the country, rendered a decision which, if it had been rendered on an appeal from this judgment, would have reduced the judgment $610.

Mr. COCKRELL. To $610?

Mr. SPOONER. No; $610. That was six months after the right to appeal from the decision in this case had expired. Congress appropriated to him the amount of the judgment less the $610, which he accepted under protest, and this amendment is to pay him the balance. Of course as between ordinary parties, litigants in court, there could be no question about it. The right of the Government and this plaintiff was fixed. His right to the $2,000 was res adjudicata, and he asks this $610.

That is the case. If the Senate thinks that he is entitled to it, then this amendment ought to be adopted.

Mr. HALE. Let us have a vote of the Senate upon it.

Mr. STEWART. Does the Senator think it is equitable?

Mr. SPOONER. Equitable? If the Government had appealed he would not be allowed it. The Government did not appeal. The Government brought it into its own court, contested the matter with him, and had its day in court.

Mr. HALE. And lost its right to appeal.

Mr. SPOONER. And lost, without any fault of his, its right to appeal. Technically he would be entitled to it; but I want to submit the whole case to the Senate.

Mr. HOAR. It is as plain a case of a citizen of the United States being morally, legally, and equitably entitled to this money as could be made. If he had lost his case and had not appealed, and then afterwards the principal had been settled otherwise in a later case, we would never have made up those cases. The claims have come again and again from the Finance Committee, and we have always referred those cases.

Mr. COCKRELL. My understanding is just the reverse. We have an immense claim now pending here, barred by limitation, and the claimants come in and say certainly it must be paid; the limitation must not cut them off.

Mr. HOAR. A limitation is a different thing from a judgment.

Mr. COCKRELL. I know a number of cases in the Court of Claims that have been paid where the parties did not have the right.

Mr. WOLCOTT. As I understand the proposition of the Senator from Wisconsin, if the Government had done its duty and appealed, this man would not have received the $610.

Mr. HOAR. Perhaps it thought it was not worth while to appeal in so small a sum.

Mr. WOLCOTT. If we have a Government official who would not think it was worth while to appeal from an unjust judgment of $610, he ought not to serve the Government long; and if the Government did not appeal, and the judgment became absolute, and our accounting officers refused to pay it because the decisions of the Supreme Court show he is not entitled to it, it is difficult for me to perceive what equities there are. There may be a legal technical right, but there are certainly no equities in his behalf.

Mr. SPOONER. I have stated the case as it is, so that the Senate is in possession of the question.

Mr. HALE. I do not want to go into it further.

The amendment was agreed to.

Mr. LODGE. I offer an amendment to come in under the judgment of the Court of Claims.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the amendment just adopted insert:

That the Secretary of the Treasury be, and he is hereby, directed to pay to the administrator of the estate of Philip C. Rowe, of Massachusetts, the sum of $13,200, for the use of said Rowe's invention by the United States of an improvement in pistons for pumps by the Navy Department during the years between 1865 and 1882.

Mr. HALE. This is a pure claim. I must raise the point of order.

Mr. LODGE. Of course if the Senator raises the point of order it is the end of it.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. LODGE. I offer another amendment.

The PRESIDENT pro tempore. The Senator from Massachusetts offers an amendment, which will be read.

The SECRETARY. Insert the following:

That the sum of $2,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to purchase from the estate of Mrs. Ben: Perley Poore the copyright of the publication entitled "The Political Register and Congressional Directory," by Ben: Perley Poore.

Mr. HALE. Is that estimated for or is it reported from any committee?

Mr. LODGE. It is reported from the Committee on Printing.

Mr. HALE. Reported favorably?

Mr. LODGE. Yes.

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

Mr. DANIEL. I should like to have some explanation of the amendment—what it is the Government is to buy and what we are to give for it.

Mr. LODGE. I understand it is to enable the Government to reprint the Political Register and Congressional Directory which was published originally by Ben: Perley Poore. Its matter has become entirely out of date; that is, it wants to be brought up to date. It is a very valuable register.

Mr. DANIEL. I should like to know the value of the document to the Government. What is the use of it?

Mr. LODGE. It is to get rid of his right, so that the Government can bring his register up to date.

Mr. HALE. It is the Congressional Directory, continuing for years and showing the committee service, etc., of members of Congress in both branches from the beginning, and this is for the Government to buy the right and then to continue to bring it down to the present time. The amendment was reported favorably by the Committee on Printing; so it is not subject to a point of order.

Mr. DANIEL. What is the Government to pay for it?

Mr. HALE. Two thousand dollars.

Mr. LODGE. Yes, $2,000.

Mr. JONES of Arkansas. It has grown to be a sort of habit here that men who are employed by committees, or employed otherwise by the Government, will do a lot of work of this sort and ask to have it printed, and then come in afterwards with claims against the Government for having it done. Was this work done by Mr. Poore while he was clerk of one of the committees of the Senate and in pursuance of his duties as such clerk?

Mr. LODGE. Of course, as the Senator knows, Major Poore died a great many years ago.

Mr. JONES of Arkansas. I know.

Mr. LODGE. He was clerk of the Committee on Printing, I believe.

Mr. JONES of Arkansas. I know he was.

Mr. LODGE. At the time, I mean, of this work. He received nothing from the Government. He did the work at his own risk and copyrighted it, and got his return, whatever it was, from the sale. The book is an extremely useful one, and there is no way to bring it up or reissue it, except by extinguishing this copyright. Whether the copyright is worth $2,000 or not, I do not pretend to judge. I have not looked into the figures at all, but I do think it would be well to continue the publication.

Mr. JONES of Arkansas. It seems to me there ought to be somebody here to show that this work is worth $2,000 to the Government before the Senate is asked to pay $2,000 for it.

Mr. HALE. Every Senator can judge for himself whether it is worth something to have it brought down to the present day. It is a handy book for reference.

Mr. COCKRELL. Does that include pay for bringing it down to date?

Mr. LODGE. No; it is to extinguish the copyright. The Government can not print this Register and Directory while the copyright exists.

Mr. COCKRELL. There are two or three other publications almost like this one of Poore's. I think there is another one, and Lanham has one also.

Mr. HOAR. That is very much older than Poore's.

Mr. COCKRELL. It is older than Poore's. Then another one simply gives biographic sketches.

Mr. LODGE. Those are simply sketches, I think, more in the nature of a dictionary, and this is a register such as we have partially in our Manual.

Mr. COCKRELL. I do not see why Congress could not have a similar work from the foundation of the Government to this time prepared without paying anybody for a copyright for anything that is to go into it. Nearly all of the information has been printed in the Congressional Directory.

Mr. LODGE. I have no desire to take the time of the Senate in debating it. I have stated the case. That is all I want.

Mr. JONES of Arkansas. I wish to ask what is the nature of this work? Is it practically a compilation of what is in the Congressional Directory?

Mr. LODGE. Oh, no; not at all. It goes back to the beginning of the Government, and it shows every man who has held an office under the Government, and just what places he has held. It is a dictionary of the entire Government of the United States. It has no relation to the Congressional Directory.

The amendment was agreed to.

Mr. HANSBROUGH. I move to insert the following:

For reimbursing G. A. Lieber, of Jamestown, N. Dak., late deputy collector of internal revenue for the district of Nebraska, for excess of expenses over allowances from August 1, 1894, to August 31, 1898, $264.90.

The amendment was agreed to.

Mr. CLAY. I have an amendment on the table that I desire to have taken up and acted upon. It is an amendment in print. I will make a short statement, and I think the Senator in charge of the bill will agree to it.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 92, after line 17, insert:

To enable the Secretary of the Senate to pay Wood & Bond, undertakers, of Macon, Ga., for services and expenses in connection with the funeral and burial of the late Senator A. H. Colquitt, $552.50.

Mr. CLAY. I desire to state that my constituents think that this bill ought to be paid in full in every item of it, but the Committee on Appropriations do not think so, and I feel bound to accept their judgment. They say to me that they will accept the amendment provided that I will cut it to $276.25, and I am willing that the amendment shall be amended by striking out the amount named and inserting "$276.25."

The PRESIDENT pro tempore. The Senator from Georgia modifies his amendment by reducing the amount as stated.

Mr. HALE. What is the amount now fixed in the amendment?

Mr. CLAY. Two hundred and seventy-six dollars and twenty-five cents. I cut it in two. It is divided by half.

Mr. HALE. That is right.

The amendment was agreed to.

Mr. CLAY. In order to show that the claim is just and correct, I ask leave to insert in the RECORD three affidavits.

There being no objection, the affidavits were ordered to be inserted in the RECORD, as follows:

GEORGIA, *Bibb County:*

Personally appeared before me W. H. Ross, who, being duly sworn, deposes and says that he received a telegram from Hon. R. J. Bright, Sergeant-at-Arms United States Senate, instructing him to have suitable preparations made for the burial and funeral ceremonies of the late Senator Alfred H. Colquitt.

In obedience to said telegram deponent procured the services of Wood & Bond, undertakers, at Macon, Ga., giving them instructions to make all proper preparations and to attend to all details and furnish all necessary materials for his funeral, everything to be in keeping with his high station and the regard in which he was held by the people.

These instructions included the furnishing of the hearse, the preparation of the grave, the payment of the city of Macon bill for interment, according to its ordinance, the furnishing of a large number of carriages, the flower designs and decorations for the casket, the hearse, and the church, and the personal attention of the undertaker and several assistants.

WM. H. ROSS.

Sworn to and subscribed before me this 27th day of October, 1896.

CHAS. G. WILBOURN,
Notary Public, Bibb County, Ga.

GEORGIA, *Bibb County:*

Personally appeared before me A. L. Wood, a member of the former firm of Wood & Bond, who, being duly sworn, deposes and says:

That he no longer has any pecuniary interest in the bill of Wood & Bond *vs.* The United States Senate for the funeral expenses of the late Senator Alfred H. Colquitt.

Deponent says that the charges in said bill are in every respect reasonable, and were charged at such low figures that it left a very small margin for profits.

The charge of $25 for the hearse from depot to church, and the further charge of $25 for the hearse from the church to the cemetery, are in every respect reasonable. There were four horses harnessed to the hearse, each horse being especially selected as a match for the other three, which of itself made them more expensive. There was a uniformed footman to each horse, and the decoration of the hearse was very expensive. For reasons stated later on, said hearse was in use from 10 o'clock a. m. to 6 p. m., and could not be used by Wood & Bond, causing them the expense of hiring other hearses for other funerals under their management.

The city bill of interment of $41.50 is the actual amount of cash paid out to the city of Macon according to its ordinances.

The $10 for the chestnut box that inclosed the coffin on the train was placed in the grave, and was bought by deponent at this regular price.

The two items for the personal attention of the undertaker and his three associates, amounting to $55, are in every respect reasonable. Deponent went from Macon to Atlanta the day before the funeral, in order to meet the corpse there and take charge of it. He had to make a personal examination and see that it was in proper condition, and was compelled besides his railroad fare and hotel bill to incur other expenses in Atlanta. He came from Atlanta to Macon with the corpse the day of the funeral, and was busy until 6 p. m. in connection with the funeral. The day before the funeral his three assistants were busy in making local arrangements for the funeral. The decoration of the church, the decoration of the hearse, the procuring of the carriages, the supervising of the digging of the grave and preparing the vault, the procuring of the four horses for the hearse, the procuring of singers, the notifying of various committees, and numerous other details that were necessary for the funeral to be conducted in a proper manner in keeping with the dignity and position of the deceased kept all three of the assistants busy on the day of the funeral and the day preceding.

The item of $336 for 42 carriages is entirely just and reasonable. Acting upon the instructions of Maj. William H. Ross and the telegram received from the Hon. B. W. Layton, deponent ordered the 42 carriages charged for, and would have procured more if the city had contained them. The charge of $8 per carriage is just and reasonable, because those carriages were in use from 10 a. m. until 6 p. m. on the day of the funeral.

The funeral was to have taken place at 11 o'clock a. m., but by reason of Mr. B. W. Layton's allowing the body to lie in state in the capitol in Atlanta, and some delay to the train bringing the body to Macon, the train did not arrive here until after 1 o'clock p. m., and the funeral was held at 3 o'clock instead of 11. In the meantime everything was held in waiting. The services were very long, and it was fully 6 o'clock, and perhaps later, before these carriages were discharged. The usual price for a carriage in this city is $5 for a funeral lasting two or three hours, but, as above stated, these carriages were used from 10 a. m. to 6 p. m., and the additional charges had to be paid by Wood & Bond. The carriages could not be discharged when it was learned that the train was late, because no one knew how soon the train would arrive, nor at what hour those in authority would decide to have the funeral. In addition to this, if the carriages had once been discharged, it would have

been impossible to have gotten them together again. The Sergeant-at-Arms allows pay for only seven carriages at $3.50 each. More than seven carriages were occupied by the Congressional escort. By Mr. Layton's orders only two Senators were placed in a carriage, as he objected to any Senator riding backwards.

In addition to this large escort, the numerous members of the family occupied several other carriages, and some of the carriages had to be crowded in order to make room for the members of the supreme court of the State of Georgia. No friends or other persons, except the Congressional escort, the members of the family, and the members of the supreme court of the State of Georgia, rode in these carriages, and the friends and a large number of prominent men of this State were compelled to go to the cemetery on the street cars. There was not enough carriages as it was, and there was considerable complaint on that score.

A. L. WOOD.

Sworn to and subscribed before me this 28th day of October, 1896.
[SEAL.] W. W. WRIGLEY,
Notary Public, Bibb County, Ga.

GEORGIA, *Bibb County:*

Personally appeared before me, L. H. Burghard, an undertaker in the city of Macon, Ga., who, being duly sworn, deposes and says: That he is in no way interested in the claim of Wood & Bond for the funeral expenses of the late Senator Alfred H. Colquitt.

At the time of said funeral deponent was employed as the general manager and funeral director for said Wood & Bond, but that said funeral was personally managed by and under the direction of Mr. A. L. Wood, one of the members of the firm. Deponent and two other competent men assisted Mr. Wood in the details of said funeral, said details being very numerous, troublesome, and difficult to manage, and kept all three of said assistants employed during the whole of the day of the funeral and most of the day preceding the funeral. Deponent remembers the circumstances of said funeral clearly, and states that $50 was a reasonable charge for the use of the hearse on that occasion. The decorations of the hearse, like the decorations of the church, were very elaborate and expensive. The hearse was drawn by four of the finest horses in the city, and were specially selected as being matches for each other. They were handsomely housed, and each attended by a footman in uniform. The bill paid to the city is the usual bill that has to be paid for each funeral in accordance with the city ordinance. There were 42 carriages used at said funeral, and they did not suffice to carry all the distinguished people to the church and to the cemetery.

This number might have been sufficient but for the fact that the assistant sergeant-at-arms gave me instructions to not allow but two members of the delegation from Washington to ride in a carriage. I had all the members of the various Georgia delegations (such as the supreme court, etc.) to ride four in a carriage, but there were many distinguished Georgians and friends of the deceased, and some relatives, who could not be seated in the carriages, and were compelled to go on street cars or make other arrangements. There were a great number of complaints on this score.

The hearse and all the carriages were in service from about 10 a. m. to about 6 p. m., the long delay being on account of the late arrival of the train and consequent changes in the programme.

The usual charge for the carriage for an ordinary funeral, lasting about two hours, is $5.

L. H. BURGHARD.

Subscribed and sworn to before me this 3d day of November, 1896.
C. D. PEAVY,
Notary Public, Bibb County, Ga.

GEORGIA, *Bibb County:*

In person appeared G. M. Davis, one of the firm of G. M. Davis & Son, liverymen, of Macon, Ga., who, being duly sworn, deposes and says: That the said firm furnished for Wood & Bond nearly all the carriages used at the funeral ceremonies of the late Senator Alfred H. Colquitt. The regular price for each carriage at a funeral was at that time $4. The carriages are not generally used more than two hours, but on this occasion they were in use from about 10 o'clock a. m. to 6 p. m. This extra time was caused by the fact that the remains were expected to arrive on the train about 10 o'clock a. m. and the services at the church were to begin at 11 a. m., but the train arrived several hours late and the services were held at the church about 3 p. m. We charged Wood & Bond double price for each carriage we furnished. Under Maj. W. H. Ross's instructions carriages had to be furnished for the Congressional escort and other distinguished bodies of men, making it necessary to get nearly all the carriages in Macon, including some private carriages. About forty carriages were procured, but that was not enough, and there was complaint on that score.

Deponent has no interest in this matter, as Wood & Bond paid him long ago.

G. M. DAVIS,
Of G. M. Davis & Sons.

Subscribed and sworn to before me this the 31st day of December, 1897.
[SEAL.] G. A. DURE,
Notary Public, Bibb County, Ga.

GEORGIA, *Bibb County:*

Personally appears before me D. A. Keating, who, being duly sworn, deposes and says that he was the city sexton of the city of Macon at the time of the funeral of Senator A. H. Colquitt; that according to the ordinances of the said city of Macon deponent charged and received from the undertakers, Wood & Bond, the sum of $41.50 for fees, material, work, etc., for the burial and grave of said Senator Colquitt. The items of said account were as follows:

For brick and masonry	$29.00
For supplying center and measurements	2.50
For interment fee	10.00

The regular charge for a citizen of Macon is $5, and an extra fee of $5 is charged for all nonresidents, making the interment fee in this case $10, as charged.

Said sum of money was actually paid to me by said Wood & Bond, and there was no way for them to avoid it, as, under the ordinances, this money is paid cash for the nonresidents before a permit for burial is issued.

D. A. KEATING.

Subscribed and sworn to before me this the 25th day of March, 1898.
CHAS. L. DASHER,
Notary Public, Bibb County, Ga.

Mr. STEWART. I again appeal to the Senator from Maine to withdraw his objection to the amendment that I offered for the adjustment with the Central Pacific Railroad Company. I call his attention to the fact that this matter was in charge of the late Senator Gear. He reported it favorably on two occasions and had an amendment pending at the time of his death.

Mr. HALE. Very well. If it has been reported by a committee let the Senate vote upon it.

The PRESIDENT pro tempore. The Chair did not understand to what amendment the Senator from Nevada referred.

Mr. STEWART. It is the amendment I offered a while ago.

Mr. HALE. It is the amendment the Senator offered and I raised the point of order that it had not been reported by a committee. The Senator now says it has been reported by a committee, and let the Senate vote upon it.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. At the end of line 7, page 38, insert:

And provided further, That the Secretary of the Treasury is hereby authorized and directed to make settlement of the claims growing out of the Government transportation over nonbond-aided lines of the Southern Pacific Company and Central Pacific Railroad Company by crediting against the notes of the Central Pacific Railroad Company held in the Treasury of the United States interest on all of said judgment and allowed claims at 4 per cent per annum, as set forth in his letter to the chairman of the Committee on Appropriations of the Senate, dated May 12, 1900.

The amendment was agreed to.

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

The SECRETARY. It is proposed to insert the following:

To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the officers and employees of the Senate and House, borne on the annual and general rolls on the 1st day of March, 1901, including the Capitol police, the official reporters of the Senate and of the House, and W. A. Smith, CONGRESSIONAL RECORD clerk, for extra service during the Fifty-sixth Congress, a sum equal to one month's pay at the compensation then paid them by law, the same to be immediately available.

Mr. HALE. I do not suppose there is any power given from heaven or among men to stop this amendment. Therefore I shall not attempt to stop it.

The amendment was agreed to.

Mr. ALLEN. On page 54, line 15, I move to insert what I send to the desk.

The SECRETARY. On page 54, line 15, insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Henry T. Clarke the sum of $5,500, out of any money in the Treasury not otherwise appropriated, for the value and rent of buildings on the northwest quarter of the northwest quarter of section 2, township 13, range 13, Sarpy County, Nebr., from February 9, 1890, to December 9, 1900, at $480 per year, being for the use of buildings on said land acquired by the United States by condemnation proceedings in the suit against Henry Zurcher in accordance with a proposition made by Henry T. Clarke to the Secretary of War July 29, 1889, which said proposition was for the sale of lands to the United States in Fort Omaha, now Fort Crook, by which proposition all said buildings were retained by Henry T. Clarke, and for the value of said buildings, $5,500. That the said sum of $5,500 is to be accepted and received by Henry T. Clarke in full of all claims and demands on account of said buildings and for the rental thereof, the title of said buildings to remain in the United States.

Mr. HALE. Has the Senator put in the clause that it shall be in full?

Mr. ALLEN. I think it is in the amendment. If not, let it be amended by inserting that it shall be in full.

Mr. PLATT of Connecticut. It is in.

Mr. HALE. The Senator from Connecticut [Mr. PLATT] says that it is in. I was not listening.

Mr. PLATT of Connecticut. It is in the latter part of the amendment.

The Secretary read as follows:

In full of all claims and demands on account of said buildings and for the rental thereof.

The amendment was agreed to.

Mr. THURSTON. I ask unanimous consent to insert directly after the last amendment what I send to the desk, and I will state in a moment the reason for it.

The PRESIDENT pro tempore. The Senator from Nebraska asks unanimous consent to insert after the amendment just adopted what will be read by the Secretary.

The SECRETARY. On page 54, line 14, after the amendment just adopted, insert:

For the relief of Rasmussen & Strehlow, contractors on Government work, on account of damages done to the main Government building at the Pan-American Exposition grounds, by the cyclonic storm of September 12, 1900, $15,000, the same to be immediately available.

Mr. HALE. This is a claim, Mr. President.

Mr. THURSTON. I appeal to the Senator to let this go on the bill. I admit it is a claim, but there are circumstances of peculiar hardship.

These contractors reside in my town. They took the contract to erect the building at the Buffalo Exposition. A cyclone came along and destroyed their work when it was partly completed. The Treasury Department, through its architect, has filed a statement, and a bill of this character has been reported favorably in the House, under which the Government officials say that the contractors ought not to stand this loss; that under the plans of the building it was no fault of theirs. The loss was very much more. The Architect of the Treasury recommends the allowance of $15,000.

Mr. HALE. Let the Senator ask unanimous consent.

Mr. THURSTON. That is what I have asked. I ask unanimous consent for the adoption of the amendment.

Mr. DANIEL. Mr. President, no ground has been stated why the Government should pay a man for the act of God any more than it should pay everybody else in the country where misfortunes have happened to them. If the Senator wants to try the point of law in the Court of Claims, I would not object to his constituent being heard. But he has stated no——

Mr. THURSTON. The Supervising Architect of the Treasury Department says as follows:

A cyclonic storm materially damaged the main building at the Pan-American Exposition grounds at Buffalo N. Y.; that such damage was not on account of any carelessness of the contractors, as the construction provided that the building be of very temporary character—

That was the Government plan—

and it was unreasonable to expect the contractors to provide such form of construction as would resist the violence of such unusual storm.

Two representatives from this office, immediately after the damage, made a careful estimate of the cost of replacing the damaged portion, and fixed the sum at $15,000. This office has received a written proposition from the contractors to accept such sum in full for the damage sustained. As it is doubtless an obligation of the Government to reimburse the contractors for the loss, I recommend that the attention of Congress be called to the matter, and *that it be* requested to appropriate $15,000 to reimburse the contractors, Rasmussen & Strehlow, for the loss sustained by them on account of damage caused by the cyclone referred to.

Mr. DANIEL. That is no legal opinion.

Mr. THURSTON. This is a very deserving case, and if there is not paid now this sum of $15,000, there will probably be a claim for a much larger sum appearing before Congress at every session.

Mr. DANIEL. If the Government owes this gentleman much more it ought to pay him much more, and if a legal ground is shown why it should be paid I will vote to pay it. But no ground has been assigned in any statement of the Senator from Nebraska showing the liability of the Government to pay for storms that sweep away the property of individuals.

Mr. HALE. If this gives rise to debate I must make a point of order against it.

Mr. DANIEL. If the Senator proposes to refer this matter to a judicial tribunal I will vote to do it, so that if I am mistaken in my opinion they may correct me, but as far as I see it it is a mere request that the Government shall pay contractors because a storm destroyed their property. It was not the fault of the Government of the United States that the storm came, any more than it was not their fault. It is a matter without fault.

Mr. HALE. Does the Senator object to this?

Mr. DANIEL. I should object to it in this form, but I do not wish to impede a trial of the matter.

The PRESIDENT pro tempore. The Senator from Virginia objects.

Mr. MALLORY. I offer an amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 18, after line 16, it is proposed to insert:

For hoisting apparatus for public building at Pensacola, Fla., $6,500.

Mr. HALE. Is that estimated for by the Treasury Department?

Mr. MALLORY. No, sir.

Mr. HALE. Then I make the point of order on the amendment.

Mr. MALLORY. The Supervising Architect of the Treasury has recommended it, but the Department itself does not, so far as I know.

The PRESIDENT pro tempore. The Chair is obliged to sustain the point of order.

Mr. MALLORY. I ask unanimous consent that the amendment may be adopted.

The PRESIDENT pro tempore. The Senator from Florida asks unanimous consent that the amendment may be added to the bill. The Chair hears no objection, and the amendment is agreed to.

Mr. MORGAN. On page 4, under the heading "Isthmian Canal Commission," I move to strike out from line 14 to line 18, inclusive. I have submitted the matter to the Senator in charge of the bill. I wish that provision to go out of the bill, so that the conferees may have an opportunity to get all the facts in regard to it.

Mr. HALE. I have no objection to the matter being thrown into conference.

The PRESIDENT pro tempore. The Senator from Alabama moves to strike out, on page 4, the clause from line 14 to line 18, inclusive, which will be read.

The Secretary read as follows:

Isthmian Canal Commission: To defray the expenses necessarily incurred in making the investigation authorized by sections 3 and 4 of the river and harbor appropriation act approved March 3, 1899, $75,000.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Alabama.

The amendment was agreed to.

Mr. HALE. I wish the Senator from Alabama would please send me the papers in this case.

Mr. MORGAN. I shall do so.

Mr. HALE. The papers may be needed in conference.

Mr. MORGAN. I offer an amendment to which I want to call the attention of the Senator in charge of the bill. It is to pay William Colen, an old colored man, who has been at work in the Capitol grounds, $720 for injuries which he sustained under the circumstances which I will state. He is an old, faithful man, whom I happen to know here, and have known for the last fifteen or twenty years. He has worked a great deal in the public grounds here, and, as I say, is very faithful. He is a very competent old man and is very poor. While engaged in the work here, in the line of his duty, an embankment fell upon him and broke his legs and some bones about his body, I believe, and so injured him that he was unfit for duty for a long time; in fact, he is hardly able to get around the grounds now.

I think this a very meritorious matter and that the Senate should vote him this appropriation. It is to cover the time when he has been under the care of a doctor and has been lying at his house. During that time he has had scarcely the means of existence, and pretty nearly starved; in fact, he would have done so if it had not been for charity. He received this injury entirely without his fault. He was digging under some embankment, which fell upon him and broke him to pieces very badly. I hope the Senate will adopt the amendment.

Mr. HALE. The committee had several cases of this kind and rejected them all on the ground that they are claims.

Mr. BATE. Mr. President, I know something of this matter, and it certainly is a very meritorious claim. It is a very small amount which is proposed to be paid to this old and faithful man who has been at work here around the Capitol. Without his own fault he got injured. He was laid up and has been sick for a long time; in fact, he is in such a condition now that he has hardly recovered from the injuries he received. This is a small matter of only $720, and it seems to me we ought to give it to him. We give sums of $5,000 here and nothing is said about them. I think we might be equally generous in this very meritorious case. I hope the amendment will be put on the bill by the Senate.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Alabama [Mr. MORGAN].

The amendment was agreed to.

The PRESIDENT pro tempore. Will the Senator from Alabama put the amendment in writing and send it to the desk?

Mr. MORGAN. It was in writing, and referred by the Senate to the Committee on Appropriations.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to insert:

To compensate William Colen, laborer, for loss of time and expenses while in the service of the Senate, by the caving of an embankment, $720.

Mr. HALE. Mr. President, what became of the point of order I raised on that amendment?

The PRESIDENT pro tempore. The Chair was not aware that the point of order was raised.

Mr. HALE. I raised the point of order. I stated we had several cases of this kind, and that the committee had rejected them because they were pure claims. I made the point.

The PRESIDENT pro tempore. The Chair would be compelled to sustain the point of order if raised.

Mr. MORGAN. The Senate adopted the amendment, and of course the Senator can not raise the point of order now.

Mr. BATE. Not at all. It is too late now.

Mr. HALE. I raised the point of order.

Mr. PETTIGREW. Mr. President——

Mr. BATE. I should like to know what was done about the amendment offered by the Senator from Alabama [Mr. MORGAN]. Was the point of order insisted on?

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

Mr. BATE. I appeal to the Senate that the amendment may be adopted by unanimous consent.

The PRESIDENT pro tempore. The Senator from Tennessee asks unanimous consent that the amendment offered by the Senator from Alabama be added to the bill. Is there objection? The Chair hears none, and it is so ordered.

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

The PRESIDENT pro tempore. The amendment proposed by the Senator from South Dakota will be stated.

The SECRETARY. On page 86, at the end of line 17, it is proposed to insert:

To pay T. C. Marson for services as superintendent of construction at the Indian school at Flandreau, S. Dak., for services caused by contractor's failure to complete the buildings within the time specified in the contract, forty-three days, at $5 per day, $215.

The amendment was agreed to.

Mr. PETTUS. I offer an amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Alabama will be stated.

The SECRETARY. It is proposed to insert the following:

For the relief of Agnes and Maria De Leon, as shown in House bill 2619 and Senate report on that bill, No. 1619, $1,000.

Mr. HALE. Let us have a vote on that amendment, Mr. President.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Alabama.

The amendment was agreed to.

Mr. MORGAN. I offer an amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Alabama will be stated.

The SECRETARY. It is proposed to insert the following:

That out of any money in the Treasury of the United States not otherwise appropriated there be paid to the heirs of Margaret Kennedy, the widow and sole executrix of John Kennedy, deceased, the sum of $10,476, less any sum heretofore paid her in pursuance of the provisions of an act entitled "An act for the relief of Margaret Kennedy," approved October 19, 1888: *Provided*, That the amount herein provided to be so paid to said Margaret Kennedy is to be in full compensation for all claim or demand of said Margaret Kennedy as the executrix of John Kennedy, deceased, or of the claim or demand of the heirs or representatives of said John Kennedy by reason of timber, fences, fruit trees, and other property taken and used by the Army of the United States during the late war of the rebellion from the farm of said John Kennedy, in the District of Columbia, being the farm on which Fort Sedgwick was erected.

Mr. HALE. I make the point of order on that amendment that it is a claim.

The PRESIDENT pro tempore. The Chair is obliged to sustain the point of order made by the Senator from Maine [Mr. HALE.]

Mr. MORGAN. I ask leave to put a report in the RECORD from the Committee on Claims relative to that matter.

The PRESIDENT pro tempore. In the absence of objection, it will be so ordered.

The report referred to is as follows:

This is a bill to pay the heirs of Margaret Kennedy, widow and sole executrix of the late John Kennedy, $10,476, less the amount paid her in pursuance of an act heretofore passed.

This bill, or one similar to it, was favorably reported to the House from the Committee on Claims on the 28th of January, 1891, and it was passed by the Senate on the 10th of May, 1891.

In the Fiftieth Congress a bill was passed directing the Quartermaster-General to ascertain "the value of all timber, fences, and fruit trees on the farm of John Kennedy, deceased, in the District of Columbia, upon which Fort Sedgwick was erected, taken and used by the Government for firewood and in the construction of said fort." The Quartermaster-General stated the value, which amounted in gross to $1,378.44, and this amount was paid.

The items given are 200 cords of wood; whereas the fact is there were 900 cords of wood taken, which, at $10 a cord, would amount to $9,000; 1,936 rails, 200 fruit trees, and timber for the fort. The wood is valued at $2 a cord, the fruit trees at $4 each, and the fence rails at 4 cents each, which would not pay for cutting and splitting, the timber for the fort at the gross sum of $101.

The farm was the sole property of the late John Kennedy. It was stripped of all that made it valuable, it was occupied during the pleasure of the Army, the owner was deprived of its use and income, and it was left in a condition that greatly depreciated its value. At that time firewood was worth $10 a cord; the timber, as it stood, was worth much more, for it gave value to the farm, and no one in the possession of such property would have consented to its indiscriminate destruction at any price. Four cents each for fence rails does not cover the cost of splitting, and they were the more valuable at that time, inasmuch as wire fencing was not then, as now, in general use. Four dollars each for 200 fruit trees did not bear any comparison to their value, estimating their planting and care and their past and future product. No man would consent to have his fruit trees swept from his farm if the despoiler would offer ten times their value.

The committee submits that the sum paid the widow is not by any means adequate; that the Government, in appropriating what she would not have voluntarily parted with and in its occupancy and use of the place, has incurred an amount of indebtedness which in justice it should satisfy.

The bill is reported favorably, with a recommendation that it do pass.

Mr. TILLMAN. I offer the amendment which I send to the desk, to be inserted on page 38, after line 7.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 38, after line 7, it is proposed to insert:

That all officers and enlisted men of volunteers, war with Spain, who served honestly and faithfully and were honorably discharged for any cause after August 12, 1898, date of the protocol, shall be allowed the extra pay provided by act of January 12, 1898, entitled "An act granting extra pay to officers and enlisted men of United States volunteers," provided such officers and enlisted men shall produce satisfactory evidence showing they were not placed on furlough prior to their discharge, and provided the same has not already been paid: *Provided further*, That any overpayment or other indebtedness to the United States on account of the service of any officer or enlisted man shall be deducted from the extra pay allowed.

Mr. HANSBROUGH. I desire to ask why it is necessary to insert the words "honestly and faithfully?"

Mr. TILLMAN. I have copied the exact language of the two previous acts on the same subject.

Mr. HANSBROUGH. But that does not make it valid.

Mr. HALE. If this amendment gives rise to any debate, I shall have to make the point of order that it is legislation.

Mr. DANIEL. I wish to ask a question about the amendment.

Mr. TILLMAN. I am ready to explain the amendment; but the Senator from Maine [Mr. HALE], who has examined it, has agreed to let it go in. I am perfectly willing to give a very clear and cogent reason why it should go in and remain in.

Mr. DANIEL. I desire simply to ask a question about it.

Mr. TILLMAN. Very well.

Mr. DANIEL. What does the amendment mean by saying "they were not placed on furlough?" Does that mean that an officer or an enlisted man who had a furlough shall not receive the benefit of this legislation?

Mr. TILLMAN. If the Senator from Maine [Mr. HALE] will listen to me—I am going to address myself to the Senator from Virginia [Mr. DANIEL], but I should like the attention of the Senator from Maine.

Mr. HALE. If this amendment takes up two minutes, I shall raise the point of order that it is legislation, as, of course, it is; and the Senator can take his chances of a vote on the amendment. He may do so, if he desires; but I do not wish to interfere longer than I can possibly help with the Senator from Georgia [Mr. CLAY], who has been waiting here in the kindest way to deliver some remarks.

Mr. TILLMAN. I was going to put some documents in the RECORD, and to say nothing about the amendment; but I am asked a question by the Senator from Virginia [Mr. DANIEL], and I can not help making an explanation.

Mr. DANIEL. The Senate is entitled to information on the subjects which come before it. I am not willing to vote in the dark in the closing days of the session.

Mr. TILLMAN. Mr. President——

Mr. HALE. The Senator from Virginia is right; and I raise the point of order on the amendment that it is general legislation.

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

Mr. TILLMAN. Mr. President, you will have to hear me on it again. The Senator from Maine will not gain anything by cutting me off now. I am either going to be heard here and now or some time else.

The PRESIDENT pro tempore. No debate on the matter is in order under the rules of the Senate if objected to. Debate must proceed by unanimous consent.

Mr. TILLMAN. When the bill gets into the Senate I can offer the same amendment, and I can get my hearing then. So it is not worth while to try to shut me off in this way. I know the amendment will go out of the bill if I make the Senator from Maine a little cross, but I am going to have justice and equality done here to these officers, or try at least. I will answer the question of the Senator from Virginia now or hereafter.

Mr. HALE. Mr. President——

Mr. TILLMAN. If I had not been asked the question by the Senator from Virginia, I would merely ask to insert in the RECORD the papers which I hold in my hand and let the Senator from Maine take that as the basis of acting on this amendment in conference; but the Senator from Virginia insinuates that I am putting something wrong in here in the dark.

Mr. DANIEL. I insinuate nothing. I had no reference whatever to the Senator.

Mr. TILLMAN. I am glad the Senator did not have. I will proceed to answer the question.

Mr. DANIEL. I have a right to know what we are voting on, whether it is an amendment offered by the Senator from South Carolina or anyone else.

Mr. TILLMAN. And the Senator from South Carolina is very anxious to give the Senator from Virginia the information, but he was denied the opportunity, when he was about to give the explanation, by the Senator from Maine raising the point of order on the amendment.

The Senator from Virginia has said he does not want to vote in the dark. When we have all been voting in the dark here, I do not see why, when I am anxious to give light, I should be cut off.

Mr. HALE. I hope the Senator will be as brief as possible. He knows how I am situated and how important it is to pass this bill at the earliest moment.

Mr. TILLMAN. I know that, and I have been anxious to facilitate the passage of the bill. I tried to get the amendment on in committee, but the chairman said he would rather have me put it on in the Senate.

I will simply say that on the 12th of January, 1899, Congress passed an act by which officers and men who served in the Spanish war outside of the United States received two months' extra pay, and those who served in the United States received one month's extra pay, unless they had had furloughs a month before muster out. The War Department construed that in a way that caused injustice, so that in the last appropriation act for the Army, approved on the 26th of May, 1900, an additional provision was inserted which sought to clarify the law and give these officers their just dues. Under that amendment all of the claims for the extra month's pay have been settled except a very few, possibly five hundred.

One of the officers of the First South Carolina Regiment wrote

to me saying that his claim had been turned down. I thereupon went to the Auditor for the War Department, and he explained to me that the reason it was turned down was because the War Department itself had changed the basis of judgment on the 22d of last December. All claims from May until December were admitted, provided parole evidence was presented that the officer had not had a furlough. The claim of which I am speaking was rejected because the War Department, or Colonel Ainsworth, rather, now claims that the authority for granting these men furlough was not competent, and the consequence is that every other officer, so far as I know, of that regiment has had this extra month's pay but this one, and the reason is that the War Department has changed its view and has had new light as to what the law meant. The rule in use now was not in use from May to December, 1900, and has only recently been adopted.

I have the letter of the Auditor for the War Department explaining the matter, and also the two acts, one the original act granting the extra month's pay, and the amendment to it, both of which have been construed away by the Auditor for the War Department in his anxiety to protect the Government. I am simply asking that we construe it back, and let every man get the same rights that every other man has already had. I desire to have the letter of the Auditor, together with the original act and the amendment, printed in the RECORD.

The PRESIDENT pro tempore. In the absence of objection, it will be so ordered.

The papers referred to are as follows:

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE WAR DEPARTMENT.
Washington, February 27, 1901.

SIR: Referring to your verbal inquiry in the case of Capt. A. D. Hoke, of the First South Carolina Volunteers, relative to the disallowance of his claim for extra pay under the act of January 12, 1899, as amended by the act of May 26, 1900, I have to advise you that the action of this office in determining the rights of officers to extra pay under the acts above referred to depends upon whether the officers were on leave of absence or on waiting orders during the period their organizations were on furlough under General Order 130, of 1898. The laws providing for extra pay directed the payment thereof in lieu of granting furloughs and leaves of absence, and it has been held since the laws were passed that officers or men who received a substantial part of the furlough or leave of absence which was granted to their organization under the provisions of the General Order 130 above mentioned were not entitled to extra pay. The question as to whether officers were on duty or on leave or on waiting orders during the period the organization was on furlough is a military one, to be determined by the War Department, and it is upon the record and evidence in each case that action has been taken by this office. It may be said that in the case of Captain Hoke, the Chief of the Record and Pension Office, under date of January 16, 1901, reported to this office that nothing had been found of record showing that this officer was retained on duty or performed duty by direction of competent authority during any portion of the furlough period of his command.

It may be proper to add that prior to December 22, 1900, the War Department seems to have taken into consideration affidavits and other evidence furnished that officers were held to duty during the furlough period of their command in determining their status for that period, and in such cases as the War Department reported that the officers were held to duty during the furlough period, extra pay was allowed by this office if the other conditions of the act were complied with, but since December 22, 1900, the War Department seems to give no consideration to parole evidence showing that officers were retained on duty during the period the organization was on furlough or waiting orders under the provisions of G. O., 130, of 1898, and amendments.

Respectfully,

F. E. RITTMAN, *Auditor.*

Hon. B. R. TILLMAN,
United States Senate, Washington, D. C.

An act granting extra pay to officers and enlisted men of United States Volunteers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That in lieu of granting leaves of absence and furloughs to officers and enlisted men belonging to companies and regiments of United States Volunteers prior to muster out of the service, all officers and enlisted men belonging to volunteer organizations hereafter mustered out of the service who have served honestly and faithfully beyond the limits of the United States shall be paid two months' extra pay on muster out and discharge from the service, and all officers and enlisted men belonging to organizations hereafter mustered out of the service who have served honestly and faithfully within the limits of the United States shall be paid one month's extra pay on muster out and discharge from the service, from any money in the Treasury not otherwise appropriated: *Provided*, That the discharge of all officers and enlisted men from the volunteer service of the United States shall, as far as practicable, take effect on the date of the muster out of the organization to which they belong, and that regiments and other independent organizations shall be mustered out at camps within the limits of the United States, or at the rendezvous of the State, regiment, or independent organization.

SEC. 2. That officers who at any time were accountable or responsible for public property shall be required, before final payment is made to them on discharge from the service, to obtain certificates of nonindebtedness to the United States from only such of the bureaus of the War Department to which the property for which they were accountable or responsible pertains, and the certificate from the chief of the division of bookkeeping and warrants, Treasury Department, and such certificates, accompanied by the affidavits of officers, of nonaccountability or nonresponsibility to other bureaus of the War Department, certified to by the commanding officer of the regiment or independent organization, shall warrant their final payment: *Provided*, That officers who have not been responsible at any time for public property shall be required to make affidavit of that fact, certified to by their commanding officers, which shall be accepted as sufficient evidence to warrant their final payment on their discharge from the service: *Provided further*, That mustering officers are empowered to administer oaths in all matters pertaining to the muster out of volunteers.

Approved, January 12, 1899.

That the act approved January 12, 1899, granting "extra pay to officers and enlisted men of the United States Volunteers," shall extend to all volunteer officers of the general staff who have not received waiting orders pay prior to discharge, at the rate of one month to those who did not serve beyond the limits of the United States, and two months to those who served beyond the limits of the United States; and officers and enlisted men of volunteer organizations, who have served honestly and faithfully in the Volunteer Army of the United States during the war with Spain and have been honorably discharged without furlough, or by reason of their services being no longer required, or at any time by reason of wounds received, or disability contracted in the service and in the line of duty, and who have not received the extra pay granted in said act or in subsequent acts of Congress supplemental thereto. And this act shall be deemed to apply to officers of volunteers who resigned and enlisted men of volunteers who were discharged upon their own applications subsequent to the issue of orders for the muster out of their organizations and prior to the dates of muster out.

Approved, May 26, 1900.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from South Carolina [Mr. TILLMAN].

The amendment was agreed to.

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

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After line 15, on page 86, it is proposed to insert:

To pay James R. Goss, of Billings, Mont., for legal services rendered by him in 1898, in defending two Indian policemen and the interpreter of the Crow Agency, Mont., charged with assault in the local courts of said State, $150.

Mr. HALE. I make the point of order on that amendment.

The PRESIDENT pro tempore. The point of order is sustained.

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.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 1632) to amend "An act authorizing certain officers of the Navy and Marine Corps to administer oaths," approved January 25, 1895; and

A bill (S. 3489) authorizing and empowering the Secretary of War to grant the right of way for and the right to operate and maintain a line of railroad through the Fort Ontario Military Reservation, in the State of New York, to the Oswego and Rome Railroad Company.

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

A bill (S. 425) for the relief of John M. Davis; and

A bill (S. 4787) to authorize the appointment of Thomas Lutz Stitt as an officer in the Navy.

The message further announced that the House had passed a bill (H. R. 13436) to authorize the Charleroi and Monessen Bridge Company to construct a bridge across the Monongahela River; in which it requested the concurrence of the Senate.

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. 11881) to amend the acts for the protection of birds, game, and fish in the District of Columbia;

A bill (H. R. 12904) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1902, and for other purposes; and

A 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.

EXCLUSION OF CHINESE.

The PRESIDENT pro tempore. The Chair lays before the Senate a bill from the House of Representatives, to which he calls the attention of the junior Senator from Massachusetts [Mr. LODGE]. The bill will be read by its title.

The bill (H. R. 12665) suppementary to an act entitled "An act to prohibit the coming of Chinese persons into the United States," approved May 5, 1892, and fixing the compensation of commissioners in such cases, was read twice by its title.

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

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

Mr. COCKRELL. I ask that it may be retained upon the table until we can examine it. We had a similar measure up before the Appropriations Committee this morning, and there was very serious objection to it. I will look at it, and then the Senator can call it up.

The PRESIDENT pro tempore. The bill will lie on the table for the present.

Mr. LODGE subsequently said: Mr. President, the Senator from

Missouri [Mr. COCKRELL] has withdrawn his objection to the bill which was laid before the Senate a few moments ago.

Mr. COCKRELL. I have withdrawn my objection, and ask to have it taken up.

Mr. LODGE. And I ask unanimous consent that the bill be acted upon at this time.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent for the present consideration of the bill referred to by him. The bill 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 it shall be lawful for the district attorney of the district in which any Chinese person may be arrested for being found unlawfully within the United States, or having unlawfully entered the United States, to designate the United States commissioner within such district before whom such Chinese person shall be taken for hearing.

SEC. 2. That a United States commissioner shall be entitled to receive a fee of $5 for hearing and deciding a case arising under the Chinese-exclusion laws.

SEC. 3. That no warrant of arrest for violations of the Chinese-exclusion laws shall be issued by United States commissioners excepting upon the sworn complaint of a United States district attorney, assistant United States district attorney, collector, deputy collector, or inspector of customs, immigration inspector, United States marshal, or deputy United States marshal, or Chinese inspector, unless the issuing of such warrant of arrest shall first be approved or requested in writing by the United States district attorney of the district in which issued.

SEC. 4. That this act shall take effect immediately.

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

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

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

JOHN M. DAVIS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 425) for the relief of John M. Davis, which were, in line 4, after the word "revoke," to strike out "and set aside;" in the same line, to strike out the word "General;" in the same line, to strike out all after the word "order" down to and including the word "court-martial," in line 8; and in line 12, after the word "sixty-five," to insert:

Provided, That no pay, bounty, or other allowances shall be paid or become due or payable by reason of or on account of the passage of this act after April 9, 1865.

Mr. COCKRELL. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

CIVIL GOVERNMENT FOR ALASKA.

The PRESIDENT pro tempore. The Chair lays before the Senate the amendments of the House of Representatives to the bill (S. 5573) to amend section 203 of Title III of the act entitled "An act making further provisions for a civil government for Alaska, and for other purposes," to which he calls the attention of the Senator from Montana [Mr. CARTER]. The amendments of the House of Representatives will be read.

The Secretary read the amendments of the House of Representatives, as follows:

Page 2, line 10, strike out "licensed" and insert "license."

Page 3, line 9, after "chapter," insert:

"Fifty per cent of all license moneys provided for by said act of Congress approved March 3, 1899, and any amendments made thereto, that may hereafter be paid for business carried on outside incorporated towns in the district of Alaska, and covered into the Treasury of the United States, shall be set aside to be expended, so far as may be deemed necessary by the Secretary of the Interior within his discretion and under his direction, for school purposes outside incorporated towns in said district of Alaska."

Mr. CARTER. I move that the Senate disagree to the amendments of the House and ask for a committee of conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. SHOUP, Mr. CARTER, and Mr. BATE were appointed.

DEPOSITARIES OF PUBLIC MONEY.

The PRESIDENT pro tempore. The Chair lays before the Senate a bill from the House of Representatives, which will be read by its title.

The bill (H. R. 13195) to amend section 5153 of the Revised Statutes of the United States was read twice by its title.

Mr. ALDRICH. Mr. President, the Committee on Finance have informally considered that bill. It is a bill of public interest, and I ask unanimous consent that the Senate proceed to its consideration.

The PRESIDENT pro tempore. The Senator from Rhode Island asks unanimous consent for the present consideration of the bill. It 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 section 5153 of the Revised Statutes of the United States be amended to read as follows:

"SEC. 5153. All national banking associations, designated for that purpose by the Secretary of the Treasury, shall be depositaries of public money, except receipts from customs, under such regulations as may be prescribed by the Secretary, but receipts derived from duties on imports in Alaska, the Hawaiian Islands, and other islands under the jurisdiction of the United States may be deposited in such depositaries subject to such regulations; and such depositaries may also be employed as financial agents of the Government; and they shall perform all such reasonable duties as depositaries of public moneys and financial agents of the Government as may be required of them. The Secretary of the Treasury shall require the associations thus designated to give satisfactory security, by the deposit of United States bonds and otherwise, for the safe-keeping and prompt payment of the public money deposited with them, and for the faithful performance of their duties as financial agents of the Government. And every association so designated as receiver or depositary of the public money shall take and receive at par all of the national currency bills, by whatever association issued, which have been paid into the Government for internal revenue or for loans or stocks."

Mr. PETTIGREW. Mr. President, this is a House bill?

The PRESIDENT pro tempore. It is a House bill.

Mr. PETTIGREW. It has just come over from the other House?

The PRESIDENT pro tempore. It has just come over.

Mr. PETTIGREW. I object to its present consideration.

The PRESIDENT pro tempore. The bill will be referred to the Committee on Finance.

Mr. LODGE. I ask permission to have printed in the RECORD two letters, one from the Attorney-General and the other from the Secretary of the Treasury, in regard to the bill which has just been passed.

The PRESIDENT pro tempore. Without objection, that order will be made.

The letters referred to are as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., March 2, 1901.

SIR: The House of Representatives bill (H. R. 12665) supplementary to the Chinese exclusion laws passed the House this morning without amendment, I believe. I inclose a copy of the bill and of the House report thereon. I urgently request that it may be called up in the Senate at once, and that favorable action be obtained.

Although other pending Chinese legislation, which I regard as of the utmost importance to the Government and entirely just to the Chinese, may fail at this session, I trust there will be no doubt of the passage of the present bill, because in the existing state of the law and the rulings thereon by the Comptroller of the Treasury, unless the right of United States commissioners to compensation in Chinese cases is made definite, the Government will be powerless to enforce the Chinese exclusion laws in any case arising before a United States commissioner. I can not well express my conviction on this subject too strongly.

Very respectfully,

JOHN W. GRIGGS,
Attorney-General.

Hon. GEORGE F. HOAR,
Chairman of the Judiciary Committee, United States Senate.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, February 28, 1901.

SIR: I have the honor to inclose copy of a telegram dated the 27th instant, received from Chinese Inspector Izard, in regard to the hearing of cases of Chinese arrested for being unlawfully in this country. It will be seen from the said telegram that, under existing circumstances, it will be impossible to have cases heard and decided by United States commissioners and that, as a result, Chinamen arrested for having entered the United States in violation of law will, after brief detention, be liberated.

This action on the part of the commissioners is the result of a decision by the Comptroller of the Treasury, to the effect that there is no fund available, either in the hands of this Department or the Department of Justice, from which fees may be paid to United States commissioners for hearing and deciding such cases. I regard the matter as one of extreme exigency, and I have, therefore, the honor to request that you recognize Mr. RAY of New York on bill H. R. 12665 (Report No. 2156).

Respectfully,

L. J. GAGE,
Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 2936) authorizing the appointment of James A. Hutton to a captaincy of infantry in the United States Army;

A bill (S. 3283) for the relief of Isaac R. Dunkelberger; and

A bill (S. 5052) to extend the privileges of the seventh section of the immediate transportation act to Fall River, Mass.

The message also announced that the House had passed, with amendments, the bill (S. 5573) to amend section 203 of Title III of the act entitled "An act making further provisions for a civil government for Alaska, and for other purposes;" in which it requested the concurrence of the Senate.

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

A bill (H. R. 12665) supplementary to an act entitled "An act to prohibit the coming of Chinese persons into the United States," approved May 5, 1892, and fixing the compensation of commissioners in such cases;

A bill (H. R. 13195) to amend section 5153 of the Revised Statutes of the United States; and

A bill (H. R. 13947) increasing the limit of cost of certain public buildings, and for other purposes.

The message also announced that the House had passed a concurrent resolution instructing the Secretary of War to send to the House of Representatives information as to the information and

recommendations contained in the supplemental report of the Missouri River Commission as to river improvements at St. Joseph, Mo.; in which it requested the concurrence of the Senate.

LIMIT OF COST OF CERTAIN PUBLIC BUILDINGS.

The PRESIDENT pro tempore laid before the Senate the bill (H. R. 13947) increasing the limit of cost of certain public buildings, and for other purposes; which was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That to enable the Secretary of the Treasury of the United States to give effect to and execute the provisions of existing legislation authorizing the purchase of sites and the erection thereon of public buildings in the several cities hereinafter enumerated, the limit of cost heretofore fixed by Congress therefor be, and the same is hereby, increased, respectively, as follows, and the Secretary of the Treasury is hereby authorized to enter into contracts for the completion of each of said buildings within its respective limit of cost, including site, hereby fixed:

United States post-office and court house at Aberdeen, S. Dak., from $87,000 to $100,000.

United States post-office and court-house at Abilene, Tex., from $75,000 to $100,000.

United States post-office and court-house at Boise, Idaho, from $200,000 to $250,000.

United States post-office and custom-house at Brunswick, Ga., from $50,000 to $100,000.

United States post-office and court-house at Cheyenne, Wyo., from $250,000 to $325,000.

United States post-office and court-house at Cumberland, Md., from $75,000 to $100,000.

United States post-office and court-house at Butte, Mont., from $200,000 to $225,000.

United States post-office and court-house at Eau Claire, Wis., from $50,000 to $110,000; and the limit of cost of site is hereby fixed at $10,000.

United States post-office and court-house at Elmira, N. Y., from $185,000 to $232,000; and the Secretary of the Treasury is hereby authorized, in his discretion, to expend not to exceed $7,000 for the acquisition of additional land for the enlargement of the site heretofore acquired.

United States post-office and court-house at Creston, Iowa, from $50,000 to $100,000.

United States post-office and court-house at Elizabeth City, N. C., from $50,000 to $100,000.

United States post-office and court-house at Fergus Falls, Minn., from $75,000 to $100,000.

United States post-office at Fitchburg, Mass., from $100,000 to $125,000.

United States post-office at Freeport, Ill., from $75,000 to $85,000.

United States post office and court-house at Helena, Mont., from $300,000 to $350,000.

United States post-office and court-house at Jamestown, N. Y., from $75,000 to $115,000.

United States post-office at Janesville, Wis., from $50,000 to $75,000.

United States post-office at Joliet, Ill., from $100,000 to $130,000.

United States post-office and court-house at Joplin, Mo., from $50,000 to $100,000.

United States post-office at Hot Springs, Ark., from $78,000 to $100,000.

United States post-office at Lawrence, Mass., from $100,000 to $135,000; and the limit of cost of site is hereby fixed at $40,000.

United States post-office at Leadville, Colo., from $50,000 to $75,000.

United States post-office and court-house at Lockport, N. Y., from $50,000 to $105,000.

United States post-office and custom-house at Newport, Vt., from $50,000 to $100,000.

United States post-office and custom-house at Newport News, Va., from $100,000 to $200,000.

United States post-office at Norwich, Conn., from $100,000 to $110,000; and the limit of cost of site is hereby fixed at $35,000.

United States post-office at Rome, N. Y., from $50,000 to $70,000.

United States post-office at St. Cloud, Minn., from $50,000 to $68,000.

United States post-office, court-house, and custom-house at St. Paul, Minn., from $1,050,000 to $1,150,000.

United States post-office, custom-house, and court-house at Salt Lake City, Utah, from $300,000 to $500,000.

United States post-office, court-house, and custom-house at Seattle, Wash., from $300,000 to $750,000; and the limit of cost of site is hereby fixed at $200,000.

United States post-office, court-house, and custom-house at Tampa, Fla., from $250,000 to $325,000.

United States post-office at Wilkesbarre, Pa., from $125,000 to $150,000; and the limit of cost of site is hereby fixed at $40,000.

United States post-office at Winston, N. C., from $50,000 to $60,000.

United States post-office at Oskaloosa, Iowa, from $50,000 to $66,000.

United States post-office at Bristol, Tenn., from $50,000 to $55,000.

United States post-office at Carrollton, Ky., from $25,000 to $30,000.

United States post-office and court house at Columbus, Ga., from $156,000 to $159,000.

United States court-house, post-office, and custom-house at Dubuque, Iowa, increasing limit of cost and improving and enlarging building as authorized by act of March 2, 1899, from $100,000 to $110,000.

United States post-office, court-house, and custom-house at Indianapolis, Ind., from $1,900,100 to $2,200,100.

Mr. FAIRBANKS. I ask for the present consideration of the bill. There is upon the Calendar a Senate bill identical with it, reported from the Committee on Public Buildings and Grounds. This is a bill of great importance, and I ask for its present consideration.

Mr. PLATT of Connecticut. Let us know a little something about the bill. Where is the bill on the Calendar?

Mr. FAIRBANKS. The Senate bill is No. 6070. I do not know the number of the House bill.

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

Mr. PLATT of Connecticut. I do not object to the bill, but I desire some explanation of it. When it is before the Senate I should like to have some explanation.

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

Mr. PLATT of Connecticut. I should like to inquire whether there are any public buildings, which have already been authorized, where the limit of cost is not raised in this bill; and, if so, why there is discrimination, and as to some buildings the limit of cost is raised and as to the others it is not raised?

I know there is no use in opposing this bill. It is like these other bills that come here—omnibus bills. There is so much in them for different States that the whole goes, when, if they were brought here on separate bills they would be carefully considered and very likely rejected. I wish to know whether all buildings which have heretofore been authorized are included in the pending bill; and, if not, why some buildings are confined to the cost that was in the bill originally authorizing them and these other buildings are increased in cost?

Mr. FAIRBANKS. Mr. President, all the buildings heretofore authorized are not included in the increase proposed in this bill. The increases proposed in it are based upon the recommendations of the Treasury Department. Those that are set forth here are regarded, in the opinion of the Supervising Architect of the Treasury Department, as needing immediate consideration. In short, these are the most urgent cases. There are other buildings heretofore authorized by law, the limit of the cost of which will probably have to be increased hereafter.

As the Senator from Connecticut very well knows, the demands upon the present Congress for appropriations are heavy and numerous. It is impossible to include in any bill all the demands that are made. It is impossible to provide for all the public works or all the public buildings which are important, and for which sooner or later increased appropriations must be made.

The Treasury Department and the committees having in charge public buildings have thought that this bill included in a fair way a reasonable proportion of the buildings that are authorized under existing law. There are no bills passed at this session of Congress, or during this Congress, which are embodied in the pending bill.

The buildings that are included in this bill are those which have been authorized by the last Congress or by preceding Congresses. The bill that is before us has passed the House. The Senator from Connecticut very well knows that in the present state of the public business in the Congress it is impossible to modify or amend the bill that is before us without defeating it absolutely. I hope there will be no objection to its favorable consideration.

Mr. PLATT of Connecticut. Mr. President, this bill, I understand, increases the cost of public buildings which have been heretofore authorized, and which are included in this bill, something over $2,000,000. If the same ratio of increase is applied to other public buildings which have already been authorized but are not included in the pending bill, it will amount to as much more, I think, or something over $4,000,000. It has all to be paid for by the Government of the United States. I will not say that this business of granting public buildings has come to be outrageous—for I know that public buildings are needed in very many places—but it has come to involve so large a sum of money to the Treasury of the United States that I think Congress ought to go slowly in authorizing new public buildings, as well as in increasing the cost of those already authorized.

Mr. VEST. Will the Senator from Connecticut permit me to interject one remark as to a matter which seems to have escaped his attention? We are informed by the Architect of the Treasury, and besides it is well known without any official information, that since these buildings were authorized and these estimates as to cost were made the price of building materials has gone up from 35 to 45 or 50 per cent, and it is absolutely necessary to make these increased appropriations or else accept the other alternative of abandoning these buildings, many of which are above the second story and must be finished or left to decay. Besides that, in some of the Western States the price of sites has gone up. For a great many of these buildings the sites are not estimated for especially, but are left in the general appropriation. For instance, in Seattle there has been an enormous increase in real estate values, and where the site that is necessary for the public building could have been bought at the time the estimate was made for forty or fifty thousand dollars, it will now take seventy-five or a hundred thousand dollars.

Without any further argument the Senator from Connecticut, a perfectly fair and just man, can see how, without any mismanagement or miscalculation on the part of the officials, this bill is absolutely necessary.

Mr. PLATT of Connecticut. Very possibly; and yet when an application comes here for a public building the anxiety to get it is such that the cost of the building is very much limited, and the bill is passed here on the supposition, if not upon the contract, that the building is only to cost the amount which is specified in the bill which authorizes its construction; and no sooner has the bill passed, with an understanding on the part of the Senate and the House when it is passed that it shall be limited to a hundred thousand or five hundred thousand or a million dollars, than there come applications to increase the limit of cost. That is not fair to the Senate. It is not fair to the House.

Mr. FAIRBANKS. May I ask the Senator from Connecticut a question?

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Connecticut yield to the Senator from Indiana?

Mr. PLATT of Connecticut. Certainly.

Mr. FAIRBANKS. I wish to ask the Senator whether he is now addressing his remarks to the case of Norwich, Conn.

Mr. PLATT of Connecticut. Oh, well, I am glad that question is asked. I would sooner Norwich, Conn., should never have a building than that this bill should pass here; and the increase is $10,000, if I remember, in Norwich, Conn., on a hundred thousand dollar building, and the increase at Indianapolis is four or five hundred thousand dollars on a million and nine hundred thousand dollar building. No argumentum ad hominem applies to me in this matter. I am trying to look out for the public interest and the public Treasury, and when our friends tell us hereafter that this is a billion-dollar Congress I want it to be known that I lifted my voice against this $2,200,000 increase in public buildings.

Mr. WELLINGTON. Mr. President, it strikes me that it is a little late in the Congress for the Senator from Connecticut to raise his voice against the enormous expenditures which have been provided for by this Congress. He has not taken offense at over $750,000,000, but when it comes to providing public buildings that are necessary in every portion of the land, all at once he has an attack of economy.

I wish to call the attention of the Senate to one particular item in this bill. Four years ago there was passed by Congress, both by the Senate and the House, a bill appropriating $75,000 for a court-house and post-office in Cumberland. In the State of Maryland there is to-day only one public building which the Government of the United States has ever erected. We had the temerity to come and ask Congress for $75,000 to begin a public building in the second largest city in that State.

Four years ago it was appropriated, first in the bill, afterwards in the appropriation bill. The site for the building was purchased for $20,000. That left $55,000 to erect a court-house and post-office in a city of 20,000 inhabitants. The authorities in the Architect's office said it would not do to begin the building there with $55,000 remaining, and it is for that reason we ask $50,000 more. The bill was passed a year ago by the Senate, and it should pass now. I merely cite this as one of the incidents of this matter. We are entitled to have this building. The public necessities require it, and I for one hope that it will be permitted to go through; and I believe that Indianapolis and other cities have the same just claims that we have. I therefore insist that in all justice and fairness this measure ought to pass.

Mr. PLATT of Connecticut. I do not choose to defend myself particularly against not having resisted appropriations. I think I may say, though, without egotism, that one appropriation bill carries $5,000,000 less than it would have carried if it had not been for the efforts of myself and my colleagues on the committee.

Mr. KYLE. Mr. President, I favor the passage of this bill because I believe the Government of the United States should carry out its contracts with the people. This a straight and flat contract between the Government and citizens of these several towns for which appropriations for buildings were made during the last Congress. The first building upon the list relates to my own town, that of Aberdeen, S. Dak., the appropriation for that city being $87,000. We supposed that the matter was settled and that the contract would be let a year ago. In order to save the money for the building proper, our citizens subscribed money from their own pockets for the purpose of assisting in the purchase of a site. They paid from their pockets several thousand dollars, which, added to the sum the Government appropriated for the site, enabled them to secure a tract of ground within one block of the center of the city. This, Mr. President, was done upon the part of the people of our town with the understanding, certainly, that the Government would carry out its contract.

But we were informed by the Architect of the Treasury that it was absolutely impossible to carry out the contract, in view of the advance in the price of material. In other words, that $87,000 would not erect a building large enough for the purposes required. We are not by this bill asking an appropriation for a new public building, but for the purpose of carrying out the provisions of the law enacted last Congress. These are not new public buildings, and in all fairness to the parties who assisted in the purchase of sites the bill ought to be passed.

In my judgment this sum should be increased according, to the recommendation of the Secretary of the Treasury, to $150,000. This sum is necessary to erect a building to house the United States court, the post-office, and the United States land office. But I recognize that this bill must pass as it came to us from the House. To amend it is to send it to conference and ultimate defeat. We at Aberdeen will take the $100,000 and do the best we can with it, trusting that the Architect of the Treasury will so arrange the plans that the building can be enlarged without destroying the symmetry.

Mr. CARTER. Mr. President, no Senator on this floor fails to sympathize with the suggestions of the Senator from Connecticut [Mr. PLATT]. The appropriations have reached a point calculated to challenge the attention of the country and the serious consideration of every member of either branch of Congress. It is known to those who figure upon the appropriation bills in the respective committees of this body that the most strenuous efforts have been made to keep down the appropriations at the present session of Congress; but, through a combination of circumstances, it happens that the appropriations of this year are unusually large. It is difficult now to conceive where any serious decrease could have been entertained.

It is true that we might have left off the sum of five millions appropriated for the great exposition to be held beyond the Mississippi River, at St. Louis; but it is questionable whether, omitting any reference to the law requiring that we do that, it would have been sound public policy to have discouraged that great exposition. It is intended to commemorate one of the greatest events in American history—the acquisition of a territory which was subsequently carved into many imperial States, some of them of greater extent and resources than many of the first-class powers of Europe. Five million dollars, however, was appropriated for the exposition at St. Louis.

In conjunction with the operations of the Army and Navy, large appropriations have been absolutely necessary. I think the pension appropriations of this session are larger than ever before.

Mr. GALLINGER. They are just the same.

Mr. CARTER. About the same.

Mr. GALLINGER. Just the same.

Mr. CARTER. But the number of private pension bills that have been passed as a charge upon the public Treasury for a number of years to come will be found greater, I think, in this Congress than during any previous Congress.

We are now about to close the Congress, and I do not think we can make a record for economy by indulging in the most unfortunate class of economy that can be indulged in by Congress, to wit, the construction of ill-fitted and inadequate public buildings at points where Congress has heretofore authorized the construction of buildings. Each and every building included within this list is to be constructed either as a fit and proper public building for the place or as an inadequate and unsatisfactory structure.

The conditions rendering these appropriations necessary we all understand. At the time the estimate was made for each building a certain amount of floor space was figured out as indispensable for the accommodation of the United States officers at the places designated. Subsequent to the passage of these various public building bills it is known that the prices of all classes of materials and rates of wages and all the elements entering into the cost of public buildings have materially and very rapidly increased, so that when bids were called for for the erection of the buildings such as were contemplated when the acts were passed the prospective contractors submitted bids in each and every case in excess of the limit fixed by law. It is for the purpose of meeting this unexpected and unusual condition that these increases are now to be made if the Senate shall adopt this bill.

Mr. PLATT of Connecticut. Will the Senator from Montana permit me?

Mr. CARTER. Certainly.

Mr. PLATT of Connecticut. Suppose there is a further increase in materials and labor, are we to have another bill increasing the limit of cost?

Mr. CARTER. We have ascertained through the proper agency of the Government that the buildings originally designed can be constructed for the amounts named in these respective items. The figures, I think, have been computed and arranged with care, and contracts will be promptly let after the passage of the bill. I know of cases that have come under my personal observation where repeated advertisement has failed to bring forth bids within the limit allowed by the law. The Architect of the Treasury is driven to the situation either to have the limit in each case extended or else to modify the plans, producing in each case the same amount of floor space, but omitting the necessary and essential fireproof features of each building. I believe there is not a building in the list which will not yield to the Government something in the neighborhood of 4 per cent per annum on the money invested.

In many cases the sites have been contributed freely or for a nominal consideration by the cities or the communities in which the buildings are to be erected. I know that one building, to be erected in the city of Butte, in the State of Montana, is to be erected upon a building site sold to the United States for the sum of $1, which could be sold in the open market to-day for one-half the total amount the building is to cost. The sites, upon the average, have been purchased at much less than the current value of real estate in the vicinities where the proposed building is to be erected.

Where the United States can preserve its records in fireproof vaults and have adequate and commodious quarters and can erect

a building upon such conditions as will yield to the United States an income upon its money invested of more than 4 per cent, it is wise and economical and sound policy to erect the building instead of having, as occurs in most instances in this schedule, the public records of the United States left subject to destruction by fire at any moment that fire may occur.

Mr. PETTUS obtained the floor.

Mr. FAIRBANKS. Will the Senator from Alabama yield to me for a moment that I may make a statement following the one just made by the Senator from Montana?

Mr. PETTUS. I will yield to the Senator from Indiana provided I can have leave to say a word after he has concluded.

Mr. FAIRBANKS. Upon calling up this bill, I did not deem it necessary to consume the time of the Senate in any elaborate statement with respect to it. I supposed the necessity for it was so generally recognized by the Senate that it would be unnecessary to go into any very extensive account of the reasons why the bill should pass.

All the bill is designed to accomplish is to increase the limit of cost of certain buildings the erection of which has heretofore been authorized by law. The increase to which the Senator refers is the increased limit of cost and not the increased amount of appropriation that will be necessary at this session of Congress. In round figures, the increase of the limit amounts to $2,259,000. This is much less than the amount recommended by the Treasury Department as necessary to construct the buildings authorized in a manner adequate for the public service.

Mr. HOAR. Can the Senator state what percentage, or about what percentage, that is of the total cost of the buildings?

Mr. FAIRBANKS. I do not have that computation at hand, and I am unable to advise the Senator.

Mr. HOAR. I should judge, from a hasty glance, it is not over 12 or 15 per cent.

Mr. FAIRBANKS. It may not be over 12 or 15 per cent; but as I have said before, I do not have any computation before me from which I can now answer. The increase in the limit is due largely to the increase in the cost of material and labor which has occurred during the last few years, and since the original acts were passed by Congress.

Mr. PLATT of Connecticut. Will the Senator from Indiana allow me?

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Connecticut?

Mr. FAIRBANKS. I do, with pleasure.

Mr. PLATT of Connecticut. I take at random, "United States custom-house and post-office at Brunswick, Ga., from $50,000 to $100,000." Has the cost of materials doubled?

Mr. FAIRBANKS. In some places the increased cost is because of the increased costs of sites as well as the increased cost of labor and material. I think, Mr. President, I am not ungenerous when I say——

Mr. PLATT of Connecticut. Does the Senator think that at Elizabeth City, N. C., the cost of site and materials together has increased so that the amount is to be doubled from $50,000 to $100,000?

Mr. FAIRBANKS. Mr. President, I did not say that the increased limit is due alone to the increased cost of material and labor.

Mr. PLATT of Connecticut. And site.

Mr. FAIRBANKS. Yes; in some cases the increase is necessary because of the increased cost of site. The Senator himself knows how difficult it is to estimate accurately the cost of sites for public buildings where it is necessary to condemn them and have the damages awarded by juries. The increased limit in some cases is due also to a change in the architect's designs from what they originally contemplated, as the Senator from Montana has said.

Mr. CLAY. I desire to ask the Senator whether it is not true that the architects in the Treasury Department have made careful investigations in regard to each one of these items, and that they have made reports stating that these increases are necessary, and if it is not true that all the items contained in this bill have been recommended by the Treasury Department?

Mr. FAIRBANKS. I am very glad the Senator has asked the question. In answer I will say that these increases have been recommended after careful examination by the Treasury Department. Not only that, Mr. President, but the Treasury Department recommends that the increase shall be $1,471,000 more than the amount that is embraced in this bill.

Mr. QUARLES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Wisconsin?

Mr. FAIRBANKS. Certainly; I yield with pleasure.

Mr. QUARLES. I should like to inquire of my distinguished friend whether it is not true, in three instances named in the bill where the increases seem to be the largest, that we are now called upon to provide for courts that were not estimated for when the original appropriation was made and provision for courts is required now, whereas originally we were only supposed to take care of post-offices?

Mr. FAIRBANKS. The Senator's statement is in accordance with the facts. The Senator from Connecticut referred to the Indianapolis increase of $400,000. That is not accurate. The increase there is $300,000. Not only that, Mr. President, but the Treasury Department, after a careful investigation, recommended that the increase should be $500,000, but the committee, upon my motion, reduced the amount so recommended to $300,000.

It is well to bear in mind that while the limit of cost upon these buildings is increased in the amount, in round numbers, of $2,259,000, the amount of the increased appropriation for the coming fiscal year will be only $473,000, and the residue of the increase, if it shall become necessary to expend so much, will be appropriated and expended during the next two, three, four, five, and six years.

Mr. President, when the expenditure contemplated by this bill is made, and I invite the attention of the Senator from Connecticut to my statement, there will be a saving to the United States Government of thousands and tens of thousands of dollars now paid out for the rent of inadequate accommodations for the public business. It were money well invested for the Government to construct buildings in several important commercial centers of the United States that are not contemplated even in this bill.

I append a statement showing the location of buildings, present limit, limit proposed by pending bill, and the amount needed to complete them according to the Treasury estimate.

Location.	Present limit.	Pending bill.	Treasury estimate.
Aberdeen, S. Dak	$87,000	$100,000	$150,000
Abilene, Tex	75,000	100,000	125,000
Boise, Idaho	200,000	250,000	325,000
Brunswick, Ga	50,000	100,000	100,000
Cheyenne, Wyo	250,000	325,000	350,000
Cumberland, Md	75,000	100,000	125,000
Butte, Mont	200,000	225,000	300,000
Eau Claire, Wis	50,000	110,000	175,000
Elmira, N. Y	185,000	232,000	232,000
Creston, Iowa	50,000	100,000	150,000
Elizabeth City, N. C	50,000	100,000	125,000
Fergus Falls, Minn	75,000	100,000	125,000
Fitchburg, Mass	100,000	125,000	125,000
Freeport, Ill	75,000	85,000	125,000
Helena, Mont	300,000	350,000	400,000
Jamestown, N. Y	75,000	115,000	125,000
Janesville, Wis	50,000	75,000	125,000
Joliet, Ill	100,000	130,000	150,000
Joplin, Mo	50,000	100,000	100,000
Hot Springs, Ark	78,000	100,000	100,000
Lawrence, Mass	100,000	135,000	200,000
Leadville, Colo	50,000	75,000	125,000
Lockport, N. Y	50,000	105,000	125,000
Newport, Vt	50,000	100,000	125,000
Newport News, Va	100,000	200,000	250,000
Norwich, Conn	100,000	110,000	125,000
Rome, N. Y	50,000	70,000	75,000
St. Cloud, Minn	50,000	68,000	75,000
St. Paul, Minn	1,050,000	1,150,000	1,150,000
Salt Lake, Utah	300,000	500,000	500,000
Seattle, Wash	300,000	750,000	1,000,000
Tampa, Fla	250,000	325,000	350,000
Wilkesbarre, Pa	125,000	150,000	225,000
Winston, N. C	50,000	60,000	125,000
Oskaloosa, Iowa	50,000	66,000	75,000
Bristol, Tenn	50,000	55,000	55,000
Columbus, Ga	156,000	159,000	159,000
Carrollton, Ky	25,000	30,000	30,000
Dubuque, Iowa	100,000	110,000	110,000
Indianapolis, Ind	1,900,100	2,200,100	2,400,000
Total	7,081,100	9,340,100	10,811,000

Amount of increase asked by Treasury Department	$3,729,800
Amount of increase granted by pending bill	2,259,000

Mr. PETTUS. Mr. President, this is about as good a place as I can find to put into the RECORD a small scrap of legislative history.

Four years ago, about that time, the Senate was gracious enough to pass a bill for a public building in Alabama in the town in which I live. That bill went to the south [indicating], and it stayed in the south. At the next session, in the Fifty-fifth Congress, the Senate was gracious enough to put the building of that small house on an appropriation bill, and that went into the third branch of the Legislative Assembly and died there. At the beginning of the present Congress, in the first session, about a year ago or more, the Senate passed another bill for building that same house in that same town, and that bill went south [indicating], and it never came back. And neither one of those bills, although they remained a year, ever had the slightest consideration of any sort whatever there.

Mr. President, there are some people whose vision is so affected by the heat of the sun that they can not see that far at all. Those gentlemen so affected do not reside in the Senate or stay here, but they live in the south.

I wanted to put this much of legislative history into this amendment. Why, a little fragment cut off of one of these bills would have built that house—just a small fragment. But we live too near the sun.

Mr. HOAR. Mr. President——

Mr. ALLISON. I ask the Senator from Massachusetts to yield a moment.

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

Mr. HOAR. Very well.

ORDER FOR RECESS.

Mr. ALLISON. I think the business of the session is such that for the convenience of Senators we should now make arrangement practically for a recess to-day and to-morrow. Therefore I ask unanimous consent that at half past 5 this afternoon the Senate shall take a recess until 8, and that at half past 10 this evening the Senate shall take a further recess until 3 o'clock to-morrow afternoon.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the Senate shall take a recess from half past 5 this evening until 8 o'clock, and that at half past 10 this evening a further recess shall be taken until 3 o'clock to-morrow afternoon. Is there objection to the request? The Chair hears none, and such is the order of the Senate.

LIMIT OF COST OF CERTAIN PUBLIC BUILDINGS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13947) increasing the limit of cost of certain public buildings.

Mr. HOAR. It seems to me, Mr. President, that the criticism which the Senator from Connecticut [Mr. PLATT] makes on this bill is a criticism on all human experience. Here is a bill which requires from 12 to 15 per cent of increase out of several millions over the original estimates for buildings, occasioned in considerable part, as has been suggested by the Senator from Wisconsin [Mr. QUARLES], because they have ordered, since the orignal estimates, that provision for court-houses shall be included.

Now, did ever a man in his life build a dwelling house or a block of stores, or any other considerable building, without an increase of at least 12 or 15 per cent over his original estimate? New conveniences are thought of, not thought of when the building was designed, which have got to be put in later, at much larger cost. There are changes in wages, changes in prices, and oversights. There is one public building—that is our Library here—which is regarded as almost a miracle among such buildings, because the architects built it from the original estimate and turned a few thousand dollars back into the Treasury out of six or seven millions of dollars.

Of course if the Senator from Connecticut had undertaken to build one of these buildings himself, after getting the best architectural advice he could get, he would be a much less wise man than he is—and we know he is a very wise man—if he did not say to himself, "As a matter of course there will be 10 or 15 per cent at least more than that that I shall have to provide for before I get through."

We are having a large annual expenditure, and I think there are some luxuries we might leave off, to the entire satisfaction of the people. I can tell the Senator how to cut off more than $100,000,000 of the annual expenditures. Stop taxes on bank checks; stop taxes on successions; stop taxes on beer. Just stop the Philippine war. Bring your troops home and put yourself on a peace basis, and we shall not be pinched and irritated and sore and trembling all over the frame by reason of disagreeable taxation or large expenditure.

Mr. TELLER. Mr. President, I intended to move an amendment to this bill because there is an error in it, but the Senator who has it in charge assures me that if I should do so, and succeed, very probably the bill would not pass at all, and I do not desire to interfere with the passage of the bill.

We have an appropriation of $50,000 for a public building at Leadville, Colo. The Department made an estimate that they could not build a building there for less than $117,500. On a careful revision of that statement they found that it would require $125,000, and they so recommended.

Now, this bill increases the appropriation for the post-office building at Leadville, Colo., from $50,000 to $75,000, when it should be $125,000. If I could knock out that and not have any advance at all on the limit, I would prefer to do that, but to do it would probably embarrass this bill.

I therefore simply want the RECORD to show that we have not consented to a limit of $75,000 when the Department was insisting that it should be $125,000, I make this statement with no intention to embarrass the bill, but in the hope that the committee will at the next session relieve us.

Mr. FAIRBANKS. Mr. President, the statement made by the Senator from Colorado is quite accurate. There has been an error in that instance. It was not made, however, by the committee.

Mr. TELLER. It was not made by our committee. It was made by the House, I suppose—probably in copying the bill in the House.

The PRESIDENT pro tempore. The bill is in the Senate in Committee of the Whole and open to amendment. If there be no amendment, it will be reported to the Senate.

The bill was reported to the Senate without amendment.

Mr. CLAY. Mr. President, I have an amendment sent to me by a member of the House to perfect the bill. I will offer it, anyhow:

For the purchase of contiguous ground for the extension of the United States court-house, post-office, and custom-house at Atlanta, Ga., $175,000.

I hope the amendment will be adopted.

Mr. FAIRBANKS. I appreciate the zeal of the Senator from Georgia in endeavoring to secure the increase he has proposed by his amendment. I regret to say that it would be impossible for the committee to accept the amendment. If the Senator persists in it I will have to move to lay the amendment on the table; but I hope he will withdraw it.

Mr. CLAY. I exceedingly regret that the Senator will not accept it. I succeeded in passing the bill through the Senate. It is in the House, and I have not been able to get action there. If the Senator will not accept it I can not, of course, help it.

The PRESIDENT pro tempore. The amendment is withdrawn.

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

DEPOSITARIES OF PUBLIC MONEY.

Mr. ALDRICH. The Senator from South Dakota has withdrawn his objection to House bill 13195, to amend section 5153 of the Revised Statutes of the United States, and I report back the bill from the Committee on Finance without amendment and ask that it may be read and put upon its passage.

The PRESIDENT pro tempore. The bill has been read.

Mr. PETTIGREW. I understand that a unanimous consent has been given which will prevent us from having another morning hour during this session of Congress. Am I correct?

Mr. ALDRICH. If the Senator from South Dakota desires to get a vote upon the resolution to discharge the Committee on Education and Labor from a certain bill, I suppose there will be no objection to that course. I certainly have none.

Mr. PETTIGREW. I am the victim of a unanimous consent agreement under those circumstances.

The PRESIDENT pro tempore. The information given the Chair, who was not present when the unanimous consent agreement was made, was that at half past 5 o'clock to-day the Senate takes a recess until 8 o'clock, and at half past 10 it takes a further recess until 3 o'clock to-morrow afternoon. If the Senate should adjourn at the close of the business of the Senate after meeting to-morrow there would be a morning hour on Monday, if the Chair has stated the unanimous consent agreement correctly.

Mr. HOAR. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. HOAR. Unless there were an affirmative vote of the Senate changing the hour of meeting, is not this the last legislative day? Monday is the 4th of March, and our authority ends on the 3d of March under the Constitution.

The hours of Monday forenoon are only in our contemplation the hours of the previous day. We will not have adjourned. We are on the last day of the session now, without any unanimous consent, as I understand it.

The PRESIDENT pro tempore. The Senator is correct in his statement.

Mr. PETTIGREW. I wish to say that to-day, when I consented that the morning hour should be abolished and that the resolution should not come up to be voted upon, it was clearly, universally understood that I should have a vote upon the resolution.

Mr. HOAR. That is true.

Mr. ALDRICH (to Mr. PETTIGREW). Ask for unanimous consent.

Mr. PETTIGREW. I think that is equivalent to a unanimous consent.

Mr. HOAR. I should like to say just one thing further, because it is an important matter for us all to understand. As I understand it, the last day of this Congress began at 11 o'clock this morning, and up to 12 o'clock on Monday next, if we sit so long, we shall be engaged on that day.

The PRESIDENT pro tempore. The Chair thinks the Senator is correct in his statement.

Mr. PETTIGREW. That can only be possible in view of the fact that we do make the day continual by taking a recess. Otherwise we have until the 3d of March always, and to-morrow noon will begin the 3d of March.

Mr. HOAR. The 3d of March is Sunday, and it is a dies non.

The PRESIDENT pro tempore. The Senator from South Dakota asks unanimous consent that he may have a vote on his resolution at some time. At what time does the Senator indicate?

Several SENATORS. What resolution?

Mr. ALDRICH. It is the resolution to discharge the Committee on Education and Labor from the eight-hour bill.

The PRESIDENT pro tempore. Is there objection?

Mr. SEWELL. I object.

The PRESIDENT pro tempore. The Senator from New Jersey objects.

Mr. PETTIGREW. Then I will object to the consideration of the bill now pending.

Mr. ALDRICH. I can hardly see how the Senator can——

Mr. PETTIGREW. I yielded my right in the morning hour this morning to finish the deficiency appropriation bill with the understanding that I should have an opportunity, and I am not to be cheated out of it.

HOUSE BILL REFERRED.

The bill (H. R. 13436) to authorize the Charleroi and Monessen Bridge Company to construct a bridge across the Monongahela River, was read twice by its title, and referred to the Committee on Commerce.

DEPARTMENTAL EMPLOYEES.

The PRESIDENT pro tempore laid before the Senate the following communication from the Secretary of the Interior; which was read, and ordered to lie on the table and be printed:

DEPARTMENT OF THE INTERIOR.
Washington, March 2, 1901.

SIR: Acknowledging receipt of a resolution of the Senate of February 25, 1901, calling for the age, the salary, and the length of service of each employee in Washington and elsewhere, I have to say that to collect and compile this information for the Interior Department—a total of about 15,000 persons—will make a large amount of work, which will require several months and much correspondence, and for which an appropriation for additional clerks will be necessary.

The three different items asked for will render intelligible grouping very difficult, and will almost necessitate a separate showing for each person.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

The PRESIDENT OF THE SENATE.

THE OLEOMARGARINE BILL.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. PROCTOR on the 1st instant, to report it without amendment, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution, which was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 30,000 copies of the hearings before the Senate Committee on Agriculture and Forestry and the House Committee on Agriculture, together with the briefs submitted relating to House bill No. 3717, 20,000 copies of which shall be for the use of the House and 10,000 copies for the use of the Senate. The usual number shall not be printed.

Mr. MONEY. I simply want to understand the order about printing the hearings and report of what is known as the Grout oleomargarine bill. Does it include all of the hearings and the majority report and the minority views?

Mr. COCKRELL. Let us ascertain exactly what it does include. Let the resolution be again read.

The Secretary again read the resolution.

Mr. MONEY. I move to amend the resolution by adding the words "including the majority report and the minority views."

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

COMMITTEE ON PACIFIC ISLANDS AND PORTO RICO.

Mr. FORAKER 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 Pacific Islands and Porto Rico, or any subcommittee thereof, is hereby authorized and required to visit Porto Rico during the recess of Congress for the purpose of investigating and inquiring into conditions existing there and bearing upon the relations of the United States with Porto Rico and its duty to the people thereof; and that the expenses of said committee or subcommittee, including necessary assistance, be paid out of the contingent fund of the Senate, upon vouchers signed by the chairman of the committee.

PROPOSED CONSIDERATION OF UNOBJECTED HOUSE BILLS.

Mr. CLAY obtained the floor.

Mr. GALLINGER. Will the Senator from Georgia kindly yield to me to make a request?

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. CLAY. I yield for that purpose.

Mr. GALLINGER. Mr. President, I have been importuned by a great many Senators to request that at the conclusion of the remarks of the Senator from Georgia [Mr. CLAY] the Senate proceed to the consideration of unobjected House bills on the Calendar. I think that may take the remainder of the afternoon, until half past 5 o'clock, and as my colleague [Mr. CHANDLER] has given notice that he will speak at 8 o'clock, possibly I may be able to coax a few minutes out of him this evening, if we shall not before that time have quite gone through with the Calendar. I think it will not take more than an hour or an hour and a quarter.

Mr. CLAY. I desire to say to the Senator from New Hampshire that I shall not occupy over fifteen or twenty minutes.

The PRESIDENT pro tempore. The Senator from New Hampshire [Mr. GALLINGER] asks unanimous consent that at the conclusion of the speech of the Senator from Georgia [Mr. CLAY] the unobjected House bills on the Calendar may be considered. Is there objection?

Mr. PETTIGREW. I object.

The PRESIDENT pro tempore. The Senator from South Dakota objects.

RIVER IMPROVEMENTS AT ST. JOSEPH, MO.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was read:

Resolved by the House of Representatives (the Senate concurring), That the Secretary of War is hereby instructed to send to the House of Representatives information as to the information and recommendation contained in the supplemental report of the Missouri River Commission as to river improvements at St. Joseph, Mo.

Mr. VEST. I ask for the present consideration of the resolution.

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

NICARAGUA CANAL BILL.

The PRESIDENT pro tempore. The Chair lays before the Senate the bill (S. 1783) to provide for the construction of an interoceanic canal connecting the waters of the Atlantic and Pacific oceans, on which the Senator from Georgia [Mr. CLAY] is entitled to the floor.

Mr. CLAY. Mr. President, I desire to make a few remarks on the importance of the early construction of the Nicaraguan Canal. The bill has already passed the House, is now in the Senate, and can be taken up and passed in thirty minutes, and to longer delay the construction of this great waterway is inexcusable and indefensible. There is little new that can be said upon the value and importance of the construction of this canal. For years our Government has given the most careful investigation to this subject, and we all know that the facts are undisputed that its construction is both practicable and feasible.

The question of a waterway connecting the Atlantic and the Pacific oceans so that ships can pass from one ocean to the other, we all know to be of vast importance. Nature was not much disappointed in her efforts to make a strait between the two oceans at Nicaragua, in Central America. While she failed to complete this job she placed within the reasonable capacity of men the means of such connection. Engineer after engineer, under the instructions of the Government, have demonstrated that the route is practicable and can be made successful, and every investigation that has been made confirms this indisputable fact. If we can trust to the judgment of those skilled in civil engineering and who have been untiring in their efforts to locate a route to connect the two oceans by means of a waterway, then it may be assumed as a fact, an indisputable fact, that the Nicaraguan route is both feasible and practicable, and after its completion it will be profitable. These fact are confirmed by the recent commission, whose report we all have had the opportunity of examining.

This route will begin at Greytown, on the Atlantic Ocean, and end at Brito, on the Pacific. The total distance from port to port will be 169.448 miles. While the entire length of this canal will be a little over 169 miles, 121 miles of this distance is unimpeded navigation in the river San Juan and Lake Nicaragua, and 21 miles through basins, making a total of 142 miles in which ships can travel with little or no restriction. This leaves only about 21 miles of actual excavation. This canal, it is estimated, on the average, will accommodate from thirty-two to forty vessels per day, or about twelve thousand annually, which will give a tonnage equal to about 20,440,000 per year. In order to appreciate the importance of this great enterprise it is essential that we have some idea of the geography of the world and what distances will be saved to commerce both in our own country and with foreign countries. We know that transportation by water is always considerably cheaper than transportation by rail, and we know that the shorter the routes from one important port in our country to another the cheaper we can convey the products of farm and factory from one port to another.

We know that London at the present time is the commercial center of the world. Later on I propose to take the figures and facts given us by the distinguished senior Senator from Alabama and demonstrate why this is true. I shall show that by the construction of this canal the advantages which London now enjoys in the distances from that great metropolis to the leading commercial ports of the world will be transferred to the United States. Before, however, I attempt to do so I desire to present to the Senate the advantages which we will enjoy at home in trading with our own people by the construction of this great waterway.

We know now that in order to reach New York from San

Francisco by water we must travel 14,840 miles, and that so soon as this canal is constructed and put in operation the distance will be reduced to 4,907 miles, a clear saving of 9,933 miles. The distance from New York to Hongkong, by Cape Horn, is 18,180 miles; cut the canal and the distance is reduced to 10,983 miles, a clear saving each trip of 7,197 miles. We have acquired and now own the Hawaiian Islands, out in the middle of the ocean. The distance from New York to these islands by the present water route is 14,230 miles; cut the canal and the distance is reduced to 6,417 miles, a saving of 7,813 miles. The distance from New Orleans by water to San Francisco, by way of Cape Horn, is 13,776 miles; when this waterway is constructed, connecting the two oceans, the distance is reduced to 4,107 miles, a saving of 9,669 miles. The distance from Mobile, Ala., to San Francisco is 13,763 miles; cut this canal and the distance is reduced to 4,120 miles, a saving of 9,643 miles. The distance from Savannah, in my own State, to San Francisco, is 13,289 miles; dig this canal and the distance is reduced to 4,366 miles, a saving of 8,923 miles. The distance from Galveston, Tex., to San Francisco is 13,892 miles; cut the canal and this distance is reduced to 4,230 miles, a clear saving of 9,662 miles.

The distance from Charleston to San Francisco is 13,260 miles; cut the canal and the distance is only 4,389 miles, a clear saving of 8,871 miles. Trace if you will the route which a ship must follow to pass from our Atlantic and Gulf seaports to any one of the harbors on the Pacific within the boundary of the United States. We can scarcely realize the enormous distance which a ship must travel to make a journey, leaving San Francisco, on the Pacific, to reach Boston or New York, on the Atlantic. We must travel along the coast of Central and South America, around Cape Horn, then sail back by the coast of Central America. Before we will have reached New York we will have traveled a distance of nearly 15,000 miles; when, as I have said before, if this waterway had been made, connecting the two oceans in Central America, the same trip could have been made by traveling less than 5,000 miles. It is only necessary to observe this new route between our Atlantic and Gulf ports and those upon our western shores, the route by Central America, to fully realize the advantages to accrue to our country by the construction of this waterway joining the two oceans in Central America.

How we can any longer afford to permit a gap to exist between our eastern and western coasts that is 13,000 miles in length I can not understand, and how our Republican friends on the other side of the Chamber can any longer postpone action on this important legislation, so necessary to the building up of the commerce of our country, I do not believe they can explain or justify. How they can any longer permit our Pacific States to pay one-half of the value of their wheat and lumber exported to Europe in cost of transportation I do not understand.

Who will justify the Republican party in longer postponing this great enterprise, which, as has often been said, will bring into the utmost possible near communication the eastern and western shores of North America, and in like manner into the utmost possible short communication the eastern and western shores of South America, and which will bring the western shores of South America into direct communication with the eastern shore of North America and the eastern shores of South America into direct communication with the western shores of North America, thus making that passage of the Isthmus the key and common gateway of communication between the republics that now substantially occupy the whole habitable parts of North and South America?

A canal which, when built and completed, will furnish for ages ample waterway convenience and security for the fleets of all nations that may pass through it from ocean to ocean. Speaking of the construction and completion of this canal, Mr. Harvey said when the locks and dams have taken form Lake Nicaragua will become a central rendezvous for fleets engaged in the commerce of the world. Electric lights will render the dark canyons of the "divides" and the entire route of the canal as possible by night as by day, and by the far-reaching wires the telegraph will convey dispatches from every section of the noble waterway to the commercial centers of both hemispheres. It is astonishing to me that any political party claiming to represent the most intelligent thought and the best interests of the American people should hesitate, procrastinate, and defeat legislation of paramount importance in developing and maintaining our commercial supremacy.

First, let us consider the benefit to accrue to the American people by putting our eastern and western coasts in direct communication with each other by the shortest practical route. Let us endeavor to give to our merchants and our farmers cheap transportation by water; then an immediate benefit will accrue to them in finding a market for our goods and wares. Let us put our Pacific coast in touch with European markets by the shortest and most practicable routes. Let us use every reasonable and just means to cheapen the cost of transportation of farm products and manufactured goods to the markets of the world. Let us give to the continental lines of railroads competition in carrying freights; then you reach the farmer, merchant, and manufacturer and benefit the American people.

It is an undisputed fact that so soon as this waterway is completed the entire Pacific coast trade will be put in direct connection with European markets by the cheapest possible transportation. Later on in my argument I will present to the Senate the benefits which will accrue to the Southern States by reason of the construction of this canal. The South is rapidly developing and will become at no distant day a great manufacturing section. The South, instead of manufacturing 20 per cent of the cotton crop, I predict will in the near future manufacture 75 per cent of the crop, and we expect to ship these goods to the markets of the world. We want cheap transportation by the most direct and shortest route to enable us to meet competition. The people of the South do not want the Government to give them anything. All we want is to be able to compete with other sections, and then we will work out our industrial problems.

A distinguished Senator said to me a few days ago that it had always been a mystery to him why Great Britain, a little island containing less than 90,000 square miles of territory, should control the markets of the world; that it was a mystery to him why Liverpool was the commercial center of the world, controlling and manipulating the sale and manufacture of cotton. But the distinguished Senator said that he had at last been able to solve the problem, and he has solved it well. In a report which Senator MORGAN, as chairman of the Committee on Interoceanic Canals, presented to the Senate on January 3, 1901, report No. 1337, part No. 6, he presents facts which are startling to me and which deserve consideration at the hands of the statesmen of the country endeavoring to shape and mold the policy of the nation.

It is a fact which can not be disputed, and which any intelligent man knows to be true, that in developing commerce the cost of transportation is a very important element. If one city or nation has a shorter route and consequently a cheaper one to convey freight than another, the city or nation at a disadvantage can never compete with their rivals enjoying a superior advantage. This fact solves the problem why England to-day enjoys commercial supremacy over any nation in the world—a supremacy which some day will be transferred to the United States. If wise and thoughtful statesmanship shall direct the policy of this nation, that supremacy, at no distant day in the future, will be ours. The distinguished Senator and the committee of which he is chairman tell us that all the seacoasts of the world, except about one-tenth part of their length, are nearer to Liverpool than they are to New York by the usual route of sea travel.

This committee tells us the length of sea voyages from New York and from Liverpool to all the points of importance, based on the charts of the Bureau of Navigation, of the Navy Department. In making these calculations, they take 18 of the leading seaports of the world. They then give the distance from Liverpool to these different seaports; also the distances from New York to these important points, showing a great advantage in favor of Liverpool. I do not know when I have found a subject of more importance and discussed in a more intelligent way than is presented by this committee. The 18 ports of the world which they have selected are as follows:

Yokohama, Tientsin, Kinchoo, Shanghai, Hongkong, Bombay, Calcutta, Singapore, Colombo, Manila, Melbourne, Auckland, San Francisco, Panama, Honolulu, Valparaiso, and Cape Town. We all know that these eighteen important ports had an enormous business and trade with Liverpool and New York, and that commercial points situated between them furnish a very important commerce to both places. The common mind will readily grasp the proposition that if vessels, in passing from Liverpool to each of these ports through the Suez Canal, travel a shorter distance than vessels sailing from New York to the same points, then freight can be conveyed cheaper to these points from Great Britain than from the United States.

Say, for instance, that eighteen vessels were to leave Liverpool on to-morrow morning, loaded with the products of Great Britain, one vessel going to each of these ports; and, at the same time, eighteen vessels were to leave New York, with American products, going to the same ports. Now, if the route from Liverpool was shorter and cheaper than the route from New York to the same places, evidently the United States could not compete with Great Britain in conveying goods to foreign markets. The distinguished Senator from Alabama tells us that eighteen vessels passing from Liverpool to each of these ports above named, through the Suez Canal, would sail 110,329 miles; that these same vessels, sailing from New York to the same ports, would cover a distance of 130,168 miles. This would be a difference in favor of Liverpool of 19,839 miles. The distinguished Senator also tells us that if the same ships made the voyage to the same ports by the way of the Cape of Good Hope the distance from Liverpool would be 135,000 miles, and the distance from New York would be 136,647 miles.

On page 7 of this report I find a most interesting and instructive table, which, to my mind, solves the reason why Great Britain has made such wonderful strides in controlling and directing the commerce of the world. I have just pointed out the fact that the distance from Liverpool to these eighteen ports of the world, by existing routes, is shorter by nearly 20,000 miles than from New York to the same ports. Now, what will be the result in the event of the construction of the Nicaraguan Canal? Take the facts and figures of the distinguished Senator from Alabama. This new route will reverse the entire situation in favor of the United States by 32,051 miles. The Senator from Alabama tells us that when this canal is constructed the distance from Liverpool to Honolulu will be by the Nicaraguan route 9,165 miles, and that the distance from New York to the same point, by the same route, will be 11,507 miles.

The distinguished Senator tells us that the distance from Liverpool to Manila by the Nicaraguan route will be 14,008 miles, and from New York to the same point will be 11,260 miles. The Senator tells us that the cutting of the canal will throw the advantage of shorter lines of travel in favor of New York, that now exists in favor of Liverpool, by at least 21 per cent. I desire to insert, as a part of my remarks, the table prepared by the distinguished Senator, which I regard of supreme importance, which table is as follows:

Distance from Liverpool via Nicaraguan Canal to—

	Miles.
Honolulu	9,165
Manila	14,008
San Francisco	13,685
Shanghai	13,685
Calcutta	17,197
Melbourne	12,753
Auckland	11,433
Hongkong	13,731
Yokohama	12,611
Kinchoo	14,255
Valparaiso	7,935
Tientsin	14,349
Singapore	15,171
Total distance	163,948

Now, to show the comparison, we will take the same table furnished by the same Senator giving the distances from New York via the Nicaraguan Canal route to—

	Miles.
Manila	11,260
San Francisco	4,907
Shanghai	10,937
Calcutta	14,449
Melbourne	10,065
Auckland	8,685
Hongkong	10,983
Yokohama	9,863
Valparaiso	5,187
Honolulu	6,417
Kinchoo	11,507
Singapore	12,423
Tientsin	11,601
Total distance	128,224

These figures show a difference of 21 per cent in favor of New York by the Nicaraguan Canal route, while the difference against New York in favor of Liverpool, by the present route, to the several ports mentioned was largely in favor of Liverpool.

These distances, by the Suez Canal, in favor of Liverpool, have undoubtedly operated seriously to the disadvantage of American commerce; and so long as these distances continue to favor the commerce of Great Britain we can not expect American commerce to receive its share of the world's trade, and there can be no justification for failure or delay on the part of the Republican party in removing the barrier which inflicts these burdens and disadvantages on our commerce. The distinguished Senator from Alabama, in the very able report prepared by him and now printed as a Senate document, tells us with great force that if that isthmian barrier is to remain we can never have ships of sufficient number or speed to overcome the average length of more than 4,000 miles in favor of Liverpool on each voyage to and from our Atlantic and Pacific ports.

He truthfully tells us that no legislative expedient can save New York from the competition of Liverpool with a shorter line of navigation to the same ports to which New York must trade. His logic is sound and his argument, I trust, may have sufficient force to arouse the conscience of our friends on the other side of the Chamber, and to lead them to see the interests of the American people and to advance and protect American interests. Is it possible that our friends will longer neglect this important work and suffer this little strip of land to separate the two great oceans and continue to inflict irreparable loss on American trade?

New York is a great distributing point, where American products, both of the farm and factory, are shipped to all parts of the world. They go from the south, east, north, and west to all ports of the world, and when these ports can be reached from New York by the shortest practicable routes cheap transportation will follow, resulting in greatly benefiting the American people. It is astonishing to me how any political party conversant with the situation can longer wait for the construction and completion of this great waterway.

Well did the Committee on Interoceanic Canals tell us that the Nicaraguan Canal is an indispensable factor in American commerce, because it will shorten the route of our travel, and is the only possible way to meet the advantages that have fallen to Liverpool by her geographical situation. When I study the geography of the world, and remember that at the point where this canal is to be constructed for the passage of ships between the two oceans the strip of land that separates the two oceans is so small, and the canal can be cut through it with so little expense to the Government, taking into consideration its importance to commerce, I am astonished that the American people have submitted to delay so long in demanding legislative action providing for its construction.

I appeal to the national chairman of the party in power to come to the support of the bill providing for the construction of this waterway which means so much to American commerce. Does the distinguished Senator from Ohio recognize that this great waterway is of more importance to the people of the United States and to American commerce than his ship-subsidy scheme? Does the Senator recognize that the construction of this canal will give us a shorter and cheaper transportation to the markets of the world? Does the distinguished Senator recognize that when the canal is completed the United States can send her products of the farm and factory to the markets of all countries with much cheaper freight rates than we can enjoy to-day?

Does the distinguished Senator recognize that when this advantage is transferred from Great Britain to us that New York City will become the great distributing point of the world, and the advantages which Liverpool enjoys to-day will be transferred to New York, and that every section of our common country will be the recipient of this advantage which New York enjoys? I again, with all the earnestness of my nature, appeal to the distinguished Senator from Ohio to lend us his influence in securing this important legislation before Congress adjourns. Will not the Senator for one day forget his ship-subsidy scheme and unite with us in giving to the country a waterway that will be a blessing to the American commerce?

I appeal to the Senator from Ohio because I know the influence which he exerts among his party associates. I realize that a word from him would mean success to this great enterprise.

Mr. President, the distinguished Senator from Ohio, chairman of his party, has achieved a national victory of which he should be proud. Will the Senator lend his influence to an enterprise of incalculable and untold benefit to the American people? Is it possible that my appeal to the Senator will be in vain? If the Senator will but speak a word, we all know his party will gladly heed. We all know the influence which he exerts among his party associates. We all know that he largely shapes and molds the policy of his party. We know the influence he has exerted in keeping before the Senate this ship-subsidy scheme, which has consumed so much of the time of the Senate.

A few words, Mr. President, in behalf of this important enterprise, speaking from a Southern standpoint.

Mr. President, the arguments which I have so far advanced in favor of the early construction of the Nicaragua Canal apply largely to the entire country, and now I desire to advance a few reasons from a Southern standpoint why this important, great waterway should be completed at an early day. Before I do so, Mr. President, I desire to insert as a part of my remarks an article written by Mr. Cuyler Smith, of Atlanta, and published in the Atlanta Constitution of January 27, 1901, which gives the wonderful development of the manufacture or raw cotton in my own State.

This article is headed—

PROGRESS OF GEORGIA IN VARIOUS TEXTILE ARTS.

[By T. Cuyler Smith.]

In the annual report of The Textile World, of Boston, Mass., the publishers, Messrs. Guild & Lord, have made an accurate estimate of the past year's industrial progress of Georgia in the textile arts. Their figures are substantially correct, and give the Empire State of the South a splendid standing in the mighty march of industrial progress that is now being entered into by all the States, and more especially the Southern. On September 1 The Constitution printed a review of the progress in mill building in Georgia, in which the first accurate list of the new cotton mills was given to the public. In this list it was stated that Georgia had built during 1900 38 new cotton mills, with 278,000 spindles and 4,710 looms, with an annual consumption of 200,000 bales of cotton. These mills represented an investment of $5,000,000, more than 75 per cent of which was home capital. The average grade of goods was in cloth, sheetings and duck; in yarns, 12s and 20s.

Care was given to show the exact progress of the work on these various factories, most of which have begun operations since that date. In this list Georgia led in the total number of new mills built and came second in the list of the largest number of spindles and looms installed. It is well to note that The Constitution's article stated that nearly all of the new mills were of the "expansion" kind, with either capacity in their buildings for double the looms and spindles installed or drawn to double by adding to the mill building, which was usually left unfinished at one end. The accuracy of this has been proven by subsequent development, as, for instance, at Pelham, Dublin, and Hawkinsville. According to The Textile World, we have four new mills at Atlanta, all in operation at this time; two at Eatonton, while only one is

noted at Griffin, the Spalding, when there are two in that progressive industrial center—the Spalding and the Rushton. At Columbus only one is reported, yet there are two out on the river operated by the power from the new electrical development now nearing completion. All the other towns are down as having one mill each.

In somewhat reduced form The Textile World's report is as follows:

Name and location.	Capital.	Product.	Looms.	Spindles.
Atlanta, Elizabeth Cotton Mills.	$100,000	Hosiery yarns		5,000
Atlanta, Gate City Cotton Mills.	100,000	do		5,000
Atlanta, Piedmont Cotton Mills.	60,000	Warp yarns 14-2.		2,500
Atlanta, Scottdale Mills		Export sheetings	300	10,000
Baldwin, Baldwin Cotton Mills.	60,000	Yarns	100	3,000
Canton, Canton Cotton Mills	100,000	Sheetings	150	5,000
Cochran, Cochran Cotton Mills.	50,000	Warps, 16s to 30s.		3,136
Columbus, Bibb Manufacturing Co., branch of Macon, Ga.			600	20,000
Cordele, Cordele Cotton Mills	50,000	Yarns		3,600
Covington, Covington Cotton Mills.	100,000		60	5,000
Dallas, Paulding Cotton Mills	100,000	Hosiery yarns		5,000
Dublin, Dublin Cotton Mills	100,000	3-yard sheetings.	170	5,000
Eastman, Eastman Cotton Mill Co.	100,000	Sheetings and yarns.	160	5,000
Eatonton, Eatonton Electric Co	75,000	Sheetings and shirtings.	100	2,500
Eatonton, Middle Georgia Cotton Mills.	100,000	Sheetings	125	5,000
Fort Valley, Marshal Mills		Back bands	1	
Gainesville, Pacolet, branch South Carolina Mills.		Sheetings		50,000
Gainesville, Woodside Cotton Mills.	200,000	Cotton goods	350	10,000
Geneva, Community Cotton Mills.	50,000	Yarns		
Griffin, Spalding Cotton Mills	200,000	Drills, etc	240	9,000
Hampton, Hampton Cotton Mills.	60,000	Hosiery yarns		3,000
Hawkinsville, Hawkinsville Cotton Mills.	50,000	Yarns		
Lagrange, Unity Cotton Mills.	200,000	Duck and osnaburgs.		10,000
Lawrenceville, Gwinnett Cotton Mills.	100,000	Yarns		4,000
Madison, Madison Cotton Mills.	100,000	do		
Millen, Millen Cotton Mills	100,000	do		
Monroe, Walton Cotton Mills	75,000	Sheetings, drills, duck.	100	3,300
Moultrie, Moultrie Cotton Mills	100,000	4-yard sheetings.	160	5,000
Union Point, Union Point Manufacturing Co.		Addition to knitting mill, hosiery yarns.		2,500
Rome, Anchor Duck Mill	20,000	Duck	30	
Tennile, Tennile Cotton Mills	70,000	Yarns		4,000
Tifton, Tifton Cotton Mills	75,000	do		5,000
Toccoa, Capps Cotton Mills	50,000	Hosiery yarns		5,000
Valdosta, Strickland Cotton Mills.	175,000	3 and 4 yard sheetings.	325	10,000
West Point, Langley Manufacturing Co.		Portieres and fancy goods.		
Winder, Winder Cotton Mills	100,000	Print cloths	300	5,000
Totals (36 mills)	2,820,000		3,291	210,536

In addition to this list I add the following mills and the figures thereto, which raises the total number of mills, looms, and spindles all to our industrial credit during the past twelve months. The importance of having these figures correct can not be overestimated, as both capital and spinners are largely influenced in their selection of locations for investment and mill building by such publications.

Location and name.	Capital.	Product.	Looms.	Spindles.
Griffin, Rushton Cotton Mills	$100,000	Sheeting and drills.	200	5,000
Thomaston, Thomaston Cotton Mills.	100,000	4-yard sheetings.	175	6,600
Jefferson, Jefferson Cotton Mills.	80,000	Sheetings	80	3,000
Greensboro, Mary-Leila Cotton Mills.	100,000	4-yard sheetings.	160	5,000
Hogansville, Hogansville Mfg. Co.	80,000	Heavy duck	160	5,000
Juliette, Glover Mfg. Co	70,000	Yarns		2,040
Carrollton, Mandeville Mfg. Co.	100,000	Yarns and sheeting.	200	6,000
Pelham, Pelham Mfg. Co	100,000	Sheeting	160	5,000
Cedartown, Standard Cotton Mills.	100,000	Carded hosiery yarns.		10,000
Thomaston, John E. Smith Mfg. Co.	60,000	Hosiery yarns		2,500
Newnan, Newnan Cotton Mills.	150,000	Fine yarns		8,000
Total (12 mills)	1,040,000		1,135	58,140

Recapitulation of both my estimate and that of the Textile World, combined:

New mills	48
Capital invested	$3,860,000
Spindles	263,676
Looms	4,406

I have just returned from a tour of inspection of the new mills and find them all of the latest type, both in construction and equipment. They are in the hands of superintendents of ability and experience. The management is composed of the most progressive business men of the towns, men who have made a success of their individual business, and while they lack experience in cotton manufacturing, yet their character is such that they insure the success of any enterprise they may undertake. They have bought their first year's supply of cotton at low prices and carefully selected the staple, so I do not think their products will suffer by comparison with the output of the older mills. These new mills are light, perfectly ventilated, and as clean and neat as can be, presenting an admirable appearance in every respect.

The operatives' cottages are usually of the modern four-room type, clean, sanitary, and far enough apart to make the mill villages healthy. Generally there is a small plat of ground around each which will admit of small gardens. The idea of painting them different colors tends to beautify these serried rows of houses and give a homelike individuality to each. Company stores are not installed save where the mill is some distance from town. It has been claimed that we can not get enough operatives for these new mills. There never was a greater error, and I learn that there are from four to five applications for every possible place in the mills, coming not only from the country people of the vicinity, but from former residents of the county who have moved to other mill towns, acquired skill in their work, and are now anxious to return to their homes and work in the new mill.

Regarding the outlook for new mills in 1901-2, I think that the number proposed does not exceed a dozen, and the number that will be actually built will scarcely reach that figure. Our people seem disposed to go slow in this matter and learn more about the markets for their products before making any more goods. Expansion of the new mills may be looked for inside of two years, so we will have some 100,000 spindles more before the opening of our textile exposition, which is talked of by all these spinners, of both the new and old mills, who applaud the idea as one calculated to benefit their business as well as induce other spinners to locate among us, declaring, with a total absence of the "dog in the manger" spirit, "We want more cotton mills in Georgia, whether we build them or not."

I also desire to insert, as a part of my remarks, the leading parts of a most instructive and interesting address delivered by Hon. W. A. Hemphill, of Georgia, in Chicago on February 4, 1901, and published in the Atlanta Constitution of that date. Mr. Hemphill is one of the leading business men of Georgia and has made a remarkable record in developing the resources of the South:

NORTH AND SOUTH AS THEY ARE NOW UNITED—BRILLIANT ADDRESS OF HON. W. A. HEMPHILL, OF ATLANTA—GEORGIA JOURNALIST DISCOURSES ON THE GREAT PROGRESS MADE BY HIS SECTION OF THE COUNTRY DURING THE LAST TWENTY YEARS, AND PLEDGES HIS SECTION TO TAKE A LEADING POSITION IN THE PROGRESS AND INDUSTRIAL ADVANCE OF THE COUNTRY—GROWTH REMINDS ONE OF ALADDIN'S LAMP.

Hon. W. A. Hemphill, of Atlanta, prepared an address recently for delivery at the meeting of the National Business League in Chicago, which had so much of interest to the Northern business men that the Commercial reproduces some portions of it.

It is by far the most eloquent and able plea for the new South which has been delivered since the famous speech of Henry W. Grady. Mr. Hemphill is president of the Atlanta Constitution Company, of which he was the founder.

The address is a pledge of the South to the march of advancement in which the North and West are now engaged. Among the bright parts of the address were the following:

"In the great commercial and industrial struggle of this country the enterprising and industrious North has rushed forward and placed the standard of progress, of trade, of manufacture, and finance far to the front. We do not ask you to bring back the standard to us.

"The command has been given, and the South is rushing eagerly to the front, and, it seems, from the wonderful progress that has already been made, she will not only reach the standard, but will help carry it forward until the commerce and trade of the world is captured.

SOUTH TWENTY YEARS AGO.

"Twenty years ago Henry Grady told about the burial of a Confederate soldier in Pickens County, Ga. They buried him in the midst of a marble quarry; they cut through solid marble to make his grave, and yet a little tombstone they put above him was from Vermont. They buried him in the midst of a pine forest, and yet the pine coffin was imported from Cincinnati.

"They buried him within touch of an iron mine, and yet the nails in his coffin and the iron in the shovel that dug his grave were imported from Pittsburg. They buried him by the side of the best sheep-grazing country on earth, and yet the wool in the coffin bands and the coffin bands themselves were brought from the North.

"The South didn't furnish a thing on earth for that funeral but the corpse and the hole in the ground.

A PICTURE OF THE PRESENT.

"Gentlemen, that has all been marked by a wonderful change and great improvement. In that section there are hundreds of cotton and woolen mills, the products of which have been shipped to the uttermost parts of the world. There are shoe factories almost in sight of that soldier's grave. The iron ore on that mountain side has been converted into pig iron and shipped in hundred carload lots to Pittsburg.

"The timber that gave shade to the humble grave has been cut down and manufactured into coffins for other sections and other people.

"And more wonderful still is the history of that marble quarry in which his grave was cut. A million-dollar Chicago company was organized to develop it. Almost within sound of my voice millions have been spent in marble decorations taken from its precious depths. The marble for the Corcoran Gallery of Art at Washington came from it.

CONTRAST WITH THE PAST.

"Behold the contrast!

"On the day that Grant and Lee met at Appomattox there was a barren waste to the south of them.

"Property valued at nearly $6,000,000,000 four years before was completely destroyed.

"Not a single business enterprise was in existence.

"From Appomattox hopeless and defeated men wended their weary way, on foot and heartbroken, to the Carolinas, to Georgia, Tennessee, and Kentucky, farther west to Alabama, Mississippi, and south to Florida; across the Mississippi to Louisiana, Arkansas, and Texas.

"For fifteen years the people remained hopeless; aliens and the ignorant ruled, and $3,000,000,000 of debt was added. So the case stood in 1880.

COTTON KING OF THE SOUTH.

"There were then in existence 180 cotton mills. The sound of rejuvenation was made by Atlanta in the Cotton Exposition of 1881. Soon the mills doubled, and to-day they number, including those in actual course of erection, 700.

"The story of the spindle age will be best explained. In 1883 there were in the South 860,000 spindles, crossing the 2,000,000 mark in 1893, and reaching 3,987,735 one year ago, with 2,000,000 spindles under contract to-day.

"With this attraction of manufacturing possibilities came the great

revival in the price of cotton. This year we have sold for $500,000,000 a crop which two years ago we had to sell for less than $250,000,000.

WHAT MANUFACTURING DOES.

"What will manufacturing do for the South? The crop this year was worth $500,000,000. In manufacturing the first turn into plain brown sheetings doubles the value of the product, making it $1,000,000,000. Raised one grade more in quality the value doubles again, going to $2,000,000,000. Gentlemen, I am talking billions now, not millions.

"In this we are fighting the commercial battle of America. On a hot July day in the early sixties I pulled the lanyard which opened the Confederate artillery fire on Gettysburg, and never felt more American than I did at that moment. The scene changes, and, in God's providence, different conditions prevail, and I stand here to tell you that I am now engaged in America's battle for commercial supremacy."

THE GREAT IRON PRODUCTS.

Mr. Hemphill told of the recent utterances of the English statesmen, Lord Rosebery and Joseph Chamberlain, upon the victories of American manufacturers:

"I could tell you a wonderful story of the progress in the product of pig iron in the South. This has increased since 1880 from 397,301 tons to nearly 3,000,000 tons.

"The South was a pioneer in this industry. In evidence of this there were 12 furnaces in full blast in Bartow County, Ga., prior to the civil war.

"The coal fields of the South cover 60,000 square miles, seven times as large as those of Great Britain—more than those of Russia, Great Britain, Germany, and Belgium combined.

"Another wonderful product of the South is its timber. It is about equal in value to that of the balance of the Union. The golden Georgia pine has made for itself a national reputation.

"In nothing does the South show its great advancement more than in railroad building.

"In 1880 the railroad mileage was 19,170 miles; in 1890, 41,384 miles; in 1900, 49,627 miles."

The discoveries of oil wells in Texas and the great growth of the cotton seed, mineral, animal, and vegetable products of the South were also commented upon.

"It would seem that Aladdin's lamp had found a resting place here. The South is, indeed, a land where the mocking bird sings its sweetest notes, where the magnolia blooms in its perennial beauty. It is a land where the rivers flow to the sea, where the mountains are filled with precious metals.

"The soils of its fields are as fertile as those of the ancient land of Goshen. Its men are brave and true, and its women are as fair and beautiful as any the sun ever shone upon.

"Gentlemen, I would not take one star from the diadem that intellectual and manufacturing New England so proudly wears.

LIKE ALADDIN'S MAGIC LAMP.

"I would not have the great financial central section of this country lose one jewel from its beautiful crown. I would not have the great western section of these United States, which has been so well called the 'granary of the world,' lose one sheaf from the golden wreath of her wealth and beauty.

"The hope of my life has been—and I rejoice to-night in its glad fruition—to see not only the great sections of our beloved country crowned with these beautiful diadems of prosperity and wealth, but above all, my heart is made glad and my pulse beats with joy to see one jeweled crown uniting and blessing all, and the jewels in that united crown furnished by the South as bright and lustrous and as valuable as the jewels furnished by any other section of this great Republic."

I hold in my hand an article written by Mr. Barrett, our former minister to Siam, important to the development of the South and to the entire country. I deem it consistent with the line of argument which I am now presenting in favor of the early construction of this canal to quote the leading features of this important paper. Mr. Barrett says:

Does the South appreciate her opportunity in the Far East? Does she realize that the mighty markets of Asia's millions await her best efforts at exploitation? If not, she should. The Far East is not reserved for our Pacific coast alone, not for the manufacturing cities of our Atlantic seaboard only, not for the exclusive control of Europe; no, not by any means, but for the South of the United States as well, provided the opportunity is seized before it is too late.

Some parts of the South and some Southerners, more enterprising than their competitors, are already at work; and, if they are reading what I write, can doubtless foretell my proposition. The average Southerner, however, will be skeptical in accepting my suggestion, that this particular portion of the United States has any particular interest in the Far East.

To get to my point, King Cotton can tell the story.

The Far East wants the South's cotton; it wants a lot of it. It wants it now, and it wants a lot of it. It wants it now, and in years it will want twenty times what it demands now.

There are nearly 500,000,000 inhabitants of these lands—far surpassing the United States in area—whose shores are washed by the Pacific, and are directly across the sea from our Western coast.

The demands of these millions, though small individually, are vast in the aggregate, and are increasing with great rapidity—even more rapidly than the chief experts in commerce and trade have dared prophesy in their wildest moments of hypothetical reasoning—and still China is hardly awake yet. When she does move, look out for her. It will be like an avalanche.

Of this half billion population, 350,000,000 wear almost nothing but cotton clothing and use nothing but cotton materials for the hundred and one other uses that cotton is put to. * * * It is noticeable that the demand for cotton goods of all kinds has increased during the last few years far more rapidly than the population, and that sales are on an ascending scale, which means a brilliant future for the trade in cotton goods and raw cotton.

The supply of raw cotton in China is so small, compared to the total consumption of cotton goods, that it could never meet the demand if supplies from other lands, like India, Egypt, and America, were cut off. It is true that China even exports cotton, but that goes only to Japan, and simply for manufacture, to be shipped back as cotton yarn or piece goods. Then, again, cotton growing is not a science in China, while the soil and sun do not seem to suit it like our own favored Dixie's warmth and fertility. The product of 1 acre of good cotton land in the United States will equal that of 5 to 10 in China. The time may come when China's millions will learn how to grow all their cotton in China's numberless acres, but that day is so far distant as not to discourage the planters and manufacturers of the South in exploiting these Asiatic markets. And mind, please, I have only spoken of China. Japan can never supply her own mills with the raw product, now over 100 in number and being added to every year. Eastern Siberia, Korea, Formosa, Cochin China, Siam, Straits Settlements, Java, Borneo, and the Philippines are great purchasers of cotton goods, and even if mills should be started in their cities the raw product must still be imported.

The tendency of the Far East, illustrated by the development of cotton manufacturing in Japan with headquarters at Osaka, and by the working and construction of numerous mills at Shanghai and other points in China, is to supply the market on the spot with the finished product instead of depending entirely on Europe and America. So the demand for raw cotton in Japan and China has suddenly jumped ahead into considerable proportion; and now comes the question: Can and will the South meet this demand and so provide herself with a vast new market, eventually free herself from absolute reliance on those of Europe and home, and making her great staple an increased source of wealth to every cotton-producing State, and hence collectively to the entire South?

The field is not one to be controlled without competition. Far from it. The cotton merchants of India, China, and Egypt are making a vigorous effort to supply the Far Eastern demand. Egypt counts on her near route by the Suez Canal and her cheap labor to eventually rule the market, while India and China contend that they have even a greater advantage in both these respects; but there are certain conditions favorable to American cotton, which, if followed up properly, will more than counterbalance the nearness and cheapness of Indian, Chinese, and Egyptian supplies. One is the quality of American cotton. Both the Japanese and the Chinese manufacturers distinctly prefer it. It is manufactured more easily and seems to make more and better cloth. Then, when placed on the market, the buyers prefer both the yarn and the cloth made from it.

The only serious difficulty in the way of American cotton is the price, which is made high solely by the freight rates from the South to Japan and China. I have visited every cotton manufactory of any importance in these two countries, and wherever I found them using Indian, Chinese, or Egyptian cotton the managers frankly told me that they would buy American cotton exclusively if the combined rail and steamer charges were not often prohibitive. The American cotton now shipped to the Far East is consumed by mills which have a special market, but they represent a small proportion of the total. In short, were freight rates favorable and did the Southern exporters push the market, American cotton would monopolize the supply for the mills of trans-Pacific lands. What then remains to be done?

The supreme advantage to be gained, which will, with "one fell stroke," accomplish the end desired, is the early construction and operation of the Nicaragua Canal. Unless that waterway is dug I can not see how the South can ever win permanently even a fair share of this mighty Pacific trade, and that is the opinion of nearly all experts in the Far East whom I have consulted. A trans-Isthmian canal is the key to the trans-Pacific. The long rail haul from the South to the Pacific seaboard will always keep the delivered cost of American cotton just beyond the point of general and successful competition. Dig the canal, and a large fleet of steamers will carry cotton in bulk from all Southern ports to the Far East for the same rate that is now charged from San Francisco to Kobe and Shanghai. As this statement is read I can imagine a skeptical look on many faces and an insinuation that I am indulging in exaggeration.

Let us see. In the first place, the rates charged by steamers crossing the Pacific are equal to or greater than those charged by steamers from the Mediterranean going a greater distance, and not much less than the through rates from London, Liverpool, Hamburg, Bremen, and Amsterdam, thus showing that there is yet a large margin on the Pacific route that can be taken off if necessary.

In the second place, I desire to lay before the planters and exporters of the South two most important statements made to me, respectively, by leading stockholders of the Nippon Yusen Kaisha, Japan's great navigation company, and the Peninsular and Oriental Steamship Company, England's chief foreign line, which two companies combined control more steamers than any other three, barring one German and one French system, in the world.

The representative of the former said to me that the moment the Nicaragua Canal was opened this company would put on a fleet of at least 10 large steamers to run from Japan and China to the leading ports of the South, the principal object of which would be to carry cotton. In order to have outward cargoes they might touch en route at San Francisco, and then possibly on the Atlantic side, go on to Baltimore, Philadelphia, New York, and Boston, but their chief destination would be the Southern ports, like Galveston, New Orleans, Mobile, Tampa, Charleston, Savannah, and Norfolk. He said this plan had been carefully considered by the company, and in expressing surprise that the United States had not already dug the canal, added with pride: "If Japan controlled the opportunity or concession, the canal would have been completed and opened to the world's traffic before this."

The representative of the Peninsular and Oriental informed me, almost in a confidential way, that his company had long considered the revolution of the trade of the world that would be accomplished by the construction of the isthmian canal, and intended to put on a special line of large carriers to run practically around the world via the southern ports of the United States and through the canal to Asia, in order to carry the cotton of the South to Japan and China. From the latter they would take cargoes via Suez to Europe, from Europe to America, and so on. Certainly both these are practical schemes, while they show the importance of the South's opportunity in the Pacific. Both authorities told me that their steamers would carry cotton from Southern ports to Japan and China at competitive rates with other sources of supply, and less than those now charged from San Francisco, Portland, and Seattle to Yokohama, Kobe, and Shanghai.

* * * * * * * *

In conclusion, therefore, I would appeal to the South to look carefully to the Far East, to prepare to supply its demands and vigorously meet competition; to send capable and untiring agents to deal directly with Asiatic buyers; to sell at the lowest prices possible for the successful introduction of cotton; to place samples on exhibition in the principal markets; to urge the construction of a Pacific cable and the annexation of Hawaii; to try in the meantime to make railway and steamship companies to quote the lowest rates possible in order that she may keep what little hold she already has, and finally, and above all other considerations, bend her energies for the immediate construction of the Nicaragua Canal.

The Far East, with uncounted millions to clothe and feed, and with wealth to pay for such clothes and food, invites the United States to supply her wants. The Pacific coast is awakening to the knowledge that she can supply the food in the form of flour. Will the South realize that she can supply the clothes in the form of cotton?

The South's great opportunity to win new markets for her chief staple lies in the trans-Pacific lands. Will she seize the opportunity?

Mr. Barrett has demonstrated by the arguments which he has presented that he is thoroughly conversant with the situation, and the facts are conclusive that unless this waterway is dug he can not see how the South is to win permanently a fair share of this trade. Exporters have found to their sorrow that the long rail haul from the South to the Pacific seaboard will always keep the cost of American cotton and cotton goods beyond the point of general and successful competition.

I believe that it is true, as he says, that when this canal is

completed a large fleet of steamers will carry our manufactured cotton goods from all Southern ports to the Far East for the same rates that are now charged from San Francisco to Shanghai. The South now produces 10,000,000 bales of cotton, and the time will come when we will treble this production. We not only produce three-fourths of the cotton of the world, but we expect at no distant day to manufacture 75 per cent of the crop.

There is no legislation that I deem of so much importance to the section which I have the honor in part to represent as this great waterway, which will give us an outlet to the markets of the world and which will put our Southern ports in connection with the leading ports of the world.

To longer delay the construction of this great waterway is to neglect and disregard the interests of the American people.

I introduce the joint resolution which I send to the desk, and ask that it may be referred to the Committee on Interoceanic Canals.

The PRESIDENT pro tempore. The joint resolution submitted by the Senator from Georgia will be read.

The Secretary read the joint resolution (S. R. 166) to complete the agreement entered into with the Governments of Nicaragua and Costa Rica in regard to future negotiations for the construction of an interoceanic canal by way of Lake Nicaragua, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized by law to complete the agreement entered into by him with the Governments of Nicaragua and Costa Rica in the words following:

"Protocol of an agreement between the Governments of the United States and of Costa Rica in regard to future negotiations for the construction of an interoceanic canal by way of Lake Nicaragua.

"It is agreed between the two Governments that when the President of the United States is authorized by law to acquire control of such portion of the territory now belonging to Costa Rica as may be desirable and necessary on which to construct and protect a canal of depth and capacity sufficient for the passage of vessels of the greatest tonnage and draft now in use from a point near San Juan del Norte, on the Caribbean Sea, via Lake Nicaragua, to Brito, on the Pacific Ocean, they mutually engage to enter into negotiations with each other to settle the plan and the agreements, in detail, found necessary to accomplish the construction and to provide for the ownership and control of the proposed canal.

"As preliminary to such future negotiations it is forthwith agreed that the course of said canal and the terminals thereof shall be the same that were stated in a treaty signed by the plenipotentiaries of the United States and Great Britain on February 5, 1900, and now pending in the Senate of the United States for confirmation, and that the provisions of the same shall be adhered to by the United States and Costa Rica."

The PRESIDENT pro tempore. At the request of the Senator from Georgia the resolution will be referred to the Committee on Interoceanic Canals.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 4171) to amend "An act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service," approved February 15, 1893; and

A bill (S. 5351) to provide an American register for the barkentine *J. C. Pfluger*, of San Francisco, Cal.

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 amendment of the House to the amendment of the Senate No. 2 to the bill (H. R. 12901) to supplement existing laws relating to the disposition of lands, etc.

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

A bill (H. R. 5280) to continue the publication of the Supplement to the Revised Statutes;

A bill (H. R. 7603) to correct the military record of James A. Somerville;

A bill (H. R. 12175) to correct the military record of Harrison Clark;

A bill (H. R. 12807) for the relief of James M. Stradling;

A bill (H. R. 13396) to amend section 5546 of the Revised Statutes;

A bill (H. R. 13776) authorizing and directing the Secretary of the Treasury to deliver to the mayor and city council of Baltimore, Md., Ionic columns;

A bill (H. R. 13973) to amend section 14 of the act approved June 29, 1898, entitled "An act to provide for the construction of a bridge across the Niagara River;"

A bill (H. R. 14138) to authorize the Pigeon River Improvement, Slide, and Boom Company, of Minnesota, to enter upon the Grand Portage Indian Reservation and improve the Pigeon River at what is known as the Cascades of said river;

A bill (H. R. 14228) to authorize the city of Nashville, Tenn., to construct a free public bridge across the Cumberland River within the corporate limits of said city;

A bill (H. R. 14260) to amend an act entitled "An act to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Sherman, Tex., and for the appointment of a clerk for said court, and for other purposes," approved February 19, 1901;

A bill (H. R. 14309) for the reward of enlisted men of the Navy or Marine Corps; and

A bill (H. R. 14093) to authorize the Paris, Choctaw, and Little Rock Railway Company to construct and maintain a bridge across Red River, in the State of Texas.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 8068) authorizing the board of supervisors of Pima County, Ariz., to issue fifty-year 4 per cent bonds of Pima County, Ariz., to redeem certain bonded indebtedness of said county; and it was thereupon signed by the President pro tempore.

UNLAWFUL TRADE RESTRAINTS AND MONOPOLIES.

Mr. JONES of Arkansas. I move that the Senate proceed to the consideration of Calendar No. 2413, in pursuance of a notice I gave the Senate yesterday, being a resolution to discharge the Committee on the Judiciary from the further consideration of what is known as the anti-trust bill.

Mr. CHANDLER. After the resolution is taken up, I wish to present a privileged question.

The PRESIDENT pro tempore. The Senator from Arkansas asks the Senate to proceed to the consideration of the resolution which will be read.

The Secretary read the resolution submitted by Mr. JONES of Arkansas on February 16, 1901, as follows:

Resolved, That the Committee on the Judiciary be discharged from the further consideration of the bill (H. R. 10539) to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, and that the Senate proceed to consider the same.

Mr. CHANDLER. Mr. President, I present a privileged question.

Mr. ALDRICH. Has any request been made in regard to the resolution which has just been read?

Mr. JONES of Arkansas. I have moved that the Senate proceed to its consideration.

Mr. CHANDLER. Mr. President, I present a privileged question.

The PRESIDENT pro tempore. The Senator will state his privileged question.

Mr. CHANDLER. There is a bill on the table which has been sent over from the House of Representatives, which I ask may be laid before the Senate.

THOMAS LUTZ STITT.

The PRESIDENT pro tempore. The Chair lays before the Senate the amendments of the House of Representatives to the bill (S. 4787) to authorize the appointment of Thomas Lutz Stitt as an officer in the Navy. The Secretary will read the amendments.

Mr. JONES of Arkansas. Mr. President, can the Senator take me off the floor to have a bill read?

Mr. CHANDLER. I do not take the Senator off the floor. I present a privileged question, to be disposed of while the Senator's motion is pending.

The PRESIDENT pro tempore. The Secretary will read the amendments of the House of Representatives to Senate bill 4787.

The Secretary read as follows:

Page 1, line 5, after "Navy," insert "as ensign."

Page 1, line 8, strike out "on" and insert "at;" and in the same line, after "the," insert "foot of the."

Page 1, line 8, strike out all after "list" down to and including "list," page 2, line 1.

Page 2, line 2, after "pay," insert "or allowances."

Mr. CHANDLER. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

UNLAWFUL TRADE RESTRAINTS AND MONOPOLIES.

The PRESIDENT pro tempore. The Senator from Arkansas [Mr. JONES] has moved that the Senate proceed to the consideration of the resolution which has been read.

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

The PRESIDENT pro tempore. The Senator from Rhode Island will state his question of order.

Mr. ALDRICH. The motion made by the Senator from Arkansas is not now in order; it is not in order after 2 o'clock. I ask that Rule IX may be read.

The PRESIDENT pro tempore. The Secretary will read Rule IX.

The Secretary read as follows:

RULE IX.

ORDER OF BUSINESS (CONTINUED).

Immediately after the consideration of cases not objected to upon the Calendar is completed, and not later than 2 o'clock, if there shall be no special orders for that time, the Calendar of General Orders shall be taken up and proceeded with in its order, beginning with the first subject on the Calendar next after the last subject disposed of in proceeding with the Calendar; and in such case the following motions shall be in order at any time as privileged motions, save as against a motion to adjourn, or to proceed to the consideration of executive business, or questions of privilege, to wit:

First. A motion to proceed to the consideration of an appropriation or revenue bill.

Second. A motion to proceed to the consideration of any other bill on the Calendar, which motion shall not be open to amendment.

Third. A motion to pass over the pending subject, which, if carried, shall have the effect to leave such subject without prejudice in its place on the Calendar.

Fourth. A motion to place such subject at the foot of the Calendar.

Each of the foregoing motions shall be decided without debate and shall have precedence in the order above named, and may be submitted as in the nature and with all the rights of questions of order.

Mr. ALDRICH. Mr. President, the motion made by the Senator from Arkansas is not included in the motions which can be made after 2 o'clock, and I submit that his motion is not now in order.

Mr. JONES of Arkansas. I did not hear the Senator from Rhode Island very well; but this is not the morning hour, and Rule IX applies to business in the morning hour. It is entirely competent for the Senate to take up any measure on the Calendar at any time, by a vote of the Senate, after 2 o'clock, and to proceed with it.

Mr. ALDRICH. This is not the morning hour, and Rule IX applies to what motions can be made after the morning hour, and applies to nothing else. The Senator is mistaken in his understanding of the rule.

Mr. JONES of Arkansas. I have never before heard the point made that the Senate can not take from the Calendar, by a vote of the Senate, anything it chooses, and consider it.

Mr. ALDRICH. It can take up anything on the Calendar; but this bill is not on the Calendar.

Mr. JONES of Arkansas. This proposition is on the Calendar. It is Order of Business No. 2413, that being a resolution.

Mr. ALDRICH. The resolution may be on the Calendar; but the rule reads: "A motion to proceed to the consideration of any bill on the Calendar."

Mr. JONES of Arkansas. My motion was to proceed to the consideration of that resolution, which is on the Calendar.

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

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 13973) to amend section 147, act approved June 29, 1898, entitled "An act to provide for the construction of a bridge across Niagara River;"

A bill (H. R. 14138) to authorize the Pigeon River Improvement, Slide, and Boom Company, of Minnesota, to enter upon the Grand Portage Indian Reservation and improve the Pigeon River at what is known as the cascades of said river;

A bill (H. R. 14093) to authorize the Paris, Choctaw and Little Rock Railway Company to construct and maintain a bridge across Red River in the State of Texas; and

A bill (H. R. 14228) to authorize the city of Nashville, Tenn., to construct a free public bridge across the Cumberland River within the corporate limits of said city.

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs:

A bill (H. R. 7603) to correct the military record of James A. Somerville;

A bill (H. R. 12175) to correct the military record of Harrison Clark; and

A bill (H. R. 12807) for the relief of James M. Stradling.

The bill (H. R. 5280) to continue the publication of the Supplement to the Revised Statutes was read twice by its title and referred to the Committee on the Revision of the Laws of the United States.

The bill (H. R. 13396) to amend section 5546 of the Revised Statutes was read twice by its title, and referred to the Committee on the Judiciary.

EXECUTIVE SESSION.

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

The PRESIDENT pro tempore. The Senator from Montana moves that the Senate proceed to the consideration of executive business.

Mr. JONES of Arkansas. I hope the Senate will vote that down and give me a vote on the resolution.

Mr. TELLER. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. McLAURIN (when his name was called). I have a general pair with the Senator from North Carolina [Mr. PRITCHARD]. In his absence I withhold my vote. If he were present I should vote "nay."

Mr. SPOONER (when his name was called). I have a pair with the Senator from Tennessee [Mr. TURLEY]. I should like to ask the Senator from Tennessee [Mr. BATE] if he knows how his colleague would vote on this proposition.

Mr. BATE. No, sir: I do not.

Mr. SPOONER. I have a pair with the Senator's colleague. If I was at liberty to vote, I should vote "yea." I understand the Senator from Tennessee would vote "nay."

Mr. TILLMAN (when his name was called). I have a pair with the Senator from Nebraska [Mr. THURSTON], who is absent. I will have to withhold my vote.

The roll call was concluded.

Mr. TILLMAN. I suggest to the Senator from Wisconsin [Mr. SPOONER] that we transfer our pairs, leaving the Senator from Tennessee [Mr. TURLEY] paired with the Senator from Nebraska [Mr. THURSTON], and he and I vote. I vote "nay."

Mr. BURROWS. I am paired with the senior Senator from Louisiana [Mr. CAFFERY].

The result was announced—yeas 40, nays 29; as follows:

YEAS—40.

Aldrich,	Dolliver,	Hawley,	Penrose,
Allison,	Elkins,	Jones, Nev.	Perkins,
Bard,	Fairbanks,	Kean,	Platt, Conn.
Beveridge,	Foraker,	Kearns,	Proctor,
Carter,	Foster,	Kyle,	Quarles,
Clapp,	Frye,	Lodge,	Scott,
Clark,	Gallinger,	McComas,	Sewell,
Cullom,	Hale,	McMillan,	Simon,
Depew,	Hanna,	Mason,	Wetmore,
Dillingham,	Hansbrough,	Nelson,	Wolcott.

NAYS—29.

Bacon,	Culberson,	Mallory,	Tillman,
Bate,	Daniel,	Martin,	Turner,
Berry,	Harris,	Pettigrew,	Vest,
Butler,	Hoar,	Rawlins,	Warren,
Chandler,	Jones, Ark.	Stewart,	Wellington.
Chilton,	Kenney,	Sullivan,	
Clay,	Lindsay,	Taliaferro,	
Cockrell,	McEnery,	Teller,	

NOT VOTING—19.

Allen,	Heitfeld,	Morgan,	Shoup,
Baker,	McBride,	Pettus,	Spooner,
Burrows,	McCumber,	Platt, N. Y.	Thurston,
Caffery,	McLaurin,	Pritchard,	Turley.
Deboe,	Money,	Quay,	

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifty minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

CORRESPONDENCE RELATIVE TO GUNNER CHARLES MORGAN.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to the resolution of the 28th ultimo, copies of the letter of Gunner 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, together with Admiral Sampson's indorsement thereon, and other letters and communications on the subject; which, with the accompanying papers, was ordered to lie on the table and be printed.

SENATOR FROM MONTANA.

Mr. CHANDLER. Mr. President, I ask the Chair to kindly lay before the Senate Senate resolution 284, Order of Business 1038.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolution referred to by the Senator from New Hampshire, which will be read.

The Secretary read the resolution reported by Mr. CHANDLER from the Committee on Privileges and Elections April 23, 1900, as follows:

Resolved, 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. ALLEN. I suggest the absence of a quorum, Mr. President.

The PRESIDENT pro tempore. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll.

The PRESIDENT pro tempore. The Secretary will call the absentees.

The Secretary called the names of absent Senators.

After some little delay, the following Senators having answered to their names:

Allen,	Dillingham,	Kyle,	Proctor,
Allison,	Fairbanks,	Lindsay,	Scott,
Bate,	Foster,	Mallory,	Simon,
Berry,	Frye,	Money,	Spooner,
Beveridge,	Gallinger,	Morgan,	Stewart,
Burrows,	Hale,	Nelson,	Sullivan,
Butler,	Hansbrough,	Perkins,	Teller,
Carter,	Harris,	Pettigrew,	Thurston,
Chandler,	Heitfeld,	Pettus,	Warren,
Clapp,	Jones, Ark.	Platt, Conn.	Wolcott.
Cockrell,	Kean,	Platt, N. Y.	
Deboe,	Kenney,	Pritchard,	

The PRESIDENT pro tempore. Forty-six Senators have responded to their names. A quorum is present.

Mr. CHANDLER. I offer an amendment to the resolution, which I send to the desk and ask to have read.

The PRESIDENT pro tempore. The amendment proposed by the Senator from New Hampshire will be read.

The SECRETARY. It is proposed to amend the resolution by striking out all after the first word "*Resolved*" and inserting:

That William A. Clark, who recently occupied a seat in the Senate under color of an election by the legislature of the State of Montana, made on the 28th day of January, 1899, and who vacated said seat on the 15th day of May, 1900, during the pendency in the Senate of a resolution unanimously reported from the Committee on Privileges and Elections declaring that he was not duly and legally elected, based upon a report asserting that said election was null and void on account of briberies, attempted briberies, and corrupt practices by the agents of said William A. Clark, with knowledge of which he was chargeable, is hereby declared to have been personally responsible for said offenses, and also in connection therewith of gross violations of the statute of said State of Montana, which limits the expenditures of candidates for the office of United States Senator and requires returns to be made of all expenditures in political canvasses within said State.

Mr. PETTUS. Mr. President——

Mr. CHANDLER. Mr. President, ex-Senator William A. Clark——

Mr. PETTUS. I desire to ask the Senator from New Hampshire simply a question. I ask whether the substitute which he has offered is offered by the authority of the Committee on Privileges and Elections or on his own responsibility?

Mr. CHANDLER. On my own responsibility, Mr. President.

Mr. JONES of Arkansas. I desire to raise the question of order against the resolution.

The PRESIDENT pro tempore. The Senator from Arkansas will state his question of order.

Mr. JONES of Arkansas. The resolution relates to nothing that is pending in the Senate. It is a matter of past history; it has no relation to anything that can be considered by the Senate, and it seems to me that it ought not to be in order.

Mr. CHANDLER. Mr. President, the resolution is on the Calendar of the Senate, and the Senate might pass it if it wants to do so. I will relieve the perturbed soul of the Senator from Arkansas [Mr. JONES] by saying that, having offered an amendment to the resolution, after I have made my remarks I shall not ask to have a vote.

Mr. JONES of Arkansas. It seems to me the sole purpose of this resolution is to attack a man who is not a member of the Senate; who is not present; who has no opportunity to defend himself.

Mr. CHANDLER. That is a question of taste and not of order, Mr. President, and I will be responsible for my remarks.

Several SENATORS. Go on!

Mr. MORGAN. I object that it is not a question of taste, but that it is a question of order,

Mr. CHANDLER. I will wait, of course, for the question of order to be decided, Mr. President.

The PRESIDENT pro tempore. The Senator from New Hampshire gave notice on yesterday that he would address the Senate at 8 o'clock this evening, and the Chair would not feel at liberty to interfere with a courtesy that never has been refused to any Senator within his knowledge.

Mr. MORGAN. That notice was given upon a resolution that had been reported from a committee and was on the Calendar. The resolution offered here now the Senator avows is his own personal, private matter, and I suppose it might be taken in the nature of a personal and private accusation.

Mr. CHANDLER. I propose to address the Senate on public matters.

Mr. MORGAN. I suppose this will lead to a Chinese decapitation. That is about the way of it.

Mr. CHANDLER. Not of myself, Mr. President.

Mr. MORGAN. It is the decapitation of a man before you try him.

Mr. CHANDLER. Not of myself.

Mr. President, ex-Senator William A. Clark, in a carefully written speech read by him in Helena, Mont., on the evening of January 16, 1901, after his nomination for election as United States Senator, which speech was published far and wide in the newspapers of the country, saw fit to allude to me by name as having been—in connection with the investigation during the first session of the present Congress into the legality of his election as United States Senator by the legislature of Montana on January 28, 1899—"the principal factor, prosecutor, and persecutor."

He also made the following statement:

It is a matter of world-wide notoriety that in all of the proceedings of that committee, which was composed almost exclusively of lawyers and constituted one of the highest judicial tribunals of the land, there was an utter disregard of all legal methods in the admission of testimony and in the treatment of witnesses and their examination.

As attempted proof of the correctness of this sweeping arraignment, he also said:

Hearsay statements of the grossest character were admitted without stint or restriction in behalf of the prosecution by the distinguished chairman, in spite of the continual and forcible protests of the counsel for the defense, as well as those of some of the members of the committee, who afterwards alluded to the remarkable conduct of the chairman in a minority report submitted by them.

Then came a characterization of my conduct as chairman of the committee:

Indeed, the whole proceedings were denounced by hundreds of eminent lawyers familiar with them as being unworthy of even a police court, and the record of the high-handed, vicious, and browbeating tactics exercised by the chairman of the committee will ever remain a stigma and disgrace in the annals of the Senate as judged by all fair-minded men.

Next, the ex-Senator rejoiced over my failure to receive reelection from the legislature of New Hampshire, and boasted of his own renomination in words as follows:

It is gratifying to learn that he has, in his recent effort to be returned to the Senate, been repudiated by the caucus of his own party by an overwhelming majority, and not a single vote was cast for him yesterday in the legislature of New Hampshire, a rebuke more stinging, but not more emphatic, than that recently pronounced by the people of Montana. The disposition of this man and that of myself by the people of our respective States is a striking illustration of that theory which has been aptly termed "the irony of fate."

The foregoing uncalled-for and unwarranted, vindictive and exultant assault upon me justifies, even requires, suitable notice from me before I retire from the Senate, which Mr. Clark on the 4th of March will attempt to again enter under what I charge was an unlawful and corrupt election.

It is first to be remarked that no single word has been uttered by me in this Senate in debate on the merits of Senator Clark's case. My statements and comments are contained only in the two Senate reports—that on April 23, 1900, No. 1052, and the supplemental report, No. 1052, on June 5, 1900. In these reports, written by me, there is not a single harsh or vituperative word, nor has any such word been spoken by me outside these reports or outside the Senate Chamber. When Mr. Clark, on May 11, vacated his seat without waiting for the action of the Senate upon the resolution reported by the committee, which declared that he was not legally elected, because his pretended election was null and void on account of briberies and violations of the laws of Montana, I said nothing in debate even in reply to his lengthy speech of withdrawal.

I had no desire, as the Senate was to be purged of his presence, to add the least humiliation to his pitiful exit.

Most of the averments made by him in his speech of withdrawal are denied in the supplemental report of June 5. Nothing shown by the reports, or by anything ever said or done by me anywhere, justifies his assertion, deliberately made in Montana on January 16, that I was a prosecutor or persecutor, or resorted to high-handed or browbeating tactics, or that there was in connection with the inquiry which drove him from the Senate any disregard of legal methods, or that hearsay evidence was admitted without stint or restriction.

These formidable charges are without any reasonable justification. The report that Senator Clark's election was null and void by reason of bribery was the unanimous action of the nine members of the committee, without distinction of party; and of the character and standing of the eight members besides myself I will shortly speak more at length. The criticisms of two members of the committee, Senators PETTUS and HARRIS, concerning the methods adopted by the majority of the committee, were fully answered in the supplemental report of June 5, which was concurred in by all the members except those two. By this supplemental report it is clearly shown—

(1) That no hearsay testimony was received except after deliberate decision by the committee for the purpose of ascertaining what additional witnesses it might be necessary to summon, as stated by the chairman on page 432 of the report, as follows:

"The CHAIRMAN. It would only be admissible as laying the foundation for sending for other witnesses."

(2) That no single finding of the committee was based upon hearsay testimony.

It must be further borne in mind by all impartial persons that in all inquiries ordered by Congress there is always something done by the committees in addition and anterior to the decisions which are at the last made by them, based on the facts which they believe they have ascertained; that something else besides decision is investigation. The members of the committee are investigators. It is their duty to give all their powers and faculties to searching for and recording the truth. After the testimony is taken they assume the function of judges and seek to reach just opinions and conclusions, to be reported by them to the body which has directed them to make the inquiry.

If this union of functions, that of investigation in the first place and that of decision and recommendation in the second place, is a wrong practice, Congress is to be blamed and not the chairman or any member of a Congressional investigating committee. There was in this inquiry absolutely nothing unusual or erroneous in the methods or the conduct of the chairman or of any other member of the committee.

The result unanimously reported by the committee was as follows:

Resolved, 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.

The decision to report the foregoing resolution was based upon the finding of the committee, as follows:

The finding of the committee is that the election to the Senate of William A. Clark, of Montana, is null and void on account of briberies, attempted briberies, and corrupt practices by his agents, and of violations of the laws of Montana defining and punishing crimes against the elective franchise.

After the submission of the resolution to the Senate, and while it was upon the Calendar awaiting action, Senator Clark vacated his seat and left the Senate without allowing an opportunity for a decision upon the merits of the case against him or of the merits of his defense, if he had any defense. This departure of his, notwithstanding his farewell speech of many denials and of fault-finding with the committee, is an admission of the substantial truth of the finding of fact made by the committee and of the justice of the resolution unanimously reported.

Words of denial, complaint, and reproach were to be expected from the fleeing Senator. Naturally he would not have a good opinion of the law and facts which condemned him. But the confession made by him through his acts can not be avoided. If he had not felt that he was a guilty man, he would have awaited the issue of debate and decision, and would have endeavored to convince the Senate of his innocence of wrongdoing. His flight in the face of the deliberate accusations made against him by the committee fixed upon him a stigma of criminality which can never be blotted out.

I ask the Senate and the country to consider who were the persons who made against William A. Clark the accusations contained in the report of the committee.

Senator WILLIAM A. HARRIS, of Kansas, is a Virginian by birth, of gallant military service, great experience as a skillful engineer, once engaged in the construction of a portion of the Union Pacific Railroad; an agriculturist of repute; a citizen of unimpeachable honor and integrity. He served in the House of Representatives for one term, and has been a member of the Senate four years. His character throughout his whole life stands unsullied by any weakness or unworthiness. Was he induced by the chairman of the Committee on Privileges and Elections to make, against his own judgment, a decision that the Senatorial election of William A. Clark was null and void for bribery?

Senator EDMUND W. PETTUS, of Alabama, has had, perhaps with one exception, the longest and most distinguished career of any member of the committee. He became a lawyer in his youth, was an officer in the Mexican war, a judge before the civil war, a major when he entered that war, and at its close a brigadier-general. Although possessing in the highest degree the respect and confidence of all the people of Alabama, yet he always refused to hold political office until he was chosen to this Senate four years ago. His integrity, his intellectual strength, his independence of thought and action, never have been impeached during the whole course of his prolonged life. Did the chairman unduly influence his decision against the validity of the election of Senator Clark?

Senator THOMAS B. TURLEY, of Tennessee, became a lawyer at an early age, served as a soldier during the civil war, and has practiced law all his life. He never held any civil office until he came to the Senate in 1897. Probably no Senator in this body has a clearer or sounder idea what is correct practice in judicial or semijudicial inquiry, or what is a just judicial conclusion. Doubtless he is as little likely as any Senator who ever served in this Chamber to be influenced to a decision against his well-considered judgment upon any question pending before him. Did the chairman substitute his own opinion in the Montana case for the real opinion of this Senator?

Senator DONELSON CAFFERY, of Louisiana, was educated as a lawyer, served in the Southern army, after the war practiced law, has been a member of a constitutional convention and of the senate in his own State, and has been a United States Senator since 1893. Those who know that Senator as well as do all his present associates will consider him as perhaps the last man in this Senate to tolerate or yield to pressure upon him to adopt an opinion of the correctness of which he was unconvinced. Did the chairman of the committee force him to the adoption of the positive conclusions which he expressed at the end of the Montana investigation?

Senator LOUIS E. MCCOMAS, of Maryland, received a college education, was admitted to the bar in 1868, practiced law until 1892, was a member of the House of Representatives during four Congresses, became an associate justice of the supreme court of the District of Columbia in 1892, and took his seat in this Senate in 1899. The accuracy of his legal knowledge and the value of his legal judgments have been asserted, to my knowledge, by the ablest lawyers in the Senate. Did the chairman succeed in imposing his opinion in the Montana case upon the learned Senator from Maryland?

Senator J. C. PRITCHARD, of North Carolina, was a newspaper editor in his youth and afterwards a lawyer; was repeatedly a member of the North Carolina legislature; has always been prominent in the political life of his State, and entered this Senate in 1897. Although the youngest member of the committee, no one who knows his mental strength and force will dare to say that he accepted the judgment of any other person for his own in the decision which he made as to the weight of the evidence in the Montana case.

Senator J. C. BURROWS, of Michigan, is a lawyer by profession; served in the Union army; has been a prosecuting attorney in his home county; served as a Representative in eight Congresses; became United States Senator in 1895, and has been once reelected. His legal experience and his long familiarity with semijudicial questions arising in Congressional service make him as sure as any Senator in this body to reach and to adhere to his own conclusions upon all questions before the Committee on Privileges and Elections, of which he will soon be chairman. Was he induced by the present chairman to make a decision in the Montana case against his own deliberate judgment?

Senator GEORGE F. HOAR'S legal attainments, judicial temper, and conscientious desire for right official action no more need description from me than do the well-known events of his long and honorable career as a lawyer and as a legislator during four terms in the House of Representatives and as a United States Senator since 1877. Like all the other members of the committee, he gave unremitting attention during the many weeks of the investigation, participated actively in the interlocutory conferences and decisions of the committee, and supported without hesitation every act of the committee during the course of its proceedings. Did the chairman of the committee, or any of his suggestions, have the slightest influence in forming the opinion given by the Senator from Massachusetts, that Senator Clark's election was null and void by reason of proven briberies, attempted briberies, and violations of the Montana statutes?

Ex-Senator Clark and some of his friends have been persistent ever since the 10th day of April, 1900, in attributing to the chairman of the committee an influence in bringing about a decision adverse to Mr. Clark which the chairman never possessed. The decision was carefully and deliberately made by the whole committee, and is to-day adhered to by everyone of them. It would, indeed, be a cause of pride in me if I could think that I had such influence over my friendly associates upon the committee as that which is ascribed to me; but the notion is a mistaken one, and Senator Clark stands arraigned before the country of the crimes charged against him, not by the chairman of the committee alone, but by everyone of the eight other members—distinguished and honored and honorable and impartial Senators, my association with whom I shall always consider as among the most helpful and pleasant experiences of my life.

Mr. President, if the character throughout this country of the foregoing Senators is not sufficient to stamp the accusations as true which Senator Clark did not venture to meet in this Senate, let us consider the facts as they appear from the testimony and the report. In order to understand the conditions in Montana on January 28, 1899, when Mr. Clark was chosen Senator, it is necessary to consider the political history of the State from its admission ten years before. Mr. Clark was then a rich man and has grown richer ever since through fortunate mining enterprises, his property being variously estimated as from fifty to seventy-five millions. His son, Charles W. Clark, his active and ever-present agent in all his political adventures, swore before the committee that he personally had an annual income of $250,000, which would make him worth at least $5,000,000. From 1889 to 1899 Mr. Clark's connection with politics was mainly the spending of vast quantities of his money in corrupting and attempting to control the politics of Montana.

There are six chapters in the history of his pursuit of a United States Senatorship. The first was in 1889–90, when there were two legislatures and the Democratic legislature elected him and Mr. Maginnis as his colleague, and the Republican legislature elected Messrs. Sanders and Powers, who were admitted to their seats in the Senate. The second was in 1892–93, when the legislature was so close that no Senators were elected.

The third was in 1894–95, when the legislature was Republican and Senator CARTER was chosen, Mr. Clark being the Democratic candidate before the legislature. The fourth was in 1898–99, when Mr. Clark was elected, but abandoned his seat at the close of the recent Senatorial inquiry. The fifth was in 1900, when Lieutenant-Governor Spriggs undertook to appoint Mr. Clark as Senator to fill the vacancy which existed after he left the Chamber. The sixth was in 1900–1901, as the result of which he was elected on January 16, 1901.

CHAPTER I.

Mr. Clark had been a candidate for Delegate in 1888 and was defeated by Mr. CARTER by 5,126 plurality. The election in 1889 was the first after the State was admitted into the Union, and

ex-Governor Hauser has testified that in connection with this election the big four, so-called, consisting of himself and Senator Clark and two others, gave as first contributions $40,000 each. The result of the election was very close. A Democratic governor was chosen by 576 plurality, a Republican lieutenant-governor by 1,566, a Republican secretary of state by 1,755, and Mr. CARTER, Republican, Congressman, over Mr. Maginnis, by 1,648.

The Republicans organized a legislature with 38 Republican members present and 32 Democratic members entitled to admission. The Democrats organized a legislature of 37 Democrats. The Democratic legislature was created by means of members from Silver Bow County, which the Democrats claimed to have carried by a small majority, created by counting the votes at precint No. 34, which were returned 3 Republican, 171 Democratic. The Republicans claimed that these votes were cast by workmen on a railroad who had no right to vote and were mainly unnaturalized citizens. The history of this case is fully reported in the records of the Senate of the first session Fifty-first Congress, Taft's Senate Election Cases, page 631, and as the result of a contest Messrs. Wilbur F. Sanders and Thomas C. Power were, on April 16, 1890, admitted against the claims of Messrs. William A. Clark and Martin Maginnis.

CHAPTER II.

Mr. Clark's next effort was in 1892 and 1893. President Harrison carried the State by about 1,300 majority—18,851 against 17,581 for Mr. Cleveland. The Republican candidates for governor and Representative in Congress were elected by smaller majorities, but the Republicans, owing to the expenditure of money by Senator Clark, failed to carry the legislature, which had 33 Republican members, 35 Democratic members, and 3 members of the Populist party. The Democrats and Populists were unable to agree upon a United States Senator, and although Senator Clark was a persistent candidate, voted for in the legislature many weeks, there was a failure to elect.

CHAPTER III.

The next candidacy of Mr. Clark was after the election of 1894, when the Republicans carried the State overwhelmingly, there being 57 Republican members as against 25 for all others, Senators CARTER and Mantle being elected without a contest.

CHAPTER IV.

Mr. Clark's fourth candidacy for the Senate was in 1898-99, his election being that which has been recently investigated by the Senate, with facts disclosed as follows:

THE PREPARATION.

In the summer of 1898, after Mr. Clark had consulted with Governor Hauser and other supporters, a committee of his friends was created outside the State committee of the Democratic party, which was in the hands of persons not favorable to him; this, his committee, being organized for the purpose of controlling the politics of the State and securing the legislature to meet in January, 1899. This committee consisted of his son, Charles W. Clark, William McDermott, and A. J. Davidson, agent.

Charles W. Clark was made treasurer, and the assistants of the committee were John B. Wellcome, Walter M. Bickford, A. J. Steele, John S. M. Neill, Frank E. Corbett, E. L. Whitmore, and Walter Cooper. To this committee Senator Clark gave unlimited authority to expend money which he agreed to furnish, an estimate, however, being made that at least $35,000 would be necessary to secure the State convention, and that $75,000 might be needed to secure the State legislature.

The story of this plan for unlimited expenditure was told on oath unblushingly and boldly by Governor Hauser and Mr. Clark.

THE EXPENDITURES.

In the canvass which ensued the approximate expenditures admitted by the various members of his committee and their assistants were as follows: By Charles W. Clark, $25,000; by McDermott, $22,000; by Davidson, agent, $22,300; by Wellcome, $25,000; by Steele, $11,000; by Corbett, $5,000; by Whitmore, $4,600; by Cooper, $2,900, mainly furnished by Charles W. Clark; and the amount of these expenditures Senator Clark himself paid to his son. The advances and payments made by Senator Clark to his committee and agents, as admitted by him, amounted to about $139,000, of which sum Charles W. Clark received from him on August 12, 1898, $35,000; October 17, $20,000; November 23, $40,000, and February 13, 1900, $20,592; and in addition to this $139,000 Senator Clark paid $5,000 to McDermott, one of his agents; $5,000 to Wellcome, his attorney, and $5,000 to E. C. Day, a member of the legislature.

THE PURCHASE OF M'LAUGHLIN.

In December, 1898, Senator Clark began negotiations with one H. W. McLaughlin, a member of the legislature, for the purchase of his wood lots and sawmills, and on the 9th day of December bought all Mr. McLaughlin's property for the sum of $24,684, paying $10,000 down, and on the 12th of March paid him $6,000 cash and $8,684 in stock of a new lumber company to which the property was transferred, which lumber company employed Mr. McLaughlin as its agent, with a salary of $200 per month.

THE PURCHASE OF WOODS.

On December 31, 1898, Mr. Walter M. Bickford received from Mr. Charles W. Clark five $1,000 bills and four $500 bills, and went to Missoula for the purpose of purchasing a supposed indebtedness on account of his ranch of one E. P. Woods, a member of the legislature, but, not succeeding in meeting Mr. Woods, he returned the money to Mr. Charles W. Clark. In February, 1899, Mr. Massena Bullard paid to Mr. Kemper the amount due upon the ranch and a deed was made running to Mrs. Woods, which was not recorded, but in January, 1900, the property having been sold to other persons for $9,750, the deed to Mrs. Woods was destroyed and new deeds made to the new purchasers.

Senator Clark knew of Mr. Bickford's attempts to purchase the indebtedness which Woods owed, and the correspondence shows that the object was to secure Mr. Woods's vote for Senator Clark. Mr. Bickford testified: "In pursuance of that letter (the letter of November 21 from one Ector) and of the invitation which I at that time received, I made arrangements to obtain, for the purpose of using it to prevent the indebtedness of Mr. Woods going into the hands of Mr. Daly's friends, the sum of $7,000 with which to take up that indebtedness." On November 12, 1898, Mrs. Woods mortgaged their sheep and cattle for $1,000, payable in one year, and on April 22, 1899, paid the mortgage debt. Mr. Woods has left Montana and gone to New Mexico.

THE CORRUPTING OF TIERNEY, EVERSOLE, AND SHOVLIN.

Mr. W. E. Tierney was senator and W. C. Eversole and Michael Shovlin were representatives from Broadwater County. Mr. Tierney voted for Mr. Clark on the first ballot, and Eversole and Shovlin came over on the sixth. Mr. Tierney was a dealer in general merchandise in three small firms—Miss A. M. Darcy & Co., Tierney & Co., and Eversole & Co.—which had moderate capital and were in debt. After the legislature adjourned, on March 3, Mr. Shovlin deposited $8,500 in the Montana National Bank. Eversole, who had in fact been only a clerk, bought out Mr. Tierney, paying him $1,600 in cash and a credit with his new firm of $3,000.

On June 1 Mr. Tierney organized the State Bank of Townsend with a capital stock of $25,000, of which he took $5,800. Mr. Shovlin took $1,000 and Mr. Eversole $1,000, nearly all the $25,000 passing through Mr. Tierney's hands in currency. His $5,800 he says he took from the money drawer in a safe in the office of Miss Darcy & Co., but whence this $5,800 came he did not show by any writing whatever.

THE PURCHASE OF WARNER.

Mr. E. L. Whitmore, the confidential agent and employee of Mr. Charles W. Clark, purchased of D. G. Warner, a member of the legislature, certain lots in the town of Boulder, Jefferson County, and a small ranch near by and took the deed in his own name, paying the amount of $7,500 in bank bills in Helena in the first week of January, 1899, the deed being recorded February 1, 1899. Mr. Warner left Montana and went to California.

THE CORRUPTING OF H. H. GARR.

Mr. H. H. Garr, member of the legislature, lodged a package during the session with Mr. Peeler, of the bank of Kalispell. After the legislature adjourned he obtained the package, went to his home, and in the name of Miss Wickham, his wife's aunt, a milliner, who had lived with him for seven years, purchased a ranch for $3,500, for which he paid in currency, including a thousand-dollar bill, which money he said he obtained from his wife's aunt, believing she had accumulated and kept it in a box in her room in his house.

Mr. Garr had been a poor man, with little or no property, earning sometimes $50 or $75 a month as a notary public, sometimes nothing. He had in cash $75 or $80 when elected, and borrowed $25 to go to Helena with. His wife's aunt paid board in the family at the rate of $2.50 a week. He had no previous knowledge of how she had accumulated this money. Mr. Steele had obtained interviews with him before the legislature met, with a view to securing his vote, and after his arrival he figured in the Whiteside exposure.

THE CORRUPTING OF GEIGER.

Mr. John H. Geiger was a Republican who, after Mr. Whiteside's exposure, was seated in the legislature as a senator, in place of Mr. Whiteside, on the 26th day of January, by the votes of the Republicans and the Democratic supporters of Senator Clark, on the ground that his name on a few of his ballots had been marked at the wrong end, and on the 28th Mr. Geiger voted for Senator Clark. He was a man with no regular occupation, was entirely without means, and a borrower of small sums. During the session of the legislature he received and carried home with him $3,600. After accounting for one or two petty sums, he claims that he obtained this money by faro gambling and through $1,100 in bills which he found in his room and believed came in connection with some bills pending in the legislature which Mr. John B. Wellcome was carrying through as attorney.

THE PAYMENT TO FINE.

Mr. B. F. Fine, a member of the legislature, and a mining operator with no property, in May after it had adjourned, in pursuance of an agreement made during the session by Senator Clark after his election as Senator, received $2,000 from Senator Clark's bankers, and since that date has received other moneys, making the sum of $5,000 in all, which has been all his earnings since his nomination, his only business being the hunting up of testimony to disbar or impeach Mr. W. A. Clark, of Madison County, one of the principal witnesses against Senator Clark, to do which no steps have yet been taken.

THE PURCHASE OF BYWATER.

Mr. Stephen Bywater, a Republican, 30 years of age, and a railroad conductor, voted for Mr. Clark for the first time on the eighteenth ballot, when he was elected. On the 3d day of March, immediately after the legislature adjourned, he deposited in the Montana National Bank $15,000. He accounts for it by saying that he brought from Kalispell, his home, $6,000, which he kept with him during the whole session of the legislature, and by saying that he received on March 3 $9,000 from his brother for the purchase of stock in a mining company in British Columbia, but he produced no writing in confirmation of his statement as to either the $6,000 or the $9,000.

THE PAYMENT TO LAWYER E. C. DAY.

Mr. E. C. Day was Senator Clark's candidate for speaker and was defeated in the Democratic caucus, receiving 25 votes against 30 votes for Mr. Stiff. Mr. Day was the leader of Mr. Clark's forces in the legislature during all the ballotings after the second. On February 13 Senator Clark personally wrote a letter directing that $5,000 should be given to Mr. Day for his services in the legislature and as a retainer as counsel in the future. This amount was received by Mr. Day through Mr. Wellcome and Mr. Davidson on the 3d day of March, the day after the legislature adjourned.

Mr. Day testified that the services for which he received the $5,000 were as follows: "I had acted as the manager, you might say, or leader of his forces upon the floor of the house. I attended to keeping a quorum present and seeing that friends of his were sent for that were not present at roll call, and made motions and attended to the ordinary parliamentary—perhaps you would call it—procedure of his friends in that body." Later Mr. Day received from Charles W. Clark $2,000 as fees in the Wellcome proceedings and $1,000 in two suits brought by Mr. Whiteside against the Butte Miner and the Helena Independent.

In reference to this case of Mr. E. C. Day, it is difficult to avoid the conclusion that Senator Clark endeavored deliberately, while on oath, to deceive the committee when he testified before the committee, in answer to questions, as follows (page 1828):

Mr. FAULKNER. Please state to the committee, if you have the information, all the items of political expenditure made by you from the 1st day of August, 1898, to the 1st day of September, 1899.

Senator CLARK. I have a schedule of all the payments made by me for political purposes during that time.

Mr. FAULKNER. That is what I ask for.

Senator Clark produces the papers.

Mr. CLARK. Mr. Chairman, shall I read this?

The CHAIRMAN. I think you had better do so, Senator Clark. Yes.

Senator CLARK (reading). "Disbursements made by W. A. Clark for political purposes from August 1, 1898, to September 1, 1899. August 12, 1898, C. W. Clark, $5,000; October 17, 1898, C. W. Clark, $20,000; October 20, 1898, Walter Cooper, $200. I am somewhat in doubt as to that being for political purposes, and I would like the privilege of recalling it if I find I am mistaken about it."

And so Senator Clark went on with all the items, closing with—

"July 31, 1899, C. W. Clark, $950. I have not added this up to get the total of it, but that can be done."

There was not included in this statement a sum of $5,000 which had been paid to Mr. William McDermott, as Mr. McDermott had testified.

The testimony proceeds, page 1829:

The CHAIRMAN. Senator Clark, was the $5,000 which was given to William McDermott paid by you or by somebody else?

Senator CLARK. It was paid by me, but that was simply a gift, and I did not put it down because I did not consider it was for any political purpose.

The CHAIRMAN. What did you think it was for?

Senator CLARK. Mr. McDermott had been a very warm personal friend of mine for many years. He never would accept any compensation for anything. He spent about eight months of his time, when he began to organize the State down to the end of the disbarment proceedings, without any compensation, of course losing time; and I urged upon him, against his own inclination, the acceptance of $5,000, which I thought was a very small compensation for the work which this man had done for me.

The CHAIRMAN. Now, you may mention any other donations of a like character which you made during that period in addition to these payments which you have made, and the donation of $5,000 to William McDermott.

Senator CLARK. I made a donation to Mr. John B. Wellcome for the same reason.

The CHAIRMAN. How much?

Senator CLARK. Five thousand dollars; and a donation to Mr. E. C. Day, who had done a great deal of work for me, and was a warm and steadfast friend, and was retained to attend to any political work that we might have to do. He has been in my employ more or less ever since.

The CHAIRMAN. How much did you give him?

Senator CLARK. Five thousand dollars.

The CHAIRMAN. These are all you remember, are they?

Senator CLARK. Those are all that I can remember; yes, sir; those three donations.

Senator BURROWS. Are those on that paper?

Senator CLARK. They are not on that paper.

The CHAIRMAN. If they were political they would go on the end of it.

Senator CLARK. Yes, sir; I would not consider them political at all, because it was entirely apart from and after my election to the Senate, and had nothing to do with it, except as to the work they performed. I did not consider that political or I should have put it down.

It is perfectly clear from the foregoing facts that Senator Clark meant, if possible, to conceal from the committee the fact that he had paid his principal floor manager in the legislature $5,000 for his services. The fact never had been known before by anyone except the parties to the transaction. The pretense used as an excuse for not disclosing the payment to Mr. Day as a part of the statement of all Mr. Clark's payments for political purposes, namely, that the payments to McDermott, Wellcome, and Day were not political, is utterly absurd.

THE CORRUPTING OF BEASLEY.

Mr. W. W. Beasley, a Republican representative, first voted for Senator Clark on the eighteenth ballot, when he was chosen, and that night or the next night he left Helena for St. Paul, having in his possession about $5,000 in currency, at least $1,000 of which was a thousand-dollar bill. He claimed that he had taken this money with him to Helena and carried it in his vest pocket during the whole session. By no writing did he show whence he received it or what he did with it. He claimed that he kept the money with him because he was in embarrassed circumstances in the sheep business and was afraid of lawsuits. When he was elected he owed a board bill of nearly $400, and while in Helena took out a life-insurance policy and gave a note for the premium. All the time he had a bank account in the Thomas Cruse Savings Bank at Helena.

Upon the foregoing admitted and undisputed facts, with their attendant circumstances standing alone, the committee reported that they made their finding that Senator Clark's pretended election was null and void on account of briberies, attempted briberies, and corrupt practices, of which he was to be charged with knowledge. He had received 54 votes and there were 39 against him, leaving him an apparent majority of 15. If he obtained through illegal and corrupt practices 8 votes which would otherwise have been cast against him, he was not legally elected. More than this number of votes, the committee found from all the evidence, was thus obtained. The committee also stated that their judgment was strengthened by many additional facts outlined in their report, some of which I will now narrate:

THE $30,000 DEPOSITED FOR STATE SENATORS CLARK, MYERS, AND WHITESIDE, AND FOR REPRESENTATIVE GARR.

The case of W. A. Clark, State senator from Madison County, is one of those embraced in the Whiteside exposure. Mr. Clark and Mr. Whiteside testified that Mr. Wellcome placed $10,000 in an envelope and handed it to Mr. Whiteside, Mr. Clark's initials being written by the latter on the back of the envelope, the amount to be delivered to Mr. Clark in case he voted for Senator Clark. This money was part of the $30,000 produced by Mr. Whiteside before the legislative committee.

State Senator H. L. Myers testified that in like manner $10,000 was placed in an envelope, upon the back of which he wrote his initials, and the package was retained by Mr. Whiteside to be delivered to him in case he voted for Mr. Clark. Mr. Whiteside testified that the $10,000 was furnished by Mr. Wellcome. Mr. M. L. Hewett testified that Mr. Charles W. Clark authorized the payment of $10,000 to Myers.

As to Representative H. H. Garr, Mr. Whiteside testified that in like manner $5,000 was furnished him by Mr. Wellcome for Mr. Garr and placed in an envelope, on the back of which Mr. Garr wrote his initials, Mr. Whiteside retaining the package as in the other two cases. Mr. Garr admits seeing the money and writing his name upon the back of the envelope, but says it was for purposes of identification, and that he did not know what the transaction meant.

Mr. Whiteside, who was a State senator, testified that in like manner $5,000 was given to him by Mr. Wellcome as part of $10,000 which he was to receive for his vote for Senator Clark, which he placed in an envelope and later produced before the legislative committee. The lapse of time only confirms my conviction that Mr. Whiteside's testimony was substantially true in all particulars. I know when the legislature met Mr. Clark had the utmost confidence in Mr. Whiteside and refused to have his faith in him in any way impaired. The bank bills which constituted the $30,000 were nearly all $1,000 bills, and the evidence showed that Mr. Clark's committee was in possession of numerous $1,000 bills.

The five $1,000 bills and four $500 bills which Mr. Bickford took from C. W. Clark and carried to Missoula on December 31, in connection with the E. P. Woods transaction, were returned to Mr. C. W. Clark on January 1, and during the ensuing week, when the alleged briberies were attempted, large sums in currency were in the hands of Mr. C. W. Clark and Mr. Wellcome, including various $1,000 bills.

Mr. C. W. Clark, on January 3, had brought to him by a Mr. Hirshfield $9,000 in currency, in which were three $1,000 bills, and from this $9,000, or the money returned by Mr. Bickford, he gave Mr. Wellcome three or four $1,000 bills. On December 28 Mr. Wellcome drew from bank $10,000, of which he says one, two, three, four, or five were $1,000 bills, and he carried them in the inside pocket of his vest until he used them. There were on the 3d or 4th of January three $1,000 bills and eight $500 bills in the possession of Mr. Whitmore, Mr. Charles W. Clark's confidential agent in the purchase of D. G. Warner's property.

Concerning the bringing of the $1,000 bills from Butte to Helena, Mr. Whiteside, before the grand jury (p. 14), said:

Mr. Wellcome said they had hustled for large-sized bills, but that the old man (referring to W. A. Clark) was coming from Butte that evening and that he would bring a supply. When he did come, that night, in one of those cases the money was paid over.

This statement is also alluded to on pages 177, 185, and 215 of the testimony before the committee. On page 202 of the testimony before the committee this appears:

Senator MCCOMAS. I should like to ask one question of the witness. You have detailed this transaction between Mr. Wellcome and Senator Clark, of Madison, and in the room of Senator Clark, of Butte, United States Senator. How long prior thereto had you last seen Senator Clark, of Butte?

Mr. WHITESIDE. As I remember it now, I had seen him in the evening, a few hours before that, as he came into the hotel with a valise in his hand, if I remember rightly.

THE APPROACH TO THE SUPREME COURT.

The undisputed facts are as follows:

Proceedings having been instituted against John B. Wellcome for the purpose of securing his disbarment for attempted bribery in connection with Senator Clark's election, it appears that on August 5, 1899, after a preliminary decision by the supreme court that the court had jurisdiction, one Dr. William Treacy, a Republican advocate of Senator Clark, at Helena, approached Mr. Justice William H. Hunt, one of the three members of the supreme court, being his family physician, bearing a proposition which he said was from a party in town that Judge Hunt could have $100,000 if the court would dismiss the proceedings against Mr. Wellcome, and he advised Judge Hunt to accept the amount.

This proposition was first mentioned to Judge Hunt about noon. At half past 10 in the forenoon a special train had arrived from Butte bringing Charles W. Clark, Frank E. Corbett, and E. L. Whitmore, who went to the Helena Club, where, during the day, they saw Mr. John S. M. Neill, Mr. Davidson, Mr. Steele, Mr. Steve Carpenter, and Mr. Thomas Miller. They said they came to see Mr. B. Platt Carpenter, to induce him to put in an answer for Wellcome in the proceedings pending, and they returned in their special train to Butte in the afternoon, after Mr. Corbett had also had an interview with Mr. Justice Pigott, narratives of which were given to the committee by both parties thereto.

On three occasions Dr. Treacy approached Attorney-General C. B. Nolan, who was in charge of the proceedings against Mr. Wellcome, and proposed to him to accept $100,000 and dismiss the proceedings.

During the pendency of the proceedings against Mr. Wellcome Rev. A. B. Martin, president of a school at Great Falls, Mont., in which Senator Clark and Chief Justice Brantley were trustees, visited the chief justice with a letter in his hand dated October 7, 1899, from Senator Clark, wherein the latter urged him to see the chief justice and endeavor to prevent the disbarment of "that splendid man," John B. Wellcome.

THE MONTANA CORRUPT PRACTICES ACT.

Now, I wish to call earnest attention to a point which has not been hitherto sufficiently considered by the Senate and the country, and to which, I believe, controlling instead of partial weight should have been given by the Committee on Privileges and Elections in the late investigation. In the legislature of 1895, by which the present Senator CARTER was chosen, the State of Montana, in order to protect her people against such corruptions as had characterized the campaigns in that State prior to that date, passed a stringent law against corrupt practices in elections which law would have protected the State against the corruptions of 1888 and 1889 if it had been obeyed, and certainly would have prevented the corruptions of 1900 and 1901 if the law had been properly regarded and enforced by the present Senate, and Senator Clark's seat had been vacated when he appeared before the committee and admitted that he had deliberately defied that law by the expenditure of a vast sum of money, contrary to its provisions, and that he and his agents had willfully refused to make any returns as required by the law.

This Montana law of February 25, 1895, limited in purpose and amount the political expenditures which could be made in any election, either by a political committee or a candidate, especially naming a candidate for United States Senator, who could not give more than $1,000 to any one committee in one county and could not pay more than $1,000 for his personal expenses in lawful ways specified, and provided that every political committee should make a public return of its expenditures, stating from whom every dollar was received and to whom every dollar was paid, and that every person acting otherwise than under a political committee should make a similar public return, and further provided a fine and imprisonment against persons omitting to make the return required by law.

A concise but correct and complete analysis of this law of 1895 is as follows:

The Montana Penal Code, in Title IV, headed "Crimes against the elective franchise," in section 85 of the act of February 25, 1895, provides that no person, to aid in his election to a public office, shall, directly or indirectly, by himself or through another person, expend or promise to expend any money or other valuable thing, except, as later provided, "for personal expenses and to a political committee."

Section 86 provides that a candidate may pay—

(1) His own personal expenses for traveling and purposes properly incidental to traveling.

(2) For sending out special publications giving his position and views.

(3) For stationery and postage, telegraph and telephone and other public messenger service, and other petty personal expenses. "And in no other case whatever" shall the total sum for his own personal expenses as authorized exceed the sum of $1,000 by any candidate for United States Senator.

Section 87 provides that a candidate may pay money to a political committee, not exceeding $1,000 by a candidate for United States Senator, nor to more than one committee in any county.

Section 88 applies the term "political committee" to "any combination of persons" who shall aid a party, principle, or candidate, and every such committee or combination must have a treasurer, who shall keep its accounts.

Section 90 requires every treasurer to file his account within thirty days after an election, stating in detail his receipts and expenditures.

Section 91 requires every person who, acting otherwise than under the authority of a committee, expends money to file such a statement as is required of a treasurer "in the county in which he is a legal voter."

Section 98 requires every statement to be made on oath.

Section 104 punishes violations of sections 90 and 91 by fine not exceeding $1,000 and imprisonment for not more than three months.

After the passage in 1895 of this law punishing crimes against the elective franchise there was no serious occasion to test its provisions until 1898. In 1896 the coalition of the Silver Republicans with the Democrats made the State overwhelmingly Democratic, the plurality for Mr. Bryan being 32,043, and for Mr. Hartman, the Bryan Congressman, 24,503. In 1898, when Senator Clark renewed his canvass for the United States Senate, and his friends determined to directly disregard the law, he had no right to expend more than $1,000 through his one committee, nor more than $1,000 for his own personal expenses.

The failure to comply with the law is stated in the report in two separate paragraphs, the first as follows:

None of the members of his committee or their assistants made the sworn returns required by law, nor did Senator Clark himself make any return.

The second statement is made thus:

He expended a sum vastly in excess of the limit provided by law, and failed to render any return; and no such return was made by the aforesaid persons acting in his behalf.

On the other hand, returns were made, as appears in the book of testimony, by the Republican State committee of expenditures of $4,291.31, by the Democratic State committee of $9,161.49, by the Silver Republican State committee of $1,708.25, by the People's Party State committee of $1,193.50, by the Silverbow County Democratic committee of $10,005.06, by the Silverbow County Silver Republican committee of $1,453.05.

Mr. Marcus Daly testified that he contributed to the State committee $4,500, to the Silverbow County committee $2,500, to the Deer Lodge County committee $500, to the Missoula County committee $250; making his total contributions $7,750. Mr. Daly was not a candidate and has never been a candidate for any office. Mr. W. G. Conrad, who was the principal opposing Democratic candidate for United States Senator against Mr. Clark, swore that he contributed to the State and various county committees between $5,000 and $10,000, not over $1,000 to any one committee, and after the election he spent between $200 and $300 outside of hotel bills; but paid no money in aid of his candidacy for Senator.

In view of the foregoing precise and stringent provisions of the Montana corrupt practices act, which had been carefully drawn and deliberately passed in order to prevent Senator William A. Clark from corrupting the elections of the State, the moment it appeared before the Committee on Privileges and Elections that Senator Clark, who had the right to spend only $1,000 for personal expenses, and not exceeding $1,000 in each county in the State, which would have made at the most $25,000, not only by his own admission expended over $150,000 and made no return whatever, and that his chosen committee had made no return, the committee should have considered the case as ended, and should have reported to the Senate that, no matter what the apparent result in the legislature was, Senator Clark had not been chosen Senator in accordance with the laws of the State of Montana.

The committee should have treated the failure of Senator Clark and his committee to make returns under the statute as conclusive evidence of corruption and should have made a report that his apparent election was null and void. This view of the law I will not enlarge upon, but submit it with the utmost confidence to the lawyers of the Senate as a sound position which could have been safely adopted by the Senate and ought to govern in every case of such a nature. It is this:

That the Senate and the committee are not bound to go forward and make a long and weary investigation in order to test the truth of allegations of corruption when the truth or the falsity of the charges may be instantly apparent if the indispensable returns of expenditures are made in obedience to the law of the State.

CHAPTER V.

The fifth effort of Senator Clark to obtain admission to the Senate was under an appointment from Lieutenant-Governor Spriggs. It will be remembered by the Senators that Senator Clark, after delivering a valedictory, abandoned his seat on May 15, 1900. He had sent to Montana a resignation with a blank date, which was held by his son Charles, to be deposited with Lieutenant-Governor Spriggs whenever the conspirators should be informed that Governor Robert B. Smith had been enticed out of the State, so that the lieutenant-governor could lawfully act. Senator Clark carefully timed his farewell speech and his departure from the Senate according to the plans of his Montana coadjutors.

Governor Smith was induced by Thomas Hinds, one of Senator Clark's employees, to go to California on legal business. At the right moment Lieutenant-Governor Spriggs was recalled from Sioux Falls, where he had gone to attend a Populist convention. Shortly before or shortly after Senator Clark delivered his parting oration his resignation was dated and handed to the lieutenant-governor, and the latter signed an appointment of Mr. Clark as Senator to fill the vacancy which it was learned by telegraph he had endeavored to create by retiring from the Senate. Governor Smith, learning of the deceit which had been practiced upon him, hastened back to Montana, and on May 18, 1900, appointed Martin Maginnis to fill the vacant seat in the Senate, and the governor also sent to the President of the Senate a telegram, as follows:

BUTTE, MONT., *May 18, 1900.*

SIR: This will inform you and the Senate of the United States that, on account of collusion and fraud by Hon. W. A. Clark in resigning and securing an appointment to the Senate by the lieutenant-governor, I have this day disregarded and revoked said appointment by the lieutenant-governor and have this day appointed Hon. Martin Maginnis, of Montana, United States Senator to fill the vacancy caused by the resignation of Hon. W. A. Clark. His credentials will be forwarded in due course.

ROBT. B. SMITH,
Governor of Montana.

Hon. WILLIAM P. FRYE,
President of the United States Senate,
Washington, D. C.

The two certificates of appointment, one by Lieutenant-Governor Spriggs of Mr. Clark and the other by Governor Smith of Mr. Maginnis, were presented to the Senate, and an effort has been made by the Committee on Privileges and Elections at the present session to secure an investigation into the truthfulness of the allegations made by Governor Smith in the foregoing telegram and also into the question of the legality of Mr. Clark's appointment, but all efforts to secure authority to make an investigation has been resisted by Senatorial friends of Senator Clark, and he has

never appeared here to claim his seat under the appointment of the lieutenant-governor.

CHAPTER VI.

Such being the strange political history of Mr. Clark's five advances toward the United States Senate prior to the summer of 1900, and of his brief sojourn therein, let us consider the events which have since transpired—his sixth attempt. He had ended his fourth effort of money spending to further his political ambitions by obtaining an illegal and corrupt temporary lodgment in the Senate and by running away from it in disgrace and dishonor, not daring to meet open debate upon the issue between himself and the committee upon the floor of the Senate, either himself or through any Senators who were willing to espouse his cause.

He had not ventured to appear to claim his seat under the appointment given by Lieutenant-Governor Spriggs after Governor Robert B. Smith had been, by a trick of Mr. Clark's agent, Thomas Hinds, enticed out of the State. But he still possessed his enormous wealth, and he and his agents had learned how to be cunning in its expenditure—what methods to avoid and what methods to adopt and pursue. What has he accomplished since? On this point pains have been taken to keep me carefully advised. On the evening of November 6 I received the following telegram:

BUTTE, MONT., *November 6, 1900.*

W. E. CHANDLER, *Concord, N. H.*:

Montana is vindicated to-night.

WILLIAM A. CLARK, JR.

Since that date I have received the following telegram:

BUTTE, MONT., *January 16, 1901.*

Our people congratulate themselves over the general result, both in New Hampshire and Montana. How does it suit you?

BUTTE COMMITTEE.

On the 11th day of January, 1901, the Helena Independent published the information that I had failed of a renomination as Senator in New Hampshire under the heading, "One scoundrel is disposed of."

If it appeared that Mr. Neill was a man of independent means, it would be reasonable to suppose that he told the truth when he said that he spent his own money in an effort to elect Mr. Clark to the Senate, but the records of the Comptroller of the Currency's office show just the opposite to be the fact. Between the time he made the supposed disbursements out of his own funds for Mr. Clark and the time he testified to that effect Neill, as shown by the records of the Comptroller's office, made a settlement for $1,000 of a large claim due and owing from him to the Merchants' National Bank of Helena. That bank was in the hands of a receiver. Neill was one of its debtors to the amount of about $70,000.

He settled with the receiver of the bank, the receiver states, by threatening to go through bankruptcy unless the thousand dollars should be accepted in full settlement. He said to the receiver that his expenses of going through bankruptcy would be about $1,000, and that he would pay that amount to the receiver instead of paying it for his expenses in the bankruptcy process. He made his settlement upon the ground that he was an insolvent man and entitled to the benefit of the bankruptcy act. He had received in principal and interest $70,000 of the money of the depositors in that bank. He paid back $1,000.

This Helena Independent is the newspaper of John S. M. Neill, who was one of Senator Clark's agents in corrupting the legislature of 1899, whose paper was then mortgaged to Senator Clark for $25,000, and who, as the agent of Senator Clark, on the evening of August 4, 1899, telephoned from Helena to Frank E. Corbett, in Butte, to come over to Helena because he believed that they could do business with the supreme court. Senator Clark is as much morally responsible for the heading in Mr. Neill's paper as if he had written it himself.

Mr. Neill also had a record as surveyor-general in Montana. Mr. A. R. Greene, inspector of the General Land Office, on May 7, 1898, made a report to the Commissioner of the General Land Office, supplemental to a prior report of June 3, 1897, concerning the administration of the surveyor-general's office at Helena, under Mr. Neill. The report is lengthy. It sets out that—

Surveyor-General Neill rendered no equivalent service to the Government for the salary he received and neglected his duties in the most scandalous manner. He also deliberately entered upon and throughout his term maintained a policy of speculation and fraud in the management of his office. * * * Almost every account I have examined is tainted with the odor of corruption.

Then follow the details through many pages. The conclusion is as follows:

Summing up the matter, I conclude that the following amount, unlawfully expended for unnecessary clerk hire and obtained on fictitious and forged vouchers, should be charged back to John S. M. Neill:

Clerk hire	$16,023.91
Contingent fund, as itemized on pages 41 and 42 of inspector's report	566.60
Total	16,590.51

Neill has had his day. It is time the Government was reimbursed for the funds he has absorbed. I recommend that John S. M. Neill be prosecuted on his bond for the amounts above shown to have been wrongfully taken and that criminal proceedings be instituted against him and Edward D. Neill and Samuel McMurran for making false certificates, for fraud, and forgery. As they have been confederates in crime, so they should be companions in prison.

Very respectfully,

A. R. GREENE, *Inspector.*

Proceeding further to inquire how Senator Clark has secured another election to the Senate as the result of his sixth attempt, upon which he will seek to enter this body on Monday next, it is first to be said that it is notorious throughout Montana that his expenditures, or those of his son, Charles W. Clark, in connection with this new election, far exceed those made in 1898 and 1899. Then, after comparatively moderate expenditures before the State election, he went on to corrupt the legislature after that election. He was personally solicitous to know exactly how his money was expended, and his curiosity in this regard enabled the committee to report that he is to be charged with knowledge of the acts done in his behalf by his committee and his agents in conducting his canvass.

Governor Hauser, on page 1402, explains this trait of Mr. Clark:

He is a close business man and he does not like to let go, and campaigning in that country is very expensive.

He further says, on page 1405:

He is a close man, and does not like to take politicians' words.

Senator Clark and his son, Charles W. Clark, having learned a lesson through the recent investigation, adopted a different method in 1900. This time Senator Clark corrupted the politics of the State and the voters in the counties of the State prior to the State election by the expenditure, as I charge, of about $1,000,000. Before doing this, three fundamental rules of action were agreed to.

First rule. That Charles W. Clark, nominally, and not William A. Clark, openly, should furnish the money and make the expenditures, and that the latter should endeavor to be able, in case of investigation, to swear that he knew very little concerning the facts.

Second rule. That the expenditures should be made, as far as possible, before the November State election, and to as slight an extent as possible after that election. The complaint had been made of Mr. Clark in the previous contest that he had been too niggardly prior to election and that this course had made it exceedingly expensive for him after the election, and had also led him in his search after votes to enter into Whiteside's trap. Therefore the foregoing rules were deliberately adopted and have been, so far as possible, followed in the expenditure of the $1,000,000 used in Mr. Clark's present attempt to enter the Senate.

Third rule. That no returns of expenditures should be made under the Montana corrupt practices act by Mr. William A. Clark or Mr. Charles W. Clark; that the expeditures to be made by the regular committees and reported under the law should be kept at a low figure, and that the larger expenditures should be so made that returns thereof might be omitted with impunity.

Thus guarded, the work went on regularly. The first step was the capture of the regular organization of the Democratic party, whose convention was to nominate delegates to the Kansas City convention. This was shamelessly done by sending to the State convention a bogus delegation from Silverbow County.

The Independent Democrats held a new State convention and two delegations went to Kansas City. Mr. Clark and his delegates were accompanied by brass bands and gangs of roughs, and he secured the recognition of his delegation by the Bryan convention. The contributions which he then and afterwards promised to make and did make to the Democratic national committee can easily be ascertained if the Senate deems it necessary. There are rumors that $300,000 was promised and only $100,000 was paid.

Next begun the purchase of newspapers. The Helena Herald, the only Republican daily paper at the capital, was bought, and, while nominally published during the canvass as a Republican organ, it was in fact a most deadly enemy of the Republican party. The Great Falls Tribune was bought; the Libby News was bought; sundry other small papers were bought, and many newspaper editors and publishers were employed legitimately and illegitimately. The Democratic State committee, which had a majority of Independent Democrats upon it, had to be captured, and was captured by the use of money.

Attempts were made to seize the county organizations and to control the county conventions, not only to elect delegates to the convention to choose delegates to Kansas City, but also to control the county conventions to nominate officers and members of the legislature. There was no limit to the expenditures made for these purposes. The Republican organizations continued to be the objects of Mr. Clark's pursuit—and persistent and corrupt efforts were made to secure control of the Republican conventions in Silverbow County. The Republican chairman was told to name his own price, and five members of the committee succumbed to money brought by Mr. Charles W. Clark from his country place near Deweys Flats.

The Labor party and its candidates and committee were obstacles in the way of Mr. Clark's success, and so their influence was

corruptly secured. To the best of my knowledge and belief the Labor candidate for governor and all the other Labor nominees, except the candidate for superintendent of public instruction, were induced to withdraw by the use of money; and the Democratic candidate for superintendent of public instruction was in like manner induced to withdraw in favor of the Labor nominee for that office. These expenditures were about $15,000. Next came the expenditures in carrying on the canvass before the people. It was a carnival of noise, drunkenness, gambling, and corruption of all sorts. Governor Hauser has described the Montana methods on page 1408, and he said he thought over a million dollars was expended in the fight over the attempted removal of the capital from Helena to Anaconda.

Called upon to specify what the methods were, he said that working the saloons and the bosses was a very common thing; that the gamblers had "considerable influence with the fellows around them. It is pretty nice to get the saloons." "If you get them on your side it is quite an element."

As in 1899, so in 1900. Sums of money were carefully apportioned out as the expenses of carrying the counties, and furnished, sometimes to the county committees, but inasmuch as those committees might feel called upon to make returns under the statute, oftener to private committees in the counties, who spent the money, but who, not admitting themselves to be committees, any more than did Senator Clark's corruption committee in 1889, went on to spend the money but made no returns. It has been estimated by good judges that the allowances to the counties, taking the whole State through, of sums sent out by Mr. Charles W. Clark, or his agents, amounted to $8 each for 60,000 voters, reaching nearly half a million dollars.

After these expenditures were made, with the apparent result that the complexion of the legislature was as follows: Republicans, 32; Clark Democrats, 38; Independent Democrats, 9; Labor Party men, 9; Populists, 6; it was not thought by Senator Clark that it would be necessary for him to make any considerable payments of money which he might be obliged to admit before a Senatorial committee. Obstacles, however, arose. A gang of men elected by corruption never cease to make demands.

A movement was made to prevent the election as speaker of the house of Mr. Frank E. Corbett, Mr. Clark's attorney and one of his chief corruptionists and manager of the attempt in 1898 to corrupt the supreme court in favor of John B. Wellcome. These obstructions to Mr. Corbett's selection were removed, the scruples of five men were overcome, and Mr. Corbett was elected, I charge, as the result of an expenditure by Mr. Clark's agents of about $40,000, and Mr. Clark was finally elected United States Senator.

There never was in history such a cunningly contrived and adroitly carried out attempt to corrupt a whole State by the use of money without stint as that made by William A. Clark and Charles W. Clark in this sixth attempt to secure for the former his seat in the Senate and his apparent vindication from the stigma which prior transactions had placed upon him.

Now, I call the attention of the Senate to the returns to the county treasurers which have been made in connection with the State election of 1900 and the Senatorial election on January 16, 1901. More than thirty days have elapsed since that date, and all the returns should be in.

Montana returns under corrupt practices act, 1900-1901.

Name of committee.	Date.	Amount received.	Amount expended.
Silverbow County Democratic county committee	Dec. 11, 1900	$29,986.00	$29,986.00
Silverbow County Independent Democratic county committee	do	10,330.00	10,330.00
Silverbow County Republican county committee	do	9,208.00	9,208.00
Democratic State committee	Dec. 6, 1900	24,880.00	24,777.71
Independent Democratic State committee.	Dec. 12, 1900	14,399.62	14,399.62
Republican State committee	Dec. 6, 1900	24,698.00	24,646.53
Carbon County Democratic Fusion committee.	Dec. 5, 1900	1,085.00	1,085.00
Cascade County Republican committee.	Feb. 23, 1901	1,155.00	1,155.00
Cascade County Democratic committee.	do	2,176.55	2,176.55
Choteau County central committee	Feb. 20, 1901	306.00	306.00
Deerlodge County Republican committee.	Feb. 25, 1901	902.00	902.00
Deer Lodge County Independent Democratic committee	Feb. 25, 1901	1,250.00	1,250.00
Gallatin County Republican committee.	Dec. 6, 1900	1,461.25	1,461.25
Gallatin County Democratic committee.	Dec. 15, 1900	1,397.49	1,397.49
Lewis and Clarke County Democratic committee	Dec. 5, 1900	3,326.75	3,326.75
Madison County Democratic committee.	Feb. 25, 1901	459.50	459.50
Park County Democratic committee	Dec. 6, 1900	510.00	1,051.30
Park County Republican committee	Dec. 1, 1900	760.00	760.00
Sweet Grass County Republican committee	Feb. 23, 1901	685.00	685.00
Yellowstone County Democratic committee	Dec. 5, 1900	685.00	685.00
Yellowstone County Independent Democratic committee	Dec. 7, 1900	102.00	102.00

Montana returns under corrupt practices act, 1900-1901—Continued.

Name of committee.	Date.	Amount received.	Amount expended.
Statement of personal expenses of—			
Wm. Clancy, candidate for judge, Second judicial district, county of Silverbow	Dec. 8, 1900	37.50	
J. K. Toole, candidate for governor (fusion)	Nov. 20, 1900	337.02	
A. H. Barrett, candidate for State treasurer	Dec. 8, 1900	975.50	
Geo. M. Hays, candidate for secretary of state	Dec. 5, 1900	609.50	
J. H. Calderhead, candidate of People's Party and Democratic party for State auditor	Dec. 3, 1900	139.70	

The first return is that of the treasurer of the Democratic county committee of Silverbow. Under the law we are entitled to know exactly who contributed the money and exactly the persons to whom it was paid. This says:

RECEIPTS.

October 1. Subscriptions, assessments, etc., $29,986.

EXPENDITURES.

October 1 to December 1, 1900. Stationery, stamps, office expenses, office salaries, renting of headquarters, photographs, banners, bill posting, bill distribution. livery and band wagons, registration checkers, checkers on election day, hall rent, music, speakers, etc., census takers, badges, printing, $29,986.

There is not a name in the whole return, and it is not a return which in any way complies with the law.

The next is the return of the Independent Democratic county committee, which gives the names of the contributors and the expenditures.

The next is the return of the treasurer of the Republican county committee of Silverbow, which gives the names of the contributors and the expenditures.

The next is the return of the Democratic State central committee.

Statement of Thomas C. Kurtz, assistant and acting treasurer of the Democratic State committee of the State of Montana, showing all the receipts and disbursements of the committee for the year 1900.

The receipts were as follows:

T. R. Hinds	$2,000.00
G. H. Casey	1,000.00
J. K. Clark	1,000.00
W. A. Clark, jr	1,000.00
H. L. Frank	2,500.00
C. W. Clark	2,500.00
A. H. Barret	100.00
George C. Fitschen	25.00
John T. Murphy	100.00
Thomas C. Kurtz	50.00
John S. M. Neill	100.00
R. S. Ford	100.00
A. J. Davidson	100.00
R. A. Bell	25.00
J. K. Clark	5,000.00
C. Hoffman	20.00
J. Martin	10.00
H. H. Sappington	10.00
J. Walsh	10.00
A. Leonard	10.00
F. Norman	10.00
J. L. Patterson	6.00
J. D. Hart	10.00
J. Losskamp	10.00
O. Grinwell	10.00
P. Nelson	1.50
H. Edwards	2.50
R. Martin	15.00
E. B. Lorme	5.00
Walter Cooper	20.00
J. B. Clayberg	250.00
N. W. McConnell	250.00
T. R. Hinds	100.00
C. W. Clark	8,500.00
Sale of furniture	30.00
Total	24,880.00

The expenditures were as follows:

Expenses, incidentals, including rent, stamps, stationery, salaries, etc	$4,481.51
Printing	4,711.00
Bands, halls, advertising, etc	9,880.13
Expenses of speakers, transportation, etc	1,448.64
Fees and court costs	3,617.85
Telegraphing	316.18
Telephoning	322.40
Total	24,777.71
Balance on hand	102.29
Outstanding indebtedness	49.50

STATE OF MONTANA,
County of Lewis and Clarke, ss:

Thomas C. Kurtz, being first duly sworn, deposes and says: That he is the person named as assistant and acting treasurer in the foregoing instrument;

that he has carefully read the same and knows the contents thereof, and that the same is in all respects correct and true to the best of his knowledge and belief.

THOS. C. KURTZ.

Subscribed and sworn to before me this 30th day of November, A. D. 1900.

[NOTARIAL SEAL.] W. H. DIKINSON,
Notary Public in and for Lewis and Clarke County, Mont.

Filed December 6, 1900.

T. S. HOGAN, *Secretary of State.*

Now, here we see the return made, after expenditures by Mr. Clark, in my belief amounting to a million dollars in the whole campaign. The receipts are given as $24,880. The expenditures are given as $24,777.71.

The only evidence of any contribution by Senator Clark or any member of his family in the whole canvass is in the above return.

C. W. Clark, $2,500; C. W. Clark, $8,500; J. K. Clark, $1,000; J. K. Clark, $5,000; W. A. Clark, jr., $1,000; making $18,000 in all.

Mr. President, there are all the returns that have been made under the Montana statute, in a campaign where it is notorious that thousands, even hundreds of thousands, of dollars were expended by Mr. Clark and his agents; and no man in his sober senses can contend that there has not been a gross, deliberate, and willful violation of the Montana statute.

If Senator Clark expended one dollar in the canvass the law required that a return should be made, while, for all that the returns show, Senator Clark has neither directly or indirectly expended one dollar.

The situation therefore is this: An opulent mine owner, possessing $50,000,000 and upwards, conceived the desire to be a United States Senator, and for years pursued his object through large expenditures of money used to control the legislature of his State. The people of his State became aroused to his corruptions and the legislature passed a most stringent corrupt practices act, forbidding a candidate for United States Senator to spend more than $1,000 for personal expenses, or to spend more than $1,000 through any one county committee, and requiring all candidates and committees to make sworn returns of their expenditures, and punished them by fine and imprisonment for not making such returns.

The mine owner continued his pursuit of the Senatorship, and at last appeared to claim a seat through an election by a small majority in a legislature which it was alleged he had corrupted. A committee of the Senate unanimously reported that the charge was true; that the pretended election was null and void; that he had expended large sums of money to obtain this election, and that neither he nor his committee had made any returns of their expenditures as required by the law.

Without waiting for the action of the Senate he retired from his seat and began a new canvass for another election. He spent vast sums of money in his contest and appears again in the Senate with a certificate of election. It also appears that he has made no returns under the law of his State; that the only returns by the committees of his party are of the payment of comparatively insignificant sums, while it is notorious that expenditures have been made of tens of thousands of his money. There has been, in fact, another deliberate and defiant disobedience of the corrupt-practices act.

The question is whether this person who has once secured an election to the Senate by corrupt expenditures, of which he made no return, thus standing guilty of a double offense which has prevented his taking his seat, and who has undoubtedly obtained another election by the lavish use of money, and has again made no return, shall be admitted as a Senator.

My answer is that it is palpable that he has not been elected in accordance with the laws of his State. The presumption, through his failure to make returns, is overwhelming under the circumstances that he has obtained his election by corrupt expenditures and that he has no right to his seat until he removes that presumption by evidence on his part.

Moreover, it is a question whether, even if now honestly elected, he is not an unfit person to be allowed to remain a Senator, and whether he should not, therefore, be excluded from the body.

Article 2, section 4, of the Constitution is as follows:

> The President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

While technically that provision of the Constitution does not apply to a Senator of the United States, it would be most astonishing if a Senator could be admitted to this body who had been once in fact convicted before the Senate and the country of bribery.

Mr. President, it has seemed to me to be my duty to submit an estimate, made up from the best information which I can obtain—evidence of record and from other sources—of Senator Clark's expenditures in his six pursuits of the Senatorship.

First, in 1889 and 1890, $40,000 was his first subscription, as testified to by Governor Hauser, and it is reasonable to presume that there were additional expenditures made. Governor Hauser said (p. 1408) "that did not begin to pay what we had to pay in the early part of the campaign. The expense of registering the vote is enormous." A reasonable estimate as to Mr. Clark's total expenditures in his first Senatorial venture is	$150,000
Second, in 1892 and 1893. The best estimate I can make places Senator Clark's expenditures by which he carried the legislature Democratic notwithstanding President Harrison was elected and the Republican State ticket, is $250,000; and there was probably expended by Mr. H. L. Frank, Mr. Clark's disbursing agent at that time and now his candidate before the Montana legislature for the short-term Senatorship, not less than $50,000, a moderate estimate of Mr. Clark's expenses in this canvass being	300,000
Third, in 1894 and 1895, when the Republican legislature chose Senator CARTER and the corrupt practices act was passed. A fair estimate of Senator Clark's expenditures during the whole campaign is	50,000
Fourth, in 1898 and 1899. Mr. Clark's payments, admitted before the committee, were over $150,000. His additional expenditures made to newspapers and in other directions doubtless were not less than $150,000 more, making his total expenses for that campaign not less than	300,000
The Whiteside $1,000 bills are not included in the above estimate, amounting to	30,000
Fifth, the Spriggs appointment. The cost of this we were not permitted to ascertain by Senatorial inquiry.	
Sixth, in 1900 and 1901, a careful estimate is as follows: Newspapers: The purchase of the Helena Herald, the only Republican daily paper, $100,000; Great Falls Tribune, purchase price and expenses of improving the plant and carrying on the paper, $100,000; the Libby News and other small papers purchased and subsidized, $50,000; free distribution of the Butte Miner, $25,000; miscellaneous payments to newspaper agents, $25,000; making for newspapers	300,000
Expense of controlling the Democratic State committee	68,000
Expense of preliminary canvass of the various counties	24,000
Expenses of the bolting State convention which elected delegates to the Kansas City Democratic national convention	26,000
Special train to Kansas City and other expenses connected with the train	15,000
Disbursements at Kansas City, including contributions from the first to the last to the Democratic national committee	114,000
Expenses of second round of county conventions to nominate county officers and members of the legislature, 20 counties at $4,000 each and 4 smaller counties at $3,000 each	83,000
Expenses connected with efforts to break down the Republican county organization and secure the control of the Republican convention in Silver Bow County, including money furnished by Charles W. Clark for 5 members of the committee; in all	65,000
Distribution of money for election purposes among the counties—to individuals, candidates, and county committees, at an average of $8 for 60,000 voters	480,000
Expense of securing the withdrawal of the Labor candidates, including the amounts paid to other candidates to withdraw and their committees to cooperate, and also for inducing a Democratic candidate for one office to withdraw, according to memorandum furnished to me from Montana	14,850
Amounts paid in securing control of the organization of the legislature and in connection with the election of Corbett as speaker	40,000
Making in all, for the 6 attempts, expenditures of not less than	2,059,850

Mr. President, it is not a pleasant duty to myself and to the Senate which I have thus performed by narrating imperfectly but at some length the six attempts made by Senator Clark to obtain an enduring title to the office of United States Senator. That such enormous sums of money as have been expended should be corruptly poured out in persistent attempts by a man of enormous wealth to reach high power in the Government is startling to the world and is ominous of vast evil to the country.

Other great dangers to the Republic in connection with contested elections may perhaps be readily overcome as the people

become enlightened and alarmed in their presence. Violence and fraud being exposed may be counteracted, and the Government of the people may be preserved, but the expenditure of enormous sums of money in the corrupt control of elections may possibly go forward unchecked until the downfall of pure government shall be accomplished. This is the greatest danger which menaces us with the opening century.

There is even a more deadly form of political corruption than the expenditure of vast sums of money by millionaires like Mr. Clark; that is, the payment of moneys for election purposes directly from the treasuries of corporations. This form of raising campaign moneys was not known six years ago. It is a product of very recent years. There is need of little exposition from me to show what a menace it is to popular suffrage and government by the people.

Usually such contributions have been prevented because the directors of corporations were divided in politics and neither side would consent to political contributions from the treasuries of the companies; but when it so happened that all the directors in huge corporations became of one political faith these contributions were made, because it was simpler and easier and more equitable, it was argued, to take the money from all the stockholders than to impose the burden of the large payments upon the heavier stockholders alone. Thus so large a control of the politics of the country by money agencies, and especially by vast money contributions from corporation treasuries, has come to pass and threatens the life of the Republican party and even the stability of the Government.

There is a bill reported unanimously by the Committee on Privileges and Elections on February 7, 1901 (S. 5849), now on the Calendar of the Senate, which ought to be passed without objection by both Houses of Congress, in order to ward off a growing evil in this country of such deadly portent. The language of the bill is as follows:

That it shall be unlawful for any national bank, or any corporation engaged in interstate or foreign commerce, or any corporation organized by authority of any laws of Congress, to make a money contribution in connection with any election to any political office. It shall also be unlawful for any corporation whatever to make a money contribution in connection with any election at which a Representative in Congress is to be voted for or with any election or attempted election of a United States Senator. Every corporation which shall make any contribution in violation of the foregoing provisions shall be subject to a fine not exceeding $5,000, and every officer, stockholder, director, or employee of any corporation who shall consent to any contribution by the corporation in violation of the foregoing provisions shall be subject to a fine of not exceeding $1,000.

The members of the Committee on Privileges and Elections in this Congress can not be reproached with any failure of duty in connection with the important questions committed to them by the Senate. Whether the members of the next Senate can avoid allowing Mr. Clark to again enter what has been called the most distinguished legislative body on earth, it is not for me to determine. Is it possible, where such a man has once corrupted a legislature and been driven from the Senate for his briberies, that the same man can make a second attempt and corrupt and bribe a whole constituency by the expenditure of a million of dollars in all the ways which cunning and crime can devise, continuing to openly defy a special law of the State made to fit his case, and can return to a Senate and find it powerless to again redress the wrong and once more relieve Montana from her shame and degradation? Is it possible that the only remedy is that suggested by the Senator from Massachusetts in his address delivered before the legislature of his State on February 12, 1901, in acknowledgment of his reelection, as follows:

SENATOR HOAR'S OPINION.

"A greater danger still, which I think we shall find means to deal with, is the corrupt use of money to carry elections or to get high office or influence legislation. Of this we have had some most disgraceful recent examples. These things can not always be proved so that their object is defeated, even if the men who have done them not only do not deny them but boast of them. One remedy must be found in an aroused and indignant public opinion. The millionaire who would corrupt a great State to get a great office must be made to feel that his success will bring with it neither joy nor honor. Let public contempt and scorn blast him. Let him be avoided as one with a leprosy. We shall not, probably, revive the ignominious punishments of the past.

"But if they are ever revived, let him be their first victim. The whipping post, the branding on the forehead, the cropping of the ears, the scourging at the cart's tail, are light punishments for the rich man who would debauch a State, whether it be an old State with an honorable history or a young and pure State in the beginning of its history. If we can not apply them literally and physically, let the aroused public sentiment of his countrymen pillory and brand and scourge the infamous offender. Leave him to his infamy. Let him be an outcast from the companionship of freemen.

"Give him a cloak to hide him in,
And leave him alone with his shame and sin."

Mr. President, on Monday next will come the sequel to the foregoing six chapters in the Senatorial candidacies of William A. Clark. He may again enter the Senate, and if he does he can make reply to these remarks of mine, and I shall not be here to make rejoinder. He will stand up before the Vice-President—if the Senate shall permit—and will make oath faithfully to perform the duties of the office (which has cost him $2,000,000) in company with WILLIAM P. FRYE, GEORGE F. HOAR, and SHELBY M. CULLOM, with JOHN T. MORGAN, AUGUSTUS O. BACON, and BENJAMIN R. TILLMAN, and with other Republicans and Democrats whose elections did not cost one of them so much as $200.

His castle in Dupont Circle he will decorate with statues and paintings which are among the marvels of modern art, in the presence of which his fellow-Senators, with their families and the élite of Washington society, will eat, drink, and be merry. The most observed picture to be seen in the gallery, painted by a competent artist, will be that of a man with a mute inquiry on his face, holding in his hand two papers, and every guest will see that one paper is a certificate and the other an expense account—in 1890, $150,000; in 1893, $300,000; in 1895, $50,000; in 1899, $330,000; in 1900 $1,230,000; and that this is his agonizing inquiry: Is it worth all this and all besides which I have parted with and lost?

This is a true picture which not all the pigments which millions can buy, nor all the painters whom money can hire, will be able to obliterate, and the title thereof will not be "One scoundrel disposed of," but, if the Senate shall permit, it will be one—one—one—Montana gentleman not disposed of. [Applause in the galleries.]

The PRESIDENT pro tempore. The galleries must remember that applause is not permitted under the rules of the Senate, and it must not be repeated.

Mr. CHANDLER. I ask leave to annex to my remarks the report of the committee.

The PRESIDENT pro tempore. If there be no objection, that request will be granted.

The report is as follows:

THE MONTANA ELECTION CASE.

This case was referred to the committee on December 4, 1899, upon a memorial, dated February 25, 1899, signed by 27 members of the legislative assembly of Montana, and upon a later memorial signed by Robert B. Smith, governor of Montana; T. E. Collins, state treasurer; Henry C. Stiff, speaker of the house of representatives, of the sixth legislative assembly of Montana; A. J. CAMPBELL, member of Congress from Montana, and Charles S. Hartman, ex-Representative in Congress from Montana.

On December 7, 1899, the Senate directed the committee to investigate the right of W. A. Clark to a seat as Senator from Montana and authorized the sending for persons and papers. The committee began consideration of the case January 5, 1900, and hearings were held on January 5, 6, 8, 9, 10, 11, 12, 13, 17, 19, 20, 22, 23, 29, 30, and 31; February 2, 3, 5, 6, 7, 8, 9, 10, 12, 13, 15, 16, 17, 19, 20, 21, 22, 23, 24, 26, 27, and 28; March 1 and 2; April 3, 5, and 6; and the finding of the committee was made April 10, 1900.

FINDING OF THE COMMITTEE.

The finding of the committee is that the election to the Senate of William A. Clark, of Montana, is null and void on account of briberies, attempted briberies, and corrupt practices by his agents, and of violations of the laws of Montana defining and punishing crimes against the elective franchise.

THE ADMITTED OR UNDISPUTED FACTS.

This finding is made in view of certain admitted or undisputed facts, with their attendant circumstances, appearing in the testimony taken by the committee, as follows:

I.

Prior to 1895 the elections in Montana were accompanied by enormous expenditures of money, unquestionably involving widespread belief that extensive corruption was resorted to in all elections. Ex-Governor Hauser, a witness called by Senator Clark in his defense, testified that at the first State election the Big Four, so called, consisting of Senator W. A. Clark, Mr. Broadwater, Mr. Marcus Daly, and himself, as first contributions gave $40,000 each; and he also estimated that the expenditures made in connection with the contest to determine whether Anaconda or Helena should be the capital of the State were upward of $1,000,000. Senator Clark said he spent over $100,000 in that contest.

II.

On February 25, 1895, Montana undertook to protect herself against corruption in elections and passed a law relative to crimes against the elective franchise, which limited in purpose and amount the political expenditures which could be made in any election, either by a political committee or a candidate, especially naming a candidate for United States Senator, who could not give more than $1,000 to any one committee in one county and could not pay more than $1,000 for his personal expenses in lawful ways specified, and provided that every political committee should make a public return of its expenditures, stating from whom every dollar was received and to whom every dollar was paid, and that every person acting otherwise than under a political committee should make a similar public return; and further provided a fine and imprisonment against persons omitting to make the return required by law.

III.

Senator Clark has been constantly a candidate for office. He was a candidate for Congress in 1888 and defeated. In 1890 there were two legislatures in Montana. He was elected United States Senator by the Democratic legislature, but was not seated. He was again a candidate for the Senate in 1893, but there was no election. In 1895 he was voted for as the Democratic candidate, but Senator Carter was elected.

In the summer of 1898, after he had consulted with Governor Hauser and other supporters, including at that time Mr. A. J. CAMPBELL, a committee of his friends was created outside the State committee of the Democratic party, which was in the hands of persons not favorable to him; this, his committee, being organized for the purpose of controlling the politics of the State and securing the legislature to meet in January, 1899. This committee consisted of his son, Charles W. Clark, William McDermott, and A. J. Davidson, agent.

Charles W. Clark was made treasurer, and the assistants of the committee were John B. Wellcome, Walter M. Bickford, A. J. Steele, John S. M. Neill, Frank E. Corbett, E. L. Whitmore, and Walter Cooper. To this committee Senator Clark gave unlimited authority to expend money which he agreed to furnish; an estimate, however, being made that at least $35,000 would be necessary to secure the State convention, and that $75,000 might be needed to secure the State legislature.

IV.

In the canvass which ensued the approximate expenditures admitted by the various members of his committee and their assistants were as follows: By Charles W. Clark, $25,000; by McDermott, $22,000; by Davidson, agent, $22,300; by Wellcome, $25,000; by Steele, $11,000; by Corbett, $5,000; by Whitmore, $4,600; by Cooper, $2,900, mainly furnished by Charles W. Clark; and the amount of these expenditures Senator Clark himself paid to his son.

The advances and payments made by Senator Clark to his committee and agents, as admitted by him, amounted to about $139,000, of which sum Charles W. Clark received from him on August 12, 1898, $35,000; October 17, $20,000; November 23, $40,000, and February 13, 1900, $20,592; and in addition to this $139,000 Senator Clark paid $5,000 to McDermott, one of his agents; $5,000 to Wellcome, his attorney, and $5,000 to E. C. Day, a member of the legislature.

V.

None of the members of his committee or their assistants made the sworn returns required by law, nor did Senator Clark himself make any return.

VI.

In December, 1898, Senator Clark began negotiations with one H. W. McLaughlin, a member of the legislature, for the purchase of his wood lots and sawmills, and on the 9th day of December bought all Mr. McLaughlin's property for the sum of $24,684, paying $10,000 down, and on the 12th of March *paid him* $6,000 cash and $8,684 in stock of a new lumber company to which the property was transferred, which lumber company employed Mr. McLaughlin as its agent, with a salary of $200 per month.

VII.

On December 31, 1898, Mr. Walter M. Bickford received from Mr. Charles W. Clark five $1,000 bills and four $500 bills, and went to Missoula for the purpose of purchasing a supposed indebtedness on account of his ranch of one E. P. Woods, a member of the legislature, but, not succeeding in meeting Mr. Woods, he returned the money to Mr. Charles W. Clark. In February, 1899, Mr. Massena Bullard paid to Mr. Kemper the amount due upon the ranch and a deed was made running to Mrs. Woods, which was not recorded, but in January, 1900, the property having been sold to other persons for $9,750, the deed to Mrs. Woods was destroyed and new deeds made to the new purchasers.

Senator Clark knew of Mr. Bickford's attempts to purchase the indebtedness which Woods owed, and the correspondence shows that the object was to secure Mr. Woods's vote for Senator Clark. Mr. Bickford testified: "In pursuance of that letter (the letter of November 21 from one Ector) and of the invitation which I at that time received, I made arrangements to obtain, for the purpose of using it to prevent the indebtedness of Mr. Woods going into the hands of Mr. Daly's friends, the sum of $7,000 with which to take up that indebtedness." On November 12, 1898, Mrs. Woods mortgaged their sheep and cattle for $1,000, payable in one year, and on April 22, 1899, paid the mortgage debt. Mr. Woods has left Montana and gone to New Mexico.

VIII.

Mr. W. E. Tierney was senator and W. C. Eversole and Michael Shovlin were representatives from Broadwater County. Mr. Tierney voted for Mr. Clark on the first ballot, and Eversole and Shovlin came over on the sixth. Mr. Tierney was a dealer in general merchandise in three small firms—Miss A. M. Darcy & Co., Tierney & Co., and Eversole & Co.—which had moderate capital and were in debt. After the legislature adjourned, on March 3, Mr. Shovlin deposited $8,500 in the Montana National Bank. Eversole, who had in fact been only a clerk, bought out Mr. Tierney, paying him $1,600 in cash and a credit with his new firm of $3,000.

On June 1 Mr. Tierney organized the State Bank of Townsend with a capital stock of $25,000, of which he took $5,800. Mr. Shovlin took $1,000 and Mr. Eversole $1,000, nearly all the $25,000 passing through Mr. Tierney's hands in currency. His $5,800 he says he took from the money drawer in a safe in the office of Miss Darcy & Co., but whence this $5,800 came he did not show by any writing whatever.

IX.

Mr. E. L. Whitmore, the confidential agent and employee of Mr. Charles W. Clark, purchased of D. G. Warner, a member of the legislature, certain lots in the town of Boulder, Jefferson County, and a small ranch near by, and took the deed in his own name, paying the amount of $7,500 in bank bills in Helena in the first week of January, 1899, the deed being recorded February 1, 1899. Mr. Warner has left Montana and gone to California.

X.

Mr. H. H. Garr, member of the legislature, lodged a package during the session with Mr. Peeler, of the bank of Kalispell. After the legislature adjourned he obtained the package, went to his home, and in the name of Miss Wickham, his wife's aunt, a milliner, who had lived with him for seven years, purchased a ranch for $3,500, for which he paid in currency, including a thousand-dollar bill, which money he said he obtained from his wife's aunt, believing she had accumulated and kept it in a box in her room in his house.

Mr. Garr had been a poor man, with little or no property, earning sometimes $50 or $75 a month as a notary public, sometimes nothing. He had in cash $75 or $80 when elected, and borrowed $25 to go to Helena with. His wife's aunt paid board in the family at the rate of $2.50 a week. He had no previous knowledge of how she had accumulated this money. Mr. Steele had obtained interviews with him before the legislature met, with a view to securing his vote, and after his arrival he figured in the Whiteside exposure.

XI.

Mr. John H. Geiger was a Republican who, after Mr. Whiteside's exposure, was seated in the legislature as a senator, in place of Mr. Whiteside, on the 26th day of January, by the votes of the Republicans and the Democratic supporters of Senator Clark, on the ground that his name on a few of his ballots had been marked at the wrong end, and on the 28th Mr. Geiger voted for Senator Clark.

He was a man with no regular occupation, was entirely without means, and a borrower of small sums. During the session of the legislature he received and carried home with him $3,600. After accounting for one or two petty sums, he claims that he obtained this money by faro gambling and through $1,100 in bills which he found in his room and believed came in connection with some bills pending in the legislature which Mr. John B. Wellcome was carrying through as attorney.

XII.

Mr. B. F. Fine, a member of the legislature, and a mining operator with no property, in May after it had adjourned, in pursuance of an agreement made during the session by Senator Clark after his election as Senator, received $2,000 from Senator Clark's bankers, and since that date has received other moneys, making the sum of $5,000 in all, which has been all his earnings since his nomination, his only business being the hunting up of testimony to disbar or impeach Mr. W. A. Clark, of Madison County, one of the principal witnesses against Senator Clark, to do which no steps have yet been taken.

XIII.

Mr. Stephen Bywater, a Republican, 30 years of age, and a railroad conductor, voted for Mr. Clark for the first time on the eighteenth ballot, when he was elected. On the 3d day of March, immediately after the legislature adjourned, he deposited in the Montana National Bank $15,000.

He accounts for it by saying that he brought from Kalispell, his home, $6,000 in currency, which he kept with him during the whole session of the legislature, and by saying that he received on March 3 $9,000 from his brother for the purchase of stock in a mining company in British Columbia, but he produced no writing in confirmation of his statement as to either the $6,000 or the $9,000. He did produce a prospectus and letter showing that there was such a mining company and that he was its president, and a Mr. Peeler, a broker, with whom Mr. Bywater kept an account, testified that Mr. Bywater also kept a package of money not included in the bank account.

XIV.

Mr. E. C. Day was Senator Clark's candidate for speaker and was defeated in the Democratic caucus, receiving 25 votes against 30 votes for Mr. Stiff. Mr. Day was the leader of Mr. Clark's forces in the legislature during all the ballotings after the second. On February 13 Senator Clark personally wrote a letter directing that $5,000 should be given to Mr. Day for his services in the legislature and as a retainer as counsel in the future. This amount was received by Mr. Day through Mr. Wellcome and Mr. Davidson on the 3d day of March, the day after the legislature adjourned.

Mr. Day testified that the services for which he received the $5,000 were as follows: "I had acted as the manager, you might say, or leader of his forces upon the floor of the house. I attended to keeping a quorum present and seeing that friends of his were sent for that were not present at roll call, and made motions and attended to the ordinary parliamentary—perhaps you would call it—procedure of his friends in that body." Later, Mr. Day received from Charles W. Clark $2,000 as fees in the Wellcome proceedings and $1,000 in two suits brought by Mr. Whiteside against the Butte Miner and the Helena Independent.

XV.

Mr. W. W. Beasley, a Republican representative, first voted for Senator Clark on the eighteenth ballot, when he was chosen, and that night or the next night he left Helena for St. Paul, having in his possession about $5,000 in currency, at least $1,000 of which was a thousand-dollar bill.

He claimed that he had taken this money with him to Helena and carried it in his vest pocket during the whole session. By no writing did he show whence he received it or what he did with it. He claimed that he kept the money with him because he was in embarrassed circumstances in the sheep business and was afraid of law suits. When he was elected he owed a board bill of nearly $400, and while in Helena took out a life-insurance policy and gave a note for the premium. All the time he had a bank account in the Thomas Cruse Savings Bank at Helena.

ADDITIONAL STRENGTHENING FACTS.

While the findings of the committee are justified by the foregoing admitted and undisputed facts, with their attendant circumstances standing alone, those facts are strengthened by additional facts, including various unsuccessful attempts to secure votes by offers of money, which, although denied, are found by the majority of the committee to be sustained by the preponderance of the testimony. It would unnecessarily incumber and extend this report to attempt to give these additional facts in detail.

THE WHITESIDE $30,000 INCIDENT.

In addition to these unsuccessful attempts at bribery, certain other alleged attempts will be narrated, because there is difference of opinion in the committee concerning them. They are as follows:

The case of W. A. Clark, State senator from Madison County, is one of those embraced in the Whiteside exposure. Mr. Clark and Mr. Whiteside testified that Mr. Wellcome placed $10,000 in an envelope and handed it to Mr. Whiteside, Mr. Clark's initials being written by the latter on the back of the envelope, the amount to be delivered to Mr. Clark in case he voted for Senator Clark. This money was part of the $30,000 produced by Mr. Whiteside before the legislative committee. Mr. Wellcome denied these statements.

State Senator H. L. Myers testified that in like manner $10,000 was placed in an envelope, upon the back of which he wrote his initials, and the package was retained by Mr. Whiteside to be delivered to him in case he voted for Mr. Clark. Mr. Whiteside testified that the $10,000 was furnished by Mr. Wellcome. Mr. M. L. Hewett testified that Mr. Charles W. Clark authorized the payment of $10,000 to Myers. Prior to the session of the legislature Mr. Charles W. Clark had, as shown by a letter signed by him, sent $500 to Mr. Myers as a retainer as counsel for the Bridger Coal Company, which Mr. Myers did not accept. But Mr. Clark denied the statement made by Mr. Hewett, and Mr. Wellcome denied the statement of Mr. Whiteside.

As to Representative H. H. Garr, Mr. Whiteside testified that in like manner $5,000 was furnished him by Mr. Wellcome for Mr. Garr and placed in an envelope, on the back of which Mr. Garr wrote his initials, Mr. Whiteside retaining the package as in the other two cases. Mr. Garr admits seeing the money and writing his name upon the back of the envelope, but says it was for purposes of identification, and that he did not know what the transaction meant. Mr. Wellcome denied these statements.

Mr. Whiteside, who was a State senator, testified that in like manner $5,000 was given to him by Mr. Wellcome as part of $10,000 which he was to receive for his vote for Senator Clark, which he placed in an envelope and later produced before the legislative committee. Mr. Wellcome denied these statements.

It is in connection with these last four cases of attempted bribery—those of Messrs. Clark of Madison, Myers, Garr, and Whiteside—that the controversy concerning Senator Clark's election has been largely maintained from the beginning.

The reasons why a majority of the committee find that, on the whole, the statements of Messrs. Clark of Madison, Myers, and Whiteside are true, notwithstanding the denials of Mr. Wellcome and others, may be briefly stated. The three accusers undoubtedly occupied the position of detectives, who willfully deceived the parties with whom they were dealing and against whom they made charges. On the other hand, the parties against whom they testified and who make the denials are charged with crimes to which, if guilty, they would be quite certain to add the offense of false swearing.

The majority of the committee, under all the circumstances appearing, are not willing to consider the situation as one of equilibrium between the detectives on the one hand and the alleged lawbreakers on the other. If Messrs. Clark of Madison, Myers, and Whiteside testified falsely, they must have contemplated in the beginning a conspiracy of the basest character, to be followed up by perjury of the worse sort, and they must have intended to pass through ordeals in the course of the investigations which would be made to which it can not be inferred they were willing to subject themselves merely to prevent Senator Clark from becoming a United States Senator.

THE ALLEGED DALY CONSPIRACY.

In the opinion of the majority, there was no affirmative disproof produced by Senator Clark at any time showing that the facts in connection with the $30,000 exposure were not true. The charge that the accusations and the exposure resulted from a conspiracy formed and carried forward by Mr. Marcus Daly was a necessity of Mr. Clark's canvass and defense. But Mr. Daly and Mr. Conrad and others who were suspected of conspiracy denied all knowledge of the $30,000, of which $27,000 was in $1,000 bills, which had been produced by Mr. Whiteside as the money furnished by Mr. Wellcome in the attempted briberies.

No $1,000 bills were shown to have been in the hands of any of the alleged Daly conspirators. On the other hand, the five $1,000 bills and four $500 bills which Mr. Bickford took from C. W. Clark and carried to Missoula on December 31, in connection with the E. P. Woods transaction, were returned to Mr. Clark on January 1, and during the ensuing week, when the alleged briberies were attempted, large sums in currency were in the hands of Mr. C. W. Clark and Mr. Wellcome, including various $1,000 bills.

Mr. Clark, on January 3, had brought to him by a Mr. Hirshfield $9,000 in currency, in which were three $1,000 bills, and from this $9,000, or the money returned by Mr. Bickford, he gave Mr. Wellcome three or four $1,000 bills. On December 28 Mr. Wellcome drew from bank $10,000, of which he says one, two, three, four, or five were $1,000 bills, and he carried them in the inside pocket of his vest until he used them. There were on the 3d or 4th of January three $1,000 bills and eight $500 bills in the possession of Mr. Whitmore, Mr. Charles W. Clark's confidential agent in the purchase of D. G. Warner's property. Charles W. Clark testified that his income was $250,000 per year.

In connection with the consideration of these last four cases of attempted bribery—of Clark, of Madison, Myers, Garr, and Whiteside—it is important to state, in view of the difference of opinion in the committee concerning the credibility of Messrs. Clark, of Madison, Myers, and Whiteside, that the whole committee find that if all the testimony concerning the $30,000 and all the testimony of Mr. Whiteside and Mr. Clark, of Madison, were laid aside there would still remain sufficient evidence in the case to lead the committee to find, as they do, that Mr. Clark's election is void. From the briberies which have been established the majority of the committee feel justified in finding that there were other successes in procuring, by corrupt practices, the votes of members of the legislature, where the facts naturally can not be directly proved.

THE CONDUCT OF THE REPUBLICAN LEGISLATORS.

The conduct of the Republican members of the legislature who, on the 28th day of January, left their Republican candidate and voted for Senator Clark and gave him his election, in the opinion of the majority of the committee, calls for special criticism. Senator Clark, beginning with 7 votes on January 10, had carried his votes up to 41 on the 27th of January. Mr. Conrad, beginning with 36 votes, had, on the 27th, 29 votes, and until that day his natural strength of over 30 votes had not been impaired from the beginning. There was an absolute deadlock and no possibility of the election of a Democrat without the aid of the Republicans.

On January 28, on the second ballot, Mr. Clark's vote was carried from 41 up to 54. Mr. Conrad's went down from 30 to 27, but only one of his supporters, Mr. Moran, voted for Senator Clark. Four Republicans, McKay, Worden, Hedges, and Lindsay, voted for the Republican candidate, Mr. Marshall, for whom they had first voted on January 10.

Eleven Republicans—Messrs. Geiger, Hobson, Mitchell, Phillips, Beasley, Bywater, Ingersoll, Jaqueth, Long, Magee, and Marcyes—went over to Senator Clark and gave him the election.

It is difficult to account for these Republican votes for Senator Clark. Senator Clark's candidacy had been tainted on the 10th of January by the Whiteside exposure. The facts exposed had not been disproved on January 28. It is true that a grand jury, composed of six persons, had reported that while there was evidence tending to show that money had been used it would not, in their judgment, warrant a conviction by a trial jury; but no other fact impugning the testimony of Messrs. Whiteside, Clark of Madison, and Myers had then appeared.

The reasons given for the Republican votes for Mr. Clark seem to be pretenses and covers. Mr. Clark, who had been negotiating with Mr. Hobson, the leader of the Republicans, wrote a letter on the 16th of January, in which he declared himself to be in favor of a tariff on Montana products. Some of the Republicans said there ought not to be a deadlock, and that it would be better to have a Democratic Senator than a vacancy.

No one pretends that any effort was made to bring about the election of any other Democrat than Mr. Clark, against whose agents the charges of bribery had been made. The committee do not say that the votes of all the 11 Republicans were improperly secured, but that those of Mr. Geiger, Mr. Beasley, and Mr. Bywater were, has already been found. The circumstances of suspicion against the others are numerous.

Senator S. S. Hobson is mainly responsible for the action of the Republican members. He was the chairman of their caucus and the leader in the Clark movement. He early began negotiations with Mr. Clark, and the latter's written promise that he would be an independent tariff Democrat was addressed to Mr. Hobson under the date of January 16.

Mr. Hobson was a man of moderate means. When he was elected he owed $22,000 or $23,000 to the Fergus County Bank, of which he was president. This he paid in May, 1899, and went East and to Europe about the time Senator Clark went; and when in connection with the Fergus County Bank he feared some manifestation of indignation at his course from ex-Senator T. C. Power, Senator Clark, in accordance with a promise he had made soon after his election, promptly purchased the $46,000 of the bank stock which Mr. Power owned and took a transfer thereof, which has not been recorded on the books of the bank.

In the face of all the facts tending to impeach the conduct of so many of the Republican members, and of the evident political reasons why they should not have contributed their votes to the election of Senator Clark, a Democrat, under charges of corruption, the finding that Senator Clark's election was obtained by corrupt practices, in the opinion of the majority, is much strengthened by the action of the 11 Republicans who, on the 28th day of January, abandoned their own party and thus strangely elected a Democratic Senator.

THE DISOBEDIENCE OF THE MONTANA LAW CONCERNING CRIMES AGAINST THE ELECTIVE FRANCHISE.

The direct violations by Senator Clark and his committee and agents of the provisions of the Montana laws before stated are of the first importance in connection with the conclusions reached by the committee. The citizens and legislature of Montana in 1895, conscious of the discredit into which the State had fallen by the enormous expenditure of money in previous elections, made an earnest and legitimate effort to prevent corruption in politics in the future, and the act of February 25, 1895, was passed and incorporated into the penal code of that year.

RECITAL OF THE SUBSTANCE OF THE LAW.

A concise but correct and complete analysis of this law of 1895 is as follows:

The Montana Penal Code, in Title IV, headed "Crimes against the elective franchise," in section 85 of the act of February 25, 1895, provides that no person, to aid in his election to a public office, shall, directly or indirectly, by himself or through another person, expend or promise to expend any money or other valuable thing, except, as later provided, "for personal expenses and to a political committee."

Section 86 provides that a candidate may pay—

1. "His own personal expenses for traveling and purposes properly incidental to traveling.

2. "For sending out special publications giving his position and views.

3. "For stationery and postage, telegraph and telephone and other public messenger service, and other petty personal expenses. 'And in no other case whatever' shall the total sum for his own personal expenses as authorized exceed the sum of $1,000 by any candidate for United States Senator."

Section 87 provides that a candidate may pay money to a political committee, not exceeding $1,000 by a candidate for United States Senator, nor to more than one committee in any county.

Section 88 applies the term "political committee" to "any combination of persons" who shall aid a party, principle, or candidate, and every such committee or combination must have a treasurer who shall keep its accounts.

Section 90 requires every treasurer to file his account within thirty days after an election, stating in detail his receipts and expenditures.

Section 91 requires every person who, acting otherwise than under the authority of a committee, expends money, to file such a statement as is required of a treasurer "in the county in which he is a legal voter."

Section 98 requires every statement to be made on oath.

Section 104 punishes violations of sections 90 and 91 by fine not exceeding $1,000 and imprisonment for not more than three months.

After the passage, in 1895, of this law punishing crimes against the elective franchise, there was no serious occasion to test its provisions until 1898. In 1896 the coalition of the Silver Republicans with the Democrats made the State overwhelmingly Democratic, the plurality for Mr. Bryan being 32,043, and for Mr. Hartman, the Bryan Congressman, 24,503. In 1898, when Senator Clark renewed his canvass for the United States Senate, and his friends determined to directly disregard the law, he had no right to expend more than $1,000 through his one committee, nor more than $1,000 for his own personal expenses.

He expended a sum vastly in excess of the limit provided by law, and failed to render any return; and no such return was made by the aforesaid persons acting in his behalf. This failure to make return was with full knowledge of the fact that it was widely charged and widely believed that the election had been accomplished by bribery and the corrupt expenditure of money on a very large scale. He also, in June, 1899, with full knowledge of this belief and these charges, but in accordance with what he testified was his custom, destroyed all his checks, including those for his expenditures in his canvass, and was unable to give any full and satisfactory vouchers for the money so expended by him and his agents.

The committee find the case proved without relying upon such destruction of checks, failure to render accounts, and disregard of the legal limit of expenditure. But they furnish to the committee strong additional reasons for believing the other evidence, which seems to them to establish the corruption charged.

On the other hand, returns were made, as appears in the book of testimony, by the Republican State committee of expenditures of $4,291.31, by the Democratic State committee of $9,161.49, by the Silver Republican State committee of $1,708.25, by the People's Party State committee of $1,193.50, by the Silverbow County Democratic committee of $10,005.06, by the Silverbow County Silver Republican committee of $1,453.05.

Mr. Marcus Daly testified that he contributed to the State committee $4,500, to the Silverbow County committee $2,500, to the Deer Lodge County committee $500, to the Missoula County committee $250, making his total contributions $7,750. Mr. Daly was not a candidate, and has never been a candidate, for any office. Mr. W. G. Conrad, who was the principal opposing Democratic candidate for United States Senator against Mr. Clark, swore that he contributed to the State and various county committees between $5,000 and $10,000, not over $1,000 to any one committee, and after the election he spent between $200 and $300 outside of hotel bills; but paid no money in aid of his candidacy for Senator.

QUESTIONS OF LAW INVOLVED IN THE CASE.

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

(1) It is clear that if by bribery or corrupt practices on the part of the friends of a candidate who are conducting his canvass votes are obtained for him without which he would not have had a majority his election should be annulled, although proof is lacking that he knew of the bribery or corrupt practices. (Pomeroy's case, Taft Elec. Cases, 330; Caldwell's case, 334; Clayton's case, 348; Ingalls's case, 596; Payne's case, 604, 609, 610; Minority report, 616.)

(2) It seems to have been admitted that if the person elected clearly participated in any one act of bribery or attempted bribery he should be deprived of his office, although the result of the election was not thereby changed. (Pomeroy's case, Taft Elec. Cases, 330; where Mr. Pomeroy had 84 votes against 25.)

According to the law as understood by the committee, Senator Clark can not be permitted to retain his seat. He received 54 votes and there were 39 against him, leaving him an apparent majority of 15. If he obtained through illegal and corrupt practices 8 votes which would otherwise have been cast against him, he was not legally elected. More than this number of votes, the committee find from all the evidence, was thus obtained.

It is also a reasonable conclusion upon the whole case that Senator Clark is fairly to be charged with knowledge of the acts done in his behalf by his committee and his agents conducting his canvass. He arrived in Helena from Butte on January 4 and remained there until after his election on January 28 and was in constant conference with his committee and agents.

REJECTED TESTIMONY—CRITICISM OF THE PROSECUTORS.

There has been much testimony received by the committee which has not proved of substantial value. Many of the witnesses were unreliable, having made contradictory statements and having apparently sought to obtain from both sides of the controversy money for testifying.

Much criticism has been made of the contestants, especially of Mr. A. J. CAMPBELL, a member of the House of Representatives and an active prosecutor of the charges against Senator Clark. Some members of the committee can not refrain from expressing their disapproval of many of the methods pursued by Mr. CAMPBELL and Mr. Whiteside in the prosecution of the charges against Senator Clark, and they do not approve of the actions of Mr. Daly in agreeing to furnish an unlimited amount of money to carry on the prosecution.

It appears from the evidence that Mr. CAMPBELL, among other things, made a suggestion in a letter to a detective employed by him indicating that he wished the detective to obtain information from some member of the grand jury of one of the counties in Montana; and, further, that his stenographer or secretary gave several hundred dollars to two persons who made affidavits bearing on matters involved in this prosecution, the drafts for which sum Mr. CAMPBELL paid. It also appears that Mr. CAMPBELL, in the course of the

prosecution, participated in opening a letter written by Mr. Bickford to one Jesse B. Root.

It further appears that Mr. CAMPBELL was one of the committee of friends consulted by Senator Clark in the summer of 1898 at the opening of the canvass, and that he was nominated for Congress at the Democratic convention held that year by the supporters of Senator Clark, as well as other members of the convention. In June, 1899, Mr. CAMPBELL became the attorney for a corporation in which Marcus Daly was largely interested.

While it is true that bribery can never be proved by the testimony of the briber nor of the person bribed, and that it is almost always necessary to obtain the required information from go-betweens or persons who have explored the field and made reports backward and forward as to the probability of obtaining results by bribery, yet some members of the committee believe that this does not justify the character of acts which are proved and established against Mr. CAMPBELL. Some members of the committee, however, do not join in any criticisms of Mr. CAMPBELL and Mr. Daly.

These go-betweens who were employed by Mr. CAMPBELL testified before the committee, most of them in the last instance, in behalf of Senator Clark. Some of their statements were true and some false.

The testimony of these persons, where they had made conflicting statements, has not been regarded by the committee unless corroborated, as the testimony of accomplices and detectives ought always to be corroborated. These witnesses, whose conduct has occasioned comment, had all been originally employed by Senator Clark or his committee or his friends. They are as follows:

One Z. T. Cason was retained by Senator Clark personally to endeavor to secure the vote of Representative Marcyes, and after the election was over, in a letter dated February 3, 1899, Senator Clark sent him $500. Cason testified before the supreme court and before this committee that he was authorized by Senator Clark to offer $10,000 to Mr. Marcyes. Later, getting into communication with Mr. Jesse B. Root, who was Mr. John B. Wellcome's law partner, he received $1,500 from him, and in consideration thereof signed a letter drafted by Root, dated December 8, 1899, saying that his previous statement was untrue, and then went to Baker City, Oreg., where he remained under an assumed name until he was caught by the subpœna of this committee.

One Benjamin Hill, during the Senatorial contest, was a supporter of Senator Clark, and was paid by Senator Clark's clerk $350. He later met Whiteside and agreed to get evidence against Senator Clark, and told him what he now says was a "pack of damn lies," and he also entered into communication with Mr. CAMPBELL. On June 30, 1899, he made a long affidavit against Senator Clark, which he now testifies was wholly false. He subsequently revealed to Senator Clark's counsel what he claimed to be the whole story. He was paid $610 by Mr. Wellcome and appears to have received from the prosecutors about $1,500.

One L. L. Wright went to Helena to work for Senator Clark, and received from Mr. A. J. Steele $240. Later he engaged, through Benjamin Hill, to get evidence for the prosecution against Senator Clark, and on the 3d of November, 1899, he made an affidavit for the contestants, which he testified before the committee was false. He received $250 from Benjamin Hill, which appears to have come from the prosecutors.

One Thomas T. Lyon went to Helena, at the request of Mr. Wellcome, to serve Mr. Clark. Mr. Wellcome gave him $250. Later, in company with Benjamin Hill, he engaged with CAMPBELL to furnish evidence against Mr. Clark, and said that CAMPBELL agreed to give him $5,000, which Mr. CAMPBELL denies. Later he told his story to Charles W. Clark, and on November 29, 1899, made an affidavit for the Clark side. He received from that side $250 and received from Mr. CAMPBELL $300. He told Mr. Henry G. Rickerts that he had received from the Clark side $2,000, which he had deposited in his wife's name.

William F. Rector's testimony was considered by the committee entirely unreliable. So was that of E. L. P. Ector, except where he was corroborated, as he was upon the important parts of his evidence by Senator Clark and Mr. Bickford and by his correspondence with those two gentlemen.

THE APPROACH TO THE SUPREME COURT.

The majority of the committee think that the transactions connected with the judges of the supreme court of Montana need special consideration. The undisputed facts are as follows:

I.

Proceedings having been instituted against John B. Wellcome for the purpose of securing his disbarment for attempted bribery in connection with Senator Clark's election, it appears that on August 5, 1899, after a preliminary decision by the supreme court that the court had jurisdiction, one Dr. William Treacy, a Republican advocate of Senator Clark, at Helena, approached Mr. Justice William H. Hunt, one of the three members of the supreme court, being his family physician, bearing a proposition which he said was from a party in town that Judge Hunt could have $100,000 if the court would dismiss the proceedings against Mr. Wellcome, and he advised Judge Hunt to accept the amount.

This proposition was first mentioned to Judge Hunt about noon. At half past 10 in the forenoon a special train had arrived from Butte bringing Charles W. Clark, Frank A. Corbett, and E. L. Whitmore, who went to the Helena Club, where, during the day, they saw Mr. John S. M. Neill. Mr. Davidson, Mr. Steele, Mr. Steve Carpenter, and Mr. Thomas Miller. They said they came to see Mr. B. Platt Carpenter, to induce him to put in an answer for Wellcome in the proceedings pending, and they returned in their special train to Butte in the afternoon, after Mr. Corbett had also had an interview with Mr. Justice Pigott, narratives of which were given to the committee by both parties thereto.

[Mr. Justice Pigott testified that Mr. Corbett told him that he had come over on the special train because Mr. Neill on the previous night telephoned to Butte that it had been ascertained that a deal could be had with the supreme court; that he, Mr. Corbett, condemned such a movement, had a mortgage of $24,000 on Mr. Neill's newspaper, and would foreclose it if Mr. Neill made any such attempt. All this Mr. Corbett denied.]

II.

On three occasions Dr. Treacy approached Attorney-General C. B. Nolan, who was in charge of the proceedings against Mr. Wellcome, and proposed to him to accept $100,000 and dismiss the proceedings.

III.

During the pendency of the proceedings against Mr. Wellcome, Rev. A. B. Martin, president of a school at Great Falls, Mont., in which Senator Clark and Chief Justice Brantley were trustees, visited the chief justice with a letter in his hand dated October 7, 1899, from Senator Clark, wherein the latter urged him to see the chief justice and endeavor to prevent the disbarment of "that splendid man," John B. Wellcome.

Upon the foregoing undisputed facts and other facts which are controverted, a majority of the committee believe that Senator Clark's agents, in their desperation on account of the decision of the court to take jurisdiction in the Wellcome case, attempted an improper approach to the judges of the court and to Attorney-General Nolan, which fact can not but have a certain influence in the consideration of the other acts of those agents in connection with the Senatorial election. A minority of the committee, however, believe that the transactions were res inter alios acta, and that the evidence does not sufficiently bring home to Senator Clark or his agents any improper attempt to influence the court or the attorney-general.

PROMPT ACTION SUGGESTED.

This briefest possible summary of the material facts in a case whose hearings have covered over three months, from January 5 to April 10, 1900, and whose record requires 2,687 pages, has extended to great length, and the committee will not present any general considerations in this report. The Senate should, as a duty to itself and to the country, demonstrate by its action in this case that seats in the United States Senate procured as Senator Clark's has been procured can not be retained by the deliberate judgment of the Senate.

The Senate also owes a duty to the people of Montana who, conscious of the bad repute into which the State had fallen by reason of vast expenditures of money in connection with its elections, manifested such a public sentiment that the legislature of 1895 passed a statute which, if obeyed, would have redeemed the State from its bad name. For the direct and gross violations of that statute and the consequent discredit which continues to rest upon the State, Montana has a right to expect a prompt and decisive remedy from the action of the Senate upon the report of this committee.

The committee report and unanimously recommend the adoption by the Senate of the following resolution:

"*Resolved*, 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."

APPENDIX TO REPORT.

COPY OF STATEMENT FURNISHED BY SENATOR CLARK.

[Testimony, p. 1828.]

Disbursements made by W. A. Clark for political purposes from August 1st, 1898, to September 1st, 1899.

1898.		
August 12,	paid C. W. Clark	$35,000.00
October 17,	" C. W. Clark	20,000.00
October 20,	" Walter Cooper	200.00
November 5,	" L. O. Leonard	250.00
November 7,	" C. H. Padley	250.00
November 7,	" L. O. Leonard	150.00
November 9,	" J. H. Miles	100.00
November 9,	" T. Kilgallon	200.00
November 10,	" C. H. Padley	200.00
November 11,	" John Leary	50.00
November 23,	" C. W. Clark	40,000.00
November 23,	" A. J. Davidson	5,000.00
1899.		
January 6,	" C. H. Padley	250.00
February 4,	" Z. T. Cason	500.00
February 6,	" George Alderson	250.00
February 13,	" W. A. Clark & Bro., for C. W. C.	20,592.05
February 14,	" J. B. Wellcome	15,000.00
February 27,	" J. B. Wellcome	90.00
March 2,	" J. B. W., for Jno. Simpson	400.00
March 2,	" J. B. W., for photographs	250.00
March 31,	" Walter Tallant, subscription	1,000.00
April 3,	" Walter Tallant, secretary	500.00
April 5,	" Simpson	100.00
April 25,	" Thomas Bryant	100.00
April 25,	" T. Kilgallon	92.00
May 3,	" Thos. Bryant	100.00
May 11,	" Thos. Bryant	100.00
May 19,	" W. M. Bickford, expense account	581.85
June 8,	" Thos. Bryant	83.50
July 31,	" C. W. Clark	950.00

MONTANA ELECTION LAWS DEFINING AND PUNISHING "CRIMES AGAINST THE ELECTIVE FRANCHISE."

[Portions of the act of February 25, 1895, being sections of the penal code of 1895.]

SEC. 83. No person shall, in order to aid or promote his own nomination as a candidate for public office, by a caucus, convention, or nomination paper, directly or indirectly, by himself or through another person, or by a political committee, give, pay, expend, or contribute, or promise to give, pay, expend, or contribute, any money or other valuable thing, except for personal expenses, as hereinafter provided.

SEC. 85. No person shall, in order to aid or promote his own election to a public office, directly or indirectly, by himself or through another person, give, pay, expend, or contribute any money or other valuable thing, except as hereinafter provided for personal expenses and to a political committee.

SEC. 86. A candidate for nomination or for election to a public office, and any other person, may incur and pay, in connection with such nomination or election, his own personal expenses for traveling and purposes properly incidental to traveling; for writing, printing, and preparing for transmission any letter, circular, or other publication which is not issued at regular intervals, whereby he may make known his own position or views upon public or other questions; for stationery and postage; for telegraph, telephone, and other public messenger service, and for other petty personal expenses; but all such expenses shall be limited to those which are directly incurred and paid by him, and by him alone; and every person shall be required to include such personal expenses in any statement which may be required of him under this act. And in no other case whatever shall the total sum paid, or agreed to be paid, by any candidate for his own personal expenses, as authorized by this act, exceed the sum of $1,000 by any candidate for United States Senator, for Congress, or for any State office; nor shall such personal expenses exceed the sum of $100 by any candidate for a county or other office.

SEC. 87. A person who is nominated as a candidate for public office by a caucus, convention, or nomination paper, and any person who shall, with his own assent, be voted for public office, may make a voluntary payment of money or a voluntary or unconditional promise of payment of money to a political committee as hereinafter defined for the promotion of the principles of the party which the committee represents and for the general purposes of the committee. But in no case, by direct or indirect voluntary contribution, shall such total aggregate voluntary payments exceed the sum of $1,000 by any candidate for the United States Senate, for Congress, or for State offices; nor shall such total aggregate voluntary payments exceed the sum of $50 by any candidate for member of the State legislature, or $100 for any county or other office within the State, nor the sum of $100 by any candidate for any other office: *Provided*, That nothing in this act contained shall be construed to authorize or permit any candidate to make such payment to more than one committee or person, acting otherwise than under the authority or in behalf of a political committee, in any county.

SEC. 88. The term "political committee," under the provisions of this act, shall apply to every committee or combination of persons who shall aid or promote the success or defeat of any political party or principle in a public election, or shall aid or take part in the nomination, election, or defeat of a candidate for public office. Every such committee shall have a treasurer, who is a legal voter of the State, and shall cause to be kept by him detailed accounts of all money and the equivalent of money which shall be received by or promised to the committee, or any person acting under its authority or in its behalf, and of all such expenditures, disbursements, or promises of payment or disbursement which shall be made by the committee or any person acting under its authority or in its behalf; and no person acting under the authority or in the behalf of such committee shall receive any money or equivalent of money, or expend or disburse the same, until the committee has chosen a treasurer to keep its accounts, as herein provided.

SEC. 89. A person who, acting under the authority or in behalf of a political committee, shall receive any money or equivalent of money, or promise of the same, or shall expend any money or its equivalent, or shall incur any liability to pay money or its equivalent, shall at any time thereafter, on demand of the treasurer of such committee, and in any event within fourteen days after such receipt, expenditure, promise, or liability, give to such treasurer a detailed account of the same, with all vouchers required by this act; and such account shall constitute a part of the accounts and records of such treasurer.

SEC. 90. The treasurer of every political committee which shall receive or expend or disburse any money, or equivalent of money, or incur any liability to pay money, in connection with any election, if the aggregate of such receipts or of such expenditures, disbursements, and liabilities shall exceed $10, shall, within thirty days after such election, file a statement setting forth all the receipts, expenditures, disbursements, and liabilities of the committee, and of every officer and other person acting under its authority or in its behalf. Such statement shall include the amount in each case received, the name of the person or committee from whom it was received, and the date of its receipt, and shall also include the amount of every expenditure or disbursement, the name of the person or committee to whom the expenditure or disbursement was made, and the date of every such expenditure or disbursement, and shall clearly state the purpose for which it was expended or disbursed. The statement shall also give the date and amount of every existing unfulfilled promise or liability, both to and from such committee, remaining uncanceled and in force at the time the statement is made, with the name of the person or committee to or from whom the unfulfilled promise or liability exists, and clearly state the purpose for which the promise or liability was made or incurred.

SEC. 91. Every person who, acting otherwise than under the authority or in behalf of a political committee having a treasurer, as hereinbefore provided, receives money or the equivalent of money, or expends or disburses or promises to expend or disburse money or its equivalent, to an amount exceeding $10 for the purpose of aiding or promoting the success or defeat of a political party candidate or principle in a public election, or of aiding or taking part in the nomination, election, or defeat of a candidate for public office, shall file such statement as is herein required to be filed by a treasurer of a political committee in the county in which he is a legal voter, and shall be subject to all the requirements of this act, the same as a political committee and the treasurer thereof; but no person other than a legal voter of the State shall receive, expend, or disburse any money or equivalent of money, or promise to expend or disburse the same, for either of the purposes above named, except for personal expenses, as herein provided, or under the authority or in behalf of a political committee.

SEC. 92. No person shall, directly or indirectly, by himself or through another person, make a payment or promise of payment to a political committee, or to an officer or other person acting under its authority or in its behalf, in any other than his own name; nor shall such committee, officer, or other person knowingly receive a payment or promise of payment, or enter or cause the same to be entered in the accounts or records of such committee, in any other name than that of the person by whom such payment or promise of payment is made.

SEC. 94. The statement required by this act to be filed by the treasurer of a political committee shall be filed with the clerk of the county in which the treasurer is a legal voter, except that, in case a political committee has its headquarters in some other town or city than that in which the treasurer is a legal voter, the treasurer shall file the statement required of him with the clerk of the county in which such headquarters are maintained at the time of the election to which such statement relates. A statement relating to any other than a municipal election shall be filed in duplicate, and one copy shall be forthwith forwarded by the county clerk receiving the same to the secretary of state, by whom it shall be placed on file.

SEC. 95. The supreme court and the district court shall have full equity powers to compel any person who fails to file a statement as required by this act, or who files a statement which does not conform to the provisions of this act in respect to sufficiency in detail, conformity to the truth, or otherwise, to comply with the provisions of this act by filing such a statement as is required, and shall compel such compliance upon the petition of any candidate voted for or of any five persons qualified to vote at the election on account of which the expenditures, or a part thereof, were or are alleged to have been made.

No such petition shall be brought later than sixty days after such election against anyone who has filed his account within the thirty days required, excepting that a petition may be brought within thirty days of any payment which was not stated in the statement so filed. Proceedings under this section shall be advanced upon the dockets of said courts, if requested by either party, so that they may be tried and decided with as little delay as possible. No petition brought under this act shall be withdrawn or discontinued without the consent of the attorney-general.

SEC. 96. No person called to testify in any proceedings under the preceding section shall be liable to criminal prosecution under this act or otherwise for any matters or causes in respect of which he shall be examined or to which his testimony shall relate, except to prosecution for perjury committed in such testimony.

SEC. 97. If any statements which are filed under this act shall apparently fail to be in conformity with the requirements thereof, it shall be the duty of the clerk with whom any such statement is filed forthwith to notify the person making the same of such failure, and to request him to amend and correct the same.

SEC. 98. Every person making a statement required by this act shall make oath that the same is in all respects correct and true, to the best of his knowledge and belief.

SEC. 99. All statements which are filed in accordance with the provisions of this act shall be preserved for not less than fifteen months from the time of the election to which they relate, and shall, during that period, be open to public inspection.

SEC. 102. Every payment in respect of any expense incurred, which is to be accounted for under this act, shall be vouched for by a receipted bill stating the particulars of expenses, and every voucher, receipt, or account required by this act shall be preserved for at least six months from the election to which it relates.

SEC. 103. This act shall apply to all public elections, whether for officers or upon questions to be submitted to the people, except elections of township officers, and shall apply to caucuses and conventions for the nomination of candidates to be voted for at such elections, and to nomination papers for the nomination of candidates to be voted for at such elections, except that sections 83, 85, and 92 of this act shall not apply to the proprietors and publishers of publications issued at regular intervals in respect to the ordinary and regular conduct of business as such proprietors and publishers.

SEC. 104. Whoever shall violate any of the provisions of sections 83, 84, 85, 88, 89, 93, 94, 98, 99, and 102 of this act shall be punished by a fine not exceeding $1,000, and by imprisonment in the county jail for not more than three months. Whoever shall violate any of the provisions of sections 90, 91, and 92 of this act shall be punished by a fine not exceeding $1,000 and by imprisonment in the county jail for not more than three months.

VIEWS OF THE MINORITY.

VIEWS OF TWO MEMBERS OF THE COMMITTEE ON PRIVILEGES AND ELECTIONS, IN THE CASE OF W. A. CLARK, NOW SITTING AS A SENATOR FROM MONTANA.

We agreed and still agree to the resolution reported by the committee through its chairman. That resolution was adopted by the committee itself. But the report is merely the writing of the chairman with the aid of one other member, and never was submitted to any meeting of the committee, and therefore can not be considered as the words of the committee.

It is true that we saw and read that report, by the grace of the chairman, and dissented from many parts thereof, and gave the chairman notice of such dissent, when the chairman informed us that we were not bound by the wording of the report.

It was our misfortune not to agree with a majority of the committee in the general conduct of the investigaton of this case. We believed that in this important inquiry the committee was bound by, and ought to act on, the ordinary rules of evidence.

And in this contention we merely followed another member of the committee who is one of our great lawyers and who is fresh from a long service as a nisi prius judge under Federal authority. That great lawyer, in gentle but forceful language, admonished us of the great danger of disregarding the common rules of evidence established by great judges through the centuries and known to all lawyers. But it was said the committee was not a court and had a right to receive "hearsay" evidence in order to get on the track of better evidence. And we did receive it constantly, and in great volumes.

We tried merely to discharge our duties as members of this committee, and as judges in this most important cause. The chairman, however, left the committee little to do. The committee made an order at the beginning appointing the chairman and another member to determine what witnesses should be summoned, and the two did determine that matter at first; but the chairman kindly relieved the other member of that labor, and determined that matter for the committee.

This report of the chairman declares that, as to many matters stated separately, some members of the committee think or believe one way and some think or believe another way. So we preferred to state our individual findings for ourselves.

It is our opinion, from the evidence, that the friends of Senator Clark illegally and improperly used large amounts of money and thereby caused the election, and that this election is not valid, but under the law of the land is void, and therefore we agree to the resolution reported by the chairman.

We consider it our duty to call attention to the general features of this case. There were in Montana two factions in the Democratic party. Marcus Daly was considered the head of one faction and W. A. Clark was considered the head of the other.

In the summer of 1898 there was a meeting of "Clark men," as they were called, to consider political matters, concerning the general election to be held in November of that year.

Mr. A. J. CAMPBELL was invited and attended that meeting, which was held privately. It was agreed at that meeting to try to elect a legislature of Democrats of their own faction of the party, or not of the Daly faction. And W. A. Clark agreed to pay the expenses. And large sums of money were sent out, by the three men who acted as a committee, to various counties. A Democratic convention was held in September. And at that convention A. J. CAMPBELL was chosen its president, with the aid of all the Clark men."

And at the same convention A. J. CAMPBELL was nominated for Congress with the same aid; and in November, 1898, he was elected to Congress with the same aid. So, to the extent named, Mr. CAMPBELL got the benefit of that private meeting of which he was a member, and the benefit of the money sent out by the committee to the executive committees in various counties.

Mr. CAMPBELL was a well-known opponent of the Daly faction prior to and in 1898.

The witness Whiteside had been employed by one of Marcus Daly's corporations as a contractor to build a large house prior to 1898. A. J. CAMPBELL was employed for the first time in the summer of 1898 to do one piece of work as a lawyer for one of Daly's corporations.

The evidence tends to show that Whiteside was unfriendly to W. A. Clark, and that he made a threat to "explode a bomb" if Clark became a candidate for the Senate; and that about the same day Marcus Daly, in New York, made a threat "to run W. A. Clark and his family out of the State of Montana."

On or about the 15th day of December, 1898, A. J. CAMPBELL and Whiteside met. Whiteside called on Mr. CAMPBELL in his officet o obtain the advice of Mr. CAMPBELL, and informed Mr. CAMPBELL of his plan to act with Mr. Clark's friends and secure Mr. Clark's confidence and then betray and destroy him. Mr. CAMPBELL had no difficulty in advising Whiteside as to how he could best betray and destroy his friend, W. A. Clark. That interview was private, and all we know of it is what the parties have consented to give us; but we learn of them that Mr. CAMPBELL gave to Whiteside advice full of grim, blunt wisdom.

After Mr. CAMPBELL had heard the plan to entrap and betray his friend, he told Whiteside, in substance, "Do not rely on your own evidence to prove the charges." Thus CAMPBELL and Whiteside became united in a common cause, in December, 1898. And from that time Whiteside had the benefit of CAMPBELL's advice. And Whiteside, if you credit his account of himself, acted well and naturally the part of spy and traitor, and did "explode a bomb."

After the legislature adjourned Mr. CAMPBELL, with Marcus Daly's money, went into the business of buying newspapers and hiring editors and set them to work. He also became actively engaged in the business of hiring detectives with Daly's money. Among other hard cases he employed one Benjamin Hill and set him to hunting up evidence against his friend. And Mr. CAMPBELL gives a graphic account of how Hill brought to his office a sealed letter from Bickford to Roote, and how he caused Hill to open the letter for CAMPBELL to read. And, after reading, it was interesting to hear Mr. CAMPBELL

describe how the letter was carefully resealed and sent on by Hill to its destination.

Mr. CAMPBELL sent his man Hill, with his clerk, Mr. Little, to get certain affidavits. The affidavits were obtained, and the men who made them received about $100 each for their pay from Mr. Little and about $150 more for each out of checks drawn by Little on CAMPBELL and paid by him out of Daly's money. Mr. CAMPBELL stated this matter composedly, and, though he did not justify what was done, as he did the opening and reading of a sealed letter, he stated that he assumed the responsibility for the transaction. The man Hill, for hunting up witnesses and buying and making affidavits, received from Mr. CAMPBELL about $1,500 out of Daly's money, according to the evidence.

Mr. CAMPBELL became Daly's agent to disburse money without limit as to amount, and he disbursed it in that way. And in 1899 Mr. CAMPBELL was employed by a corporation controlled by Mr. Daly at a salary of $5,000 per annum.

When last heard from Mr. CAMPBELL had disbursed about $40,000 of Daly's money in this case, and had incurred liabilities for fees to eminent counsel, amounts not named, and still had power to go on spending without limit as to amount. He conducted this case as leading counsel, and became also one of the principal witnesses, but other counsel made the arguments.

Mr. CAMPBELL employed many detectives or spies and paid them most liberally with Daly's money; and he wrote divers letters to his professional detective, L. D. McLean. In one of them he says:

"It is hinted this morning that there were some matters being investigated by the grand jury which might implicate myself, Fred Whiteside, or, perhaps, W. A. Clark, of Virginia City. It is a mere rumor, and I don't believe there is anything in it at all. It may be it has something to do with elections last fall, which will probably not implicate me, but might implicate some of the so called Daly people. * * * Perhaps you had better get a list of the grand jury and find some fellow that you can 'jolly' a little."

Attorney-General Nolan claimed and received the combined assistance of Messrs. CAMPBELL and Whiteside. He attended before the grand jury and examined witnesses concerning this case and took notes of the testimony in shorthand and afterwards wrote out his notes—not in the words of the witnesses, but the substance in narrative form; and afterwards he attached this so-called evidence before the grand jury to the information which he filed in the supreme court against Wellcome; and to aid CAMPBELL and Whiteside in their search after evidence the attorney-general wrote a formal letter to Mr. A. J. CAMPBELL, promising immunity from prosecution and the governor's pardon to any and all witnesses who would testify about bribery of legislators.

This so-called evidence before the grand jury was much used in this case, and Attorney-General Nolan was examined as a witness before the committee as to matters relevant and irrelevant. He could not be induced to see the slightest impropriety in his disclosure of the secrets of the grand jury, or in this wholesale promise of pardons specially given for the use of Mr. CAMPBELL in the work in which he was then engaged. This attorney-general came to Washington, took an active part in the prosecution and in suggesting witnesses, and on the witness stand could not conceal his bias.

A large part of the evidence taken by the committee and submitted to the Senate is irrelevant to the matter of inquiry. Take as a sample the matter of what is called the attempt to bribe the supreme court and the attorney general. This transaction, so far as we are informed, occurred six or seven months after the Senatorial election; no fact proved connects Mr. Clark with any part of that transaction. Dr. Treacy had no sort of connection, directly or indirectly, with Mr. Clark; and if he had, there was no connection between the election in January and the supreme judges in the fall of that year.

You can not lawfully charge a man with one crime and prove that he committed that crime by proving that he did commit another crime. The Constitution provides that the accused must "be informed of the nature and cause of the accusation." No mention of the judges of the supreme court of Montana was made in the charges against Mr. Clark. All of that evidence was nothing more than what lawyers call "coloring matter." And it was admitted against the protest of the Senator from Maryland and others.

And in the conduct of this case much other mere "coloring matter" was received as evidence.

In the report made for the committee there are several curious statements of a part of the evidence as to the thing stated. For example, it is stated that Senator Clark, in June, 1899, destroyed the checks which he had drawn on his bank. But the report fails to state that for years past it was his habit to destroy his checks when his account was rendered by the bank and examined. And the report failed to state that the committee had the bank account of Mr. Clark during all the time in which it was charged that money had been illegally used.

And there is another feature of that report which should be noticed. Statements are made as facts which are based only on the testimony of a witness of doubtful credit, and that testimony plainly contradicted.

The only proposition for which we contend is, that this is a judicial case, and a committee of the Senate ought to consider and report it as judges.

E. W. PETTUS.
W. A. HARRIS.

[Senate Report No. 1052, part 2, Fifty-sixth Congress, first session.]

MONTANA SENATORIAL ELECTION.

The Committee on Privileges and Elections on April 23, 1900, made a report to the Senate (No. 1052) unanimously recommending the adoption by the Senate of the following resolution:

"*Resolved*, 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."

The committee also reported the findings and reasons leading to their recommendation. Two members of the committee submitted on the same day certain views of the minority which, while agreeing to the resolution reported by the committee, condemned some alleged methods adopted by the committee and criticised some alleged acts of the chairman. These views of the minority were not seen by the majority until after the report was printed, but the text of the principal report had been seen by the two members of the committee, and some changes had been made therein in deference to their suggestions.

On the 15th day of May Senator Clark addressed the Senate on a question of privilege, and, after making a lengthy statement, informed the Senate that on the 11th day of May he had notified the governor of Montana that he resigned as Senator; and after making his address Mr. Clark retired from the Senate. His statement contained various criticisms of the report which had been made by the committee.

Upon an examination of the criticisms made by Senator Clark and those made in the additional views of the two members, a majority of the committee make up a supplemental report, as follows:

The distinct criticisms made by Mr. Clark on May 15 of the report of the committee are not serious in their character, and it is fortunate that they were made because they may be taken as being all the criticisms which the party most at interest can claim can justly be made. The correctness of all other statements made by the committee not criticised by Senator Clark may be taken to be admitted by him. All his statements will not be now reviewed, but some of them should be noticed by the committee.

He complains that the method of procedure of the committee was unfair and nonjudicial, and that testimony was received contrary to the established rules of evidence, hearsay and irrelevant testimony, and that the case was like the Dreyfus case, where there was a constant presumption of guilt instead of innocence.

The answers to this complaint are simple.

(1) That no such testimony was received except after deliberate decision by the committee for the purpose of ascertaining what additional witnesses it might be necessary to summon, as stated by the chairman on page 432 of the testimony, as follows:

"The CHAIRMAN. It would only be admissible as laying the foundation for sending for other witnesses."

(2) That no single finding of the committee has been based upon hearsay testimony.

The finding of the whole committee that the election was null and void was based upon the admitted or undisputed facts with their attendant circumstances, and no facts are recited in the report of the committee beyond the admitted and undisputed facts except in those cases where any denial of those facts is distinctly recited.

The methods of procedure were in no case unfair, but were such as ordinarily prevail in investigations like this.

The presumption of innocence was at no time disregarded, and findings unfavorable to Mr. Clark was made as a court or jury would have made them upon a full and fair consideration of all the facts in the case.

He denies the conclusion of the committee that a sufficient number of legislators were corrupted to change the result of the election.

This criticism is merely the complaint that the committee differed in opinion from him and his eminent counsel, and made findings contrary to their desires.

He complains that stress was laid by the committee upon the comparative financial condition of two or three legislators before and after the Senatorial contest, and asserts that their explanations of the circumstances would have been received, the presumption being that if their financial condition was better that result happened honestly.

The answer to this complaint is that while such is the ordinary presumption, the many facts in this case overcome that presumption, in the opinion of the committee, and that there were not, as Mr. Clark now asserts, satisfactory explanations of the circumstances.

Speaking particularly of the facts which the committee claim are "admitted or undisputed," he refers to the statement made by the committee that he had been constantly a candidate for office. He does not deny the fact stated by the committee, but proceeds to distinctly admit it. The statement was not made as the "leading part" of the third subdivision of the committee's report, but only as preliminary to the statement in such third subdivision that Senator Clark, being a candidate for Senator, organized a Clark committee and gave that committee unlimited authority to make political expenditures from money which he agreed to furnish and which was estimated at not less than $110,000.

He continues to claim that he was not a candidate for Senator until December, 1898, and defies anyone to show the contrary. The contrary is easily shown by statements of his own committee. Mr. Hauser states that he was a candidate, and Mr. Davidson states that he was a candidate. The whole sum and substance of the movement of himself and friends were only to make Mr. Clark a United States Senator, and his money was furnished and expended for that purpose.

He complains that testimony was excluded concerning the character of Mr. Daly's efforts to defeat him when he was a candidate for Senator in 1893, and he read in the Senate a long ex parte affidavit of George E. McGrath. It appears that this affidavit was made February 19, 1900, concerning transactions which Mr. McGrath said he knew about in 1893, and which were never previously put on paper. The committee properly declined to retry the contest of 1893.

He also complains that testimony was excluded of Folk and wife as to an attempt by Mr. Whiteside to bribe Mr. Folk with an offer of $1,000 to give him access to the ballots connected with Mr. Whiteside's own election to the State senate. The committee on due consideration twice decided to reject this evidence as raising a collateral issue the trial and decision of which might lead to an interminable investigation. It may be added, however, that the chairman of the committee on both occasions was in favor of receiving the evidence, however much the incidental inquiry might delay the case.

He denies the averment that he early began negotiations with Mr. Hobson, the Republican leader, saying of this averment: "Not one statement of which is sustained by the testimony."

The statement of the committee was based partly upon the fact that the so-called "Whiteside exposure" took place January 10, and that on January 15 Senator Clark wrote a letter to Senator Hobson declaring himself to be a protectionist, and there was no dispute that this letter was written in order to secure through Senator Hobson Republican votes for Mr. Clark for Senator.

He also denies that he bought the $48,000 of Mr. Powers's stock in Mr. Hobson's bank on account of the Senatorial controversy. By his own testimony (p. 1891) it appears that he bought the stock for the following reason:

"Mr. CAMPBELL. Where is the stock now?

"Senator CLARK. It is in my bank now, in the bank of W. A. Clark & Co., Butte, Mont. I was going to say, if the committee will allow me, that I would like to give, briefly, a little narrative of that transaction.

"After the election was over Senator Phillips spoke to me about the bank stock, the stock owned by Mr. Powers in the Fergus County Bank, and said that Mr. Powers was somewhat indignant as to the action of Mr. Hobson in voting for me, and that he might give him trouble in some way. He was a little concerned about it. I asked him some questions about it, what stock Mr. Powers owned, and what he thought about the value of the stock. He said he was certain that the stock was first class and would return good dividends. So I said, 'If it is a good investment, if I am assured that it is a good investment, and Mr. Powers should give any trouble to Mr. Hobson about this stock, I would be very willing to buy it,' as I was seeking good investments.

"I went, I think I went, to Mr. Hobson, or met him. I am not sure that I went for that purpose.

"Mr. CAMPBELL. You went to whom? To Mr. Hobson?

"Senator CLARK. Mr. Hobson. I spoke to Mr. Hobson about the stock and mentioned something about the conversation with Mr. Phillips, and asked him about the stock, and if there was any danger of his getting into trouble with his partner, Mr. Powers, who was interested with him. He said he did not know that there was, but there might be; it might be possible that something might arise that would put him in bad shape, so far as his financial interest was concerned there. I think he said something about his telling him to sell or to buy his stock. That conversation is not very clear in my mind, but it was something of that nature.

As to the statements of Senator Clark that the result of the admission of

perjured testimony was "damaging in the extreme" to his case, the attention of the Senate should be distinctly called to the statement made by the committee on page 13, that all the witnesses whose conduct has occasioned comment had been originally employed by Senator Clark, or his committee, or his friends.

He complains of the committee for giving any weight to those parts of the Montana laws against bribery, which limit expenditures by candidates, and require candidates and their committees to make returns.

The expressed view of the committee was that the disobedience of those laws, which rendered Mr. Clark and his committee liable to criminal prosecutions, furnished "strong additional reasons for believing the other evidence which seems to them to establish the corruption charged." Those laws were specially made by the legislature of Montana on February 25, 1895, in order to redeem the State from its bad condition and repute, and should not have been defied by Mr. Clark, Mr. McDermott, Mr. Davidson, and his other assistants.

He states that no proof was adduced that he had any knowledge of corruption on the part of his agents, and that no charge of complicity had been made in the report. His language in his letter of May 11 to the governor of Montana is as follows:

"None of the charges affecting my personal honor or which allege that I had personally been guilty of corrupt practices have been sustained by the finding of the committee."

Against this assertion there should be placed the explicit and unequivocal statement of the committee in their report, on page 12, in the following words:

"It is also a reasonable conclusion upon the whole case that Senator Clark is fairly to be charged with knowledge of the acts done in his behalf by his committee and his agents conducting his canvass. He arrived in Helena from Butte on January 4, and was in constant conference with his committee and agents."

In view of the issue thus made, it is important to reexamine some of the facts showing exactly what Senator Clark's personal connection has been with the circumstances which have resulted in his resignation from the Senate.

It is not intended to reiterate at any length facts stated in the report to prove the correctness of what is asserted in the foregoing extract.

The preliminary arrangements for so influencing the nominations and elections to the legislature that he could be chosen Senator were made by Mr. Clark personally, as appears under the third head of the report. Nothing since the hearing closed has tended to impair the facts stated concerning Senator Clark's own personal connection with the course of his canvass for election as Senator.

In the case of Mr. E. C. Day, recited under the fourteenth head of the report, it appears that the transactions originated with Mr. Clark himself, who, on February 13, in writing, personally directed that the $5,000 should be given to Mr. Day for his services in the legislature and as a retainer as counsel in the future. Mr. Clark says that he wishes to correct a misstatement. He says, "I never wrote a letter couched in such language," but he then proceeds to say that the amount was paid to Mr. Day as a testimonial of friendship. The gloss which Mr. Clark now tries to put upon a very serious transaction of his own is not consistent with the language of Mr. Day, quoted in the report. In opposition to Mr. Clark's statement in the Senate may be put his testimony befere the committee, as follows:

"Mr. CAMPBELL. Mr. Day voted for you during the canvass?

"Senator CLARK. Mr. Day voted for me.

"Mr. CAMPBELL. Yes; he was one of the leaders of your force?

"Senator CLARK. Yes, sir.

"Mr. CAMPBELL. And was the recognized leader for what was called the Clark faction of the Democratic party?

"Senator CLARK. He ran as speaker of the house of representatives, I believe, representing our forces.

"Mr. CAMPBELL. And upon the floor of the house he was the recognized leader for the Clark forces, was he not?

"Senator CLARK. I am not sure of that. I think he was. I never was in the house of representatives or in the joint assembly.

"Mr. CAMPBELL. Do you not know, as a matter of fact, that he was the man who made the motion to take a second ballot upon the day on which your election occurred?

"Senator CLARK. Yes; I believe he was. I think he was recognized as the leader of the Clark forces in the house of representatives.

"Mr. CAMPBELL. And four days after your election you made him a present of $5,000?

"Senator CLARK. Yes, sir.

"Mr. CAMPBELL. What was that for?

"Senator CLARK. It was in consideraion of my friendship for Mr. Day, and for the work performed by him in trying to organize the legislature—to be elected speaker and in order to control our forces, in which, however, we failed. I recognized that he was worthy of this consideration. We expected to have, from the talk that was going around, more or less trouble or litigation, and Mr. Day was to take charge of everything of that kind, and has done so."

In the case of Mr. McLaughlin, stated under the sixth head of the report, Mr. Clark says of the statement of the committee that "in December, 1898, Senator Clark began negotiations with one H. W. McLaughlin, a member of the legislature, for the purchase of his wood lots and sawmills." "This statement, Mr. President, is not correct;" and he proceeds to justify this charge by stating that the negotiations were begun by Mr. Bickford and not by himself in the month of September before Mr. McLaughlin was ever nominated for the legislature,

The fact was that Mr. McLaughlin and Mr. Bickford did enter into preliminary negotiations, without doubt growing out of Mr. McLaughlin's expected nomination and election to the legislature. The committee regarded all the excuses given for the purchase by Mr. Clark directly and personally of all Mr. McLaughlin's property at an extravagant price as a very clear case of improper arrangement with a member of the legislature. Although Mr. Clark calls the McLaughlin incident a "weak case" and a "flimsy expedient," the facts are convincing as to the character and purpose of the so-called "purely business enterprise."

As to the Woods case, stated under the seventh head of the report, Mr. Clark says that the statement of the report that he knew of Mr. Bickford's attempt to purchase the indebtedness which Woods owed is absolutely unfounded, and that he never heard of the transaction until it was disclosed in the testimony during the investigation. It is true that the scheme for controlling Mr. Woods by buying up his indebtedness originated with Mr. Bickford, and that Mr. Bickford on December 31, 1898, went to Missoula with five $1,000 bills and four $500 bills, which he had obtained from C. W. Clark for that purpose. But it also appears that Senator Clark, in response to letters from Dr. Ector, took up the case of Mr. Woods and came to comprehend what was intended.

Mr. Ector's letter to Mr. Clark of December 7, 1898, and Mr. Clark's letters to Mr. Ector of December 10, 1898, and January 4, 1899, leave little doubt that Senator Clark knew what Mr. Bickford was engaged in doing, especially in view of the fact that Mr. Ector's letters of November 17, 1898, and January 3, 1899, are not produced.

In the case of Mr. B. F. Fine, stated under the twelfth head of the report, it is not denied that the arrangement with him to work for Mr. Clark, for which he received $5,000 for nominal or useless services, was made by Mr. Clark personally during the session of the legislature after Mr. Clark's election. The criticism made by Senator Clark is "that there was no agreement, but merely a statement made by me to him after my election." This different form of putting the case is not material. The committee did not claim that Mr. Fine would not have voted for Mr. Clark had it not been for this arrangement, but that it was like the case of Mr. E. C. Day, a payment afterwards for services as a member of the legislature under circumstances which at least aroused suspicion that there was an understanding to that effect before the election.

In the case of Mr. Z. T. Cason, who gives an account of Mr. Bickford's efforts to induce him to endeavor to corrupt Mr. Marcyes, it appears from Mr. Clark's own testimony that he had interviews with Mr. Cason, and at last on the 3d day of February, 1899, sent to Mr. Cason $500 in a letter giving thanks for his services. The personal activity of Senator Clark in conducting the details of his canvass is thus very clearly indicated.

The testimony of Mr. Cason was not credited by the committee, because he wrote a recantation at the instigation of Mr. Jesse B. Root, Mr. Wellcome's law partner, upon receiving $1.500 from Mr. Root for copying and signing the recantation and going into hiding in Baker City, Oreg., as stated on page 13 of the report. But Senator Clark's own testimony as to his relation with Cason and his letter to him inclosing the $500 stand as undisputed facts.

As to the approach to Mr. Justice William H. Hunt, of the supreme court of Montana, stated on page 14 of the report, while it does not directly appear that Senator Clark had knowledge of this approach made by Dr. Treacy, who also in a similar way approached Attorney-General Nolan, yet there stands against Senator Clark the significant fact, proved by Mr. Clark's letter to Rev. A. B. Martin, that he urged Mr. Martin to approach Chief Justice Brantley in order to prevent the disbarment of "that splendid man, John B. Wellcome." This admitted fact certainly justifies a strong suspicion that the other attempts to reach the court made by Dr. Treacy, under the circumstances narrated in the report, were known to Senator Clark.

Reference will now be made in this report to the criticisms of the chairman made by the minority of the committee in their addendum to the report, by annexing the following memorandum by the chairman.

MEMORANDUM BY THE CHAIRMAN.

The statement that the chairman left the committee little to do is unjust. The chairman did nothing except what such an officer is expected to do. Every important ruling was made either by decision of the committee or by the chairman in the first instance after an order of the committee was made prescribing that course of proceeding, with the understanding that any member of the committee might dissent on any point and have it decided by the vote of the committee,

The minority say that the committee made an order at the beginning appointing the chairman and another member to determine what witnesses should be summoned, and it was determined that way at first, but the chairman kindly relieved the other member of that labor and determined that matter for the committee. The Senator from Alabama and the chairman were appointed to consider in the first instance applications for subpœnas for witnesses.

Forty-four witnesses were summoned and heard for the prosecution, 41 witnesses summoned and heard for the defense, and 7 witnesses summoned directly by the committee. As to witnesses for the prosecution and defense, the lists which were submitted in the first instance by the two sides were deliberately considered by the chairman and the Senator from Alabama, and every question arising was passed upon.

Those lists covered three-quarters of the witnesses summoned. Subsequently in some few cases the chairman summoned witnesses where previous decisions to summon had established a principle which covered the new requests, and there the formality of consulting the Senator from Alabama may have been omitted. Such cases probably did not exceed a dozen. Various witnesses are upon the list who came to Washington without being summoned, and were called to the stand by the respective parties. The question of summoning witnesses to prove the attempt upon the supreme court of Montana was decided by the whole committee; and it may be further and finally added that, so far as Senator Clark was concerned, there was no refusal to summon any witness whom his counsel insisted upon obtaining.

While the chairman was sick at his house he received an important communication, which seemed to him to require the instantaneous summoning of two witnesses. For those witnesses he telegraphed immediately, and at once sent to the committee a report of what he had done, in the following words, on the 3d of March, 1900:

"There are two more witnesses whom I have taken the responsibility of summoning, and do not wish to state the facts and reasons until I am sure that I shall get them here. The principal witness claims to be sick."

The circumstances connected with the summoning of this principal witness are detailed in memorandum which is in the hands of the committee. His name is J. A. Largent, of Greatfalls, Mont.

Another statement, on page 24, of the two Senators is that the report fails to state in connection with the destruction by Senator Clark, in June, 1889, of his checks, that it was his habit to destroy such checks. The two Senators are mistaken. The report distinctly states that fact on page 11, where it says that the destruction of the checks was "in accordance with what he testified was his custom."

Another statement of the two Senators is that "statements are made as facts which are based only on the testimony of a witness of doubtful credit, and that testimony plainly contradicted." This is an error. The report from beginning to end shows no statement made as a fact unless it is an undisputed fact, and no conclusion appears to be reached by the majority of the committee on contradicted testimony without the contradiction being plainly noted; and one important statement appearing on page 8 should be constantly borne in mind, that, laying aside substantially all the controverted facts, "there would still remain sufficient evidence in the case to lead the committee to find, as they do, that Mr. Clark's election is void."

WM. E. CHANDLER.

Mr. PETTUS. Mr. President, this untimely, protracted, and most remarkable performance of the Senator from New Hampshire [Mr. CHANDLER] forces us all to remember that we are sons of Adam, and have inherited a very large amount of human nature. It teaches us a sad lesson, which ought to be emphasized so that we shall not forget it.

Mr. President, if we inflict a great injury upon a man we are absolutely certain to hate him. Why? The cause is that every time we see him and every time we hear of him we feel mean, and we charge our bad feelings on to that man whom we have thus wronged, and we hate him for our own bad conduct.

Mr. President, this has been a terrible picture we have had here to-night. Let us turn away in sadness and pass on.

Mr. CHANDLER. I am sorry I disturbed the Senator from Alabama [Mr. PETTUS]. I have no hatred for Senator Clark. I simply joined the Senator from Alabama in a declaration that the election of Mr. Clark was null and void for bribery, and that he ought to go out of the Senate.

Mr. JONES of Arkansas. Mr. President, I present the credentials of Hon. William A. Clark, chosen a Senator by the legislature of the State of Montana for the term beginning March 4, 1901, which I ask may be read and filed.

The PRESIDENT pro tempore. The credentials will be read.

The Secretary read as follows:

In the name and by the authority of the State of Montana.

To the President of the Senate of the United States:

This is to certify that on the 16th day of January, 1901, William Andrews Clark was duly chosen and elected by the legislature of the State of Montana a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1901.

In testimony whereof I have hereunto subscribed my name and caused the great seal of the State of Montana to be affixed at my office, at Helena, the 24th day of January, in the year of our Lord 1901, and in the one hundred and twenty-fifth year of the independence of the United States of America.

JOSEPH K. TOOLE, *Governor.*

By the governor.
[SEAL.] GEORGE M. HAYS,
Secretary of State.

The PRESIDENT pro tempore. The credentials will be placed on file.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 4509) extending to the city of Everett, Wash., a subport of entry, the privileges of the act approved June 10, 1883, governing the immediate transportation of dutiable goods.

The message also announced that the House had passed with amendments the bill (S. 4687) for the relief of Richard H. Townley, a lieutenant (junior grade) on the retired list of the United States Navy; in which it requested the concurrence of the Senate.

The message further announced that the House insists upon its amendments to the bill (S. 5593) to provide for two additional associate justices of the supreme court of the Territory of Oklahoma, and for other purposes; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARNER, Mr. GIBSON, and Mr. LLOYD managers on the part of the House.

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

A bill (H. R. 1452) to remove the charge of desertion and grant an honorable discharge to John C. Weckler;

A bill (H. R. 3003) to authorize the Secretary of the Navy to loan naval equipment to certain military schools;

A bill (H. R. 13530) to provide an American register for the foreign-built ship *Balclutha;* and

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.

The message further announced that the House had agreed to the concurrent resolution of the Senate to print 10,000 additional copies of the report of Dr. V. R. Chestnut and Dr. E. V. Wilcox of their investigation of plants poisonous to stock in Montana.

The message also announced that the House had agreed to the concurrent resolution of the Senate to print 6,000 copies of the Legislative History of the General Staff of the Army of the United States.

The message further announced that the House had agreed to the concurrent resolution of the Senate to print 2,200 copies of the military laws of the United States.

The message also announced that the House had passed, with an amendment, the concurrent resolution of the Senate to print 3,000 copies of the special expert reports as prepared under the direction of the committee on awards of the Columbian Exposition held in Chicago in 1893; 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 joint resolutions, and they were thereupon signed by the President pro tempore:

A bill (S. 425) for the relief of John M. Davis;

A bill (S. 437) for the relief of Isaac McConnaughay, private, Company H, Fortieth Iowa Infantry Volunteers;

A bill (S. 1632) to amend an act authorizing certain officers of the Navy and Marine Corps to administer oaths, approved January 25, 1895;

A bill (S. 2936) authorizing the appointment of James A. Hutton to a captaincy of infantry in the United States Army;

A bill (S. 3283) for the relief of Isaac R. Dunkelberger;

A bill (S. 3489) authorizing and empowering the Secretary of War to grant the right of way for and the right to operate and maintain a line of railroad through the Fort Ontario Military Reservation, in the State of New York, to the Oswego and Rome Railroad Company;

A bill (S. 4171) to amend "An act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service," approved February 15, 1893;

A bill (S. 4787) to authorize the appointment of Thomas Lutz Stitt as an officer in the Navy;

A bill (S. 5022) to extend the privileges of the seventh section of the immediate transportation act to Fall River, Mass.;

A bill (S. 5331) to provide an American register for the barkentine *J. C. Pfluger*, of San Francisco, Cal.;

A bill (S. 5698) to extend the time for the completion of a bridge across the Missouri River;

A bill (H. R. 11598) for the relief of Frank B. Case;

A bill (H. R. 12665) supplementary to an act entitled "An act to prohibit the coming of Chinese persons into the United States, approved May 5, 1892, and fixing the compensation of commissioners in such case;

A bill (H. R. 13943) increasing the limit of cost of certain public buildings, and for other purposes;

A joint resolution (S. R. 115) authorizing the Secretary of the Navy to cause bronze medals to be struck and distributed to certain officers and men who participated in the war with Spain, and for other purposes; and

A joint resolution (S. R. 158) ratifying agreement between Tennessee and Virginia with reference to the boundary line of said States.

DELIVERY OF IONIC COLUMNS TO BALTIMORE.

The PRESIDENT pro tempore. The Chair lays before the Senate a bill from the House of Representatives, the title of which will be stated, and calls the attention of the Senator from Maryland [Mr. WELLINGTON] to it.

The SECRETARY. A bill (H. R. 13776) authorizing and directing the Secretary of the Treasury to deliver to the mayor and city council of Baltimore, Md., Ionic columns.

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

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

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

JOHN C. WECKLER.

The PRESIDENT pro tempore. The Chair lays before the Senate a bill from the House of Representatives, the title of which will be stated, to which he calls the attention of the Senator from Illinois [Mr. MASON].

The SECRETARY. A bill (H. R. 1452) to remove the charge of desertion and grant an honorable discharge to John C. Weckler.

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

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

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

Mr. ELKINS. I am directed by the Committee on Commerce to report three House bridge bills, for which I ask present consideration. They have been passed by the House of Representatives and are reported upon favorably by the Committee on Commerce.

The PRESIDENT pro tempore. The Senator from West Virginia will please retain the reports for the present, until the Chair can lay before the Senate bills on his table.

Mr. ELKINS. Very well.

COURT AT SHERMAN, TEX.

The PRESIDENT pro tempore. The Chair lays before the Senate a bill from the House of Representatives, the title of which will be stated, and calls the attention of the Senator from Texas [Mr. CULBERSON] to it.

The SECRETARY. A bill (H. R. 14260) to amend an act entitled "An act to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Sherman, Tex., and for the appointment of a clerk for said court, and for other purposes," approved February 19, 1901.

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

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

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

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 this day approved and signed the following acts:

An act (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; and

An act (S. 3535) for the relief of the Brooklyn Ferry Company, of New York.

ENLISTED MEN OF THE NAVY OR MARINE CORPS.

The PRESIDENT pro tempore. The Chair lays before the Senate a bill from the House of Representatives, the title of which will be stated.

The SECRETARY. A bill (H. R. 14309) for the reward of enlisted men of the Navy or Marine Corps.

Mr. HALE. I ask that that bill may be now taken up and passed.

The PRESIDENT pro tempore. The bill will be read in full for the information of the Senate.

The Secretary read as follows:

Be it enacted, etc., That any enlisted man of the Navy or Marine Corps who shall have distinguished himself in battle or displayed extraordinary heroism in the line of his profession shall, upon the recommendation of his commanding officer, approved by the flag-officer and the Secretary of the Navy, receive a gratuity and medal of honor as provided for seamen in section 1407 of the Revised Statutes.

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

Mr. BUTLER. I ask the Senator from Maine how does that change the existing law? The statute provides for giving this gratuity and these medals to certain men, and I want to know what change in the existing law this bill makes.

Mr. HALE. This is more specific, and makes it entirely certain that medals will be given to the men who are covered by the bill.

Mr. BUTLER. Who are covered by existing law?

Mr. HALE. The Department prepared this bill upon the ground that it was necessary in order to cover the men without selection by the Department. It applies to all men who are engaged not for specific service, but for all who are engaged in the general service.

Mr. BUTLER. I understand, then, that the present law provides that the Department may select a certain number?

Mr. HALE. There is a selection.

Mr. BUTLER. Can not the Department select the whole number?

Mr. HALE. Of course they can, but in this case they are not called upon to select. This makes it general.

Mr. BUTLER. Do I understand it to apply to everybody in an engagement?

Mr. HALE. Yes.

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

Mr. BUTLER. I feel that I should like to ask the chairman of the Committee on Naval Affairs another question. The wording of this bill still requires the Department to determine who has displayed this degree of gallantry and bravery. Is not selection still required by the Department?

Mr. HALE. It applies to all men in the Navy, not only those who are technically seamen, but to enlisted men—the entire range of employment in the Navy. Perhaps the Senator is not aware of the fact that the term "seaman," as covered by the present statute, is very limited in its application in the Navy. For instance, in the last twelve months the Navy has only been able to enlist about 300 sailors or seamen, and the general enlistments that have been made are not covered by that phrase. This applies to all of the enlisted men in the Navy, and not merely to the seamen or sailors.

Mr. BUTLER. What is the difference between the seamen and enlisted men who would be in an engagement and might distinguish themselves?

Mr. HALE. About 1 in 10, or perhaps 1 in 20, is a seaman or sailor, and the rest are enlisted as landsmen.

Mr. BUTLER. The present law, then, restricts the selection of the Department from those known technically as seamen?

Mr. HALE. Seamen or sailors. This bill applies to all the men who enlist in the Navy.

Mr. BUTLER. The Department now selects from the seamen—not all of the seamen—but it makes the selection from certain seamen?

Mr. HALE. Under this bill it selects from the entire enlisted men—landsmen, seamen, sailors, and all.

Mr. BUTLER. But the Department still makes the selection?

Mr. HALE. Undoubtedly.

Mr. BUTLER. This bill simply broadens the number from which the selection may be made?

Mr. HALE. It applies to all of the men, what you may call in the Navy the rank and file.

Mr. BUTLER. That may remove still another objection, but there is still selection by the Department according to the degree of gallantry or bravery?

Mr. HALE. That is provided for in the bill.

Mr. BUTLER. I understood the Senator at first to say that this was to remove that discrimination and to relieve the Department from the burden of discriminating.

Mr. HALE. I did not mean that. I mean it enlarges the eligibility of the men who may be appointed or may be selected. It covers all the men in the Navy.

Mr. BUTLER. In the case of a man distinguished for bravery or courage or gallantry there would still, under this bill, be an incentive to him for promotion and reward, just the same as under the present law?

Mr. HALE. Undoubtedly.

Mr. BUTLER. Except that the landsmen may be rewarded for gallantry and bravery just as those who are technically called seamen may be?

Mr. HALE. The constituency is widened.

Mr. BUTLER. Very well.

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

EXPENDITURES OF ISTHMIAN CANAL COMMISSION.

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, referred to the Committee on Interoceanic Canals:

To the Senate:

I transmit herewith a report from the Acting Secretary of State, in response to the resolution of the Senate of March 2, 1901, calling upon the Secretary of State for "an account, in detail, of the expenditures of the Isthmian Canal Commission, of which Admiral John G. Walker is president, up to date, and what sum, if any, is needed to complete the work of said commission and for what purposes the same is needed."

WILLIAM McKINLEY.

EXECUTIVE MANSION,
Washington, March 2, 1901.

EXECUTION OF CHINESE OFFICIALS.

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 paper, ordered to lie on the table and be printed:

To the Senate:

In response to the resolution of the Senate of February 9, 1901, requesting information as to "whether the United States minister to China has joined the representatives of other powers at Pekin in demanding the execution of Prince Tuan and other Chinese officials, and if so, by whom he was authorized to join in making such demand," I transmit herewith a report from the Secretary of State.

WILLIAM McKINLEY

EXECUTIVE MANSION,
Washington, March 2, 1901.

HOUSE BILLS REFERRED.

The bill (H. R. 3003) to authorize the Secretary of the Navy to loan naval equipment to certain military schools was read twice by its title, and referred to the Committee on Naval Affairs.

The bill (H. R. 13530) to provide an American register for the foreign-built ship *Balclutha* was read twice by its title, and referred to the Committee on Commerce.

The 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, was read twice by its title, and referred to the Committee on Printing.

CHARLES J. CLARK.

Mr. JONES of Arkansas, Mr. WOLCOTT, and Mr. ELKINS addressed the Chair.

The PRESIDENT pro tempore. The Senator from Arkansas [Mr. JONES] is recognized.

Mr. JONES of Arkansas. If there is no morning business, I suppose the motion made by me to take up Calendar No. 2413 is in order.

Mr. WOLCOTT. Will the Senator from Arkansas yield to me for a moment?

Mr. JONES of Arkansas. Certainly.

Mr. ELKINS. I was recognized by the Chair some time since to make reports from the Committee on Commerce.

The PRESIDENT pro tempore. The Senator from West Virginia was recognized by the Chair to report three bills, but h asked unanimous consent for the consideration of the three bills, and the Chair asked him to yield while the Chair laid some House bills before the Senate.

Mr. WOLCOTT. Mr. President, I appeal to the Senator from West Virginia to allow me to have passed a little pension bill. It will take but a moment. It is one of those unanimous-consent bills, less than an inch long. It can go through in a moment.

Mr. ELKINS. I will yield to the Senator, if by so doing my bills will not be prejudiced.

Mr. WOLCOTT. I assure the Senator the bill I desire to have considered will take but a moment.

The PRESIDENT pro tempore. The Senator from Colorado asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 5084) granting a pension to Charles J. Clark.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 6, after the word "lieutenant-colonel," to strike out the word "of;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles J. Clark, late lieutenant-colonel Twenty-third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendment was agreed to.

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

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

OPENING OF LANDS IN OKLAHOMA.

Mr. ELKINS. Mr. President——

Mr. HANSBROUGH. I desire to present a conference report.

The PRESIDENT pro tempore. The conference report will be received and read.

The Secretary 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 amendment No. 2 of the Senate to the bill (H. R. 12901) to supplement existing laws relating to the disposition of lands, etc., 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 to amendment numbered 2 of the Senate, and agree to the same.

H. C. HANSBROUGH,
THOMAS H. CARTER,
HENRY HEITFELD,
Managers on the part of the Senate.

JOHN F. LACEY,
F. W. MONDELL,
JOHN F. SHAFROTH,
Managers on the part of the House.

The report was agreed to.

ORDER OF BUSINESS.

Mr. JONES of Arkansas. Mr. President, I am willing to yield for morning business, but I am not willing to yield to Senators to take up bills that will consume more time than it would take to dispose of the resolution which I ask the Senate to vote on.

Mr. ELKINS. I should like to have the Senator allow me to bring to the attention of the Senate the bridge bills I desire to report.

Mr. JONES of Arkansas. I have no objection to Senators making reports, but I can not give way for the purpose of allowing bills to be passed.

The PRESIDENT pro tempore. Quite a number of Senators have adopted the rather unusual course of handing in their names to the presiding officer to be recognized for the purpose of calling up bills.

Mr. ALDRICH. I shall object to any House bills unless we can take them up in order on the Calendar and dispose of the unobjected House bills. It seems to me that is the thing that ought to be done.

Mr. ELKINS. The bills I have in charge are bridge bills.

Mr. ALDRICH. Bridge bills have no higher claim than any other bills.

Mr. DANIEL. I move that the Senate proceed to the consideration of unobjected House bills.

Mr. SULLIVAN. I demand the regular order—the Calendar.

The PRESIDENT pro tempore. The Senator from West Virginia [Mr. ELKINS] can report his bills and have them placed on the Calendar.

REPORTS OF A COMMITTEE.

Mr. ELKINS, from the Committee on Commerce, to whom was referred the bill (H. R. 14093) to authorize the Paris, Choctaw and Little Rock Railway Company to construct and maintain a bridge across Red River, in the State of Texas, reported it without amendment.

He also, from the same committee, to whom were referred the following bills, reported them each with amendments:

A bill (H. R. 13436) to authorize the Charleroi and Monessen Bridge Company to construct and maintain a bridge across the Monongahela River; and

A bill (H. R. 14228) to authorize the city of Nashville, Tenn., to construct a free public bridge across the Cumberland River within the corporate limits of said city.

UNLAWFUL TRADE RESTRAINTS AND MONOPOLIES.

Mr. JONES of Arkansas. Now, Mr. President, the pending motion, I think, is my motion to take up Calendar No. 2413.

The PRESIDENT pro tempore. The motion was to proceed to the consideration of a resolution, which will be stated.

The Secretary read the resolution submitted by Mr. JONES of Arkansas on February 16, as follows:

Resolved, That the Committee on the Judiciary be discharged from the further consideration of the bill (H. R. 10539) to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, and that the Senate proceed to consider the same.

The PRESIDENT pro tempore. The question is on the resolution submitted by the Senator from Arkansas [Mr. JONES].

Mr. ALDRICH. Mr. President, the question is not upon the resolution, but upon taking it up. It can not be anything else. The resolution is on the Calendar, and the Senator from Arkansas can only make one motion, and that is to take it up.

Mr. JONES of Arkansas. I think the Secretary did not read the last part of the resolution properly. I modified the resolution by striking out the words "and that the Senate proceed to consider the same;" so that the resolution is merely to discharge the committee from the further consideration of the bill named.

Mr. ALDRICH. The pending motion is a motion to take up the resolution.

Mr. PLATT of Connecticut. It is a motion to take up a resolution from the Calendar.

Mr. ALDRICH. That is right.

Mr. JONES of Arkansas. That is all right. That is the motion—to take up the resolution.

Mr. ALDRICH. The resolution is not before the Senate; the resolution is on the Calendar, and can only be taken up by motion.

Mr. JONES of Arkansas. Then I move to take up the resolution if the Senator from Rhode Island is so technical.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Arkansas. He moves to take up the resolution which has been read.

Mr. JONES of Arkansas. I ask for the yeas and nays on the motion.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HEITFELD (when his name was called). I am paired with the senior Senator from New York [Mr. PLATT] and therefore withhold my vote. If he were present, I should vote "yea."

Mr. McMILLAN (when his name was called). I announce my pair with the Senator from Kentucky [Mr. LINDSAY]. He is not present, and I therefore withhold my vote.

Mr. MONEY (when his name was called). I am paired with the senior Senator from Oregon [Mr. McBRIDE]. If he were present, I should vote "yea."

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. If he were present, I should vote "yea."

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. TURLEY], who is absent. I therefore withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. MORGAN. I suggest to the Senator that we transfer our pairs.

Mr. SPOONER. That is satisfactory to me; and I will transfer my pair with the Senator from Tennessee [Mr. TURLEY] to the Senator from Pennsylvania [Mr. QUAY], who is paired with the Senator from Alabama [Mr. MORGAN], which will enable the Senator from Alabama and myself to vote. I vote "nay."

Mr. MORGAN. I vote "yea."

Mr. BATE (when Mr. TURLEY'S name was called). My colleague [Mr. TURLEY] is necessarily absent. He has a general pair with the Senator from Wisconsin [Mr. SPOONER], which has been transferred to the Senator from Pennsylvania [Mr. QUAY] on this vote.

Mr. WETMORE (when his name was called). I inquire if the Senator from Georgia [Mr. BACON] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. WETMORE. I have a general pair with the Senator from Georgia, and therefore withhold my vote. If he were present, I should vote "nay."

The roll call was concluded.

Mr. NELSON. I inquire if the junior Senator from Missouri [Mr. VEST] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. NELSON. I have a general pair with that Senator, and therefore withhold my vote.

Mr. HANNA. I inquire if the Senator from Utah [Mr. RAWLINS] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. HANNA. I have a general pair with that Senator, and therefore withhold my vote.

Mr. HEITFELD. I suggest to the Senator from Ohio that we transfer our pairs, so that the Senator from Utah [Mr. RAWLINS] will stand paired with the Senator from New York [Mr. PLATT], with whom I have a general pair.

Mr. HANNA. That is satisfactory to me. I vote "nay."

Mr. HEITFELD. I vote "yea."

Mr. KENNEY. I have a pair with the Senator from Pennsylvania [Mr. PENROSE], but I will transfer that pair to the Senator from Georgia [Mr. BACON] and vote. I vote "nay."

Mr. WETMORE. Under the announcement made by the Senator from Delaware [Mr. KENNEY] I am at liberty to vote, and I vote "nay."

The result was announced—yeas 24, nays 36; as follows:

YEAS—24.

Allen,	Chilton,	McEnery,	Pettigrew,
Bate,	Clay,	McLaurin,	Sullivan,
Berry,	Culberson,	Mallory,	Taliaferro,
Butler,	Harris,	Martin,	Teller,
Caffery,	Heitfeld,	Mason,	Tillman,
Chandler,	Jones, Ark.	Morgan,	Wellington.

NAYS—36.

Aldrich,	Fairbanks,	Kearns,	Quarles,
Burrows,	Foraker,	Kenney,	Scott,
Carter,	Foster,	Lodge,	Simon,
Clark,	Frye,	McComas,	Spooner,
Cullom,	Gallinger,	McCumber,	Stewart,
Deboe,	Hanna,	Perkins,	Thurston,
Dillingham,	Hansbrough,	Platt, Conn.	Warren,
Dolliver,	Jones, Nev.	Pritchard,	Wetmore,
Elkins,	Kean,	Proctor,	Wolcott.

NOT VOTING—28.

Allison,	Daniel,	McBride,	Quay,
Bacon,	Depew,	McMillan,	Rawlins,
Baker,	Hale,	Money,	Sewell,
Bard,	Hawley,	Nelson,	Shoup,
Beveridge,	Hoar,	Penrose,	Turley,
Clapp,	Kyle,	Pettus,	Turner,
Cockrell,	Lindsay,	Platt, N. Y.	Vest.

So the motion to take up the resolution was rejected.

RICHARD H. TOWNLEY.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 4687) for the relief of Richard H. Townley, a lieutenant (junior grade) on the retired list of the United States Navy, which were, on page 2, line 4, to strike out all after "rank," down to and including line 9, and insert "of lieutenant (junior grade) on the foot of the active list;" and on page 2, line 13, to strike out all after "grade," down to and including "advanced," line 17.

Mr. TILLMAN. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

SAFETY APPLIANCES ON RAILROADS.

Mr. PETTIGREW. I move that the Senate proceed to the consideration of the bill (H. R. 10302) 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 Senator from South Dakota moves that the Senate proceed to the consideration of the bill indicated by him.

Mr. CULLOM. I hope that will be done.

Mr. THURSTON. Let the bill be read.

The Secretary proceeded to read the bill.

Mr. GALLINGER. The bill has not been taken up.

Mr. CHANDLER. I ask, if it is in order, that the bill may be read as it will read if the amendments proposed by the committee are adopted.

Mr. PLATT of Connecticut. For information.

Mr. CHANDLER. Yes.

The PRESIDENT pro tempore. It will be read as if the amendments had been adopted.

Mr. THURSTON. Yes.

The PRESIDENT pro tempore. If there be no objection, the Secretary will so read.

Mr. CULLOM. If the Senate will pardon me for a moment, the first paragraph, which is only a recitation of the title of the bill which it is proposed shall be amended——

Mr. ALDRICH. I suggest to the Senator from Illinois that any discussion had better be deferred until after the bill is taken up.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from South Dakota that the Senate proceed to the consideration of the bill. That motion is now before the Senate, and is not debatable.

Mr. CULLOM. I know it is not, but I thought perhaps I might save some of the reading.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from South Dakota.

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

The yeas and nays were ordered.

Mr. PETTIGREW. I should like to have the bill read for information. That is what we started to do. It is very short, and I think I have a right to have it read as it will read if amended.

Mr. PLATT of Connecticut. That is debate.

The PRESIDENT pro tempore. The Chair hardly thinks the Senator from South Dakota can demand by right that the bill shall be read before it is before the Senate.

Mr. ALDRICH. Oh, no. Regular order!

Mr. KENNEY. I object.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. HANNA (when his name was called). If the Senator from Idaho [Mr. HEITFELD] will make the same arrangement that we did on the last roll call, it will enable both of us to vote.

Mr. HEITFELD. That is agreeable to me.

Mr. HANNA. I vote "nay."

Mr. KENNEY (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer my pair to the senior Senator from Georgia [Mr. BACON] and will vote. I vote "nay."

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. If he were here, I should vote "yea."

Mr. WETMORE (when his name was called). I have a general pair with the senior Senator from Georgia [Mr. BACON], but under the transfer of pairs announced by the Senator from Delaware [Mr. KENNEY], I will vote. I vote "nay."

The roll call was concluded.

Mr. BURROWS. I am paired with the senior Senator from Louisiana [Mr. CAFFERY]. I should like to know if he has voted.

The PRESIDENT pro tempore. The Chair is informed he has not.

Mr. BURROWS. I withhold my vote.

Mr. MORGAN. I transfer my pair with the Senator from Pennsylvania [Mr. QUAY] to the Senator from Tennessee [Mr. TURLEY] and will vote. I vote "yea."

The result was announced—yeas 39, nays 21; as follows:

YEAS—39.

Allen,	Dolliver,	McComas,	Pritchard,
Bate,	Fairbanks,	McCumber,	Sullivan,
Butler,	Foraker,	McEnery,	Taliaferro,
Caffery,	Foster,	Mallory,	Teller,
Chandler,	Harris,	Martin,	Thurston,
Chilton,	Heitfeld,	Money,	Tillman,
Clay,	Jones, Ark.	Morgan,	Turner,
Cockrell,	Lindsay,	Perkins,	Warren,
Culberson,	Lodge,	Pettigrew,	Wellington.
Cullom,	McBride,	Pettus,	

NAYS—21.

Aldrich,	Elkins,	Kearns,	Scott,
Allison,	Frye,	Kenney,	Stewart,
Carter,	Gallinger,	McLaurin,	Wetmore.
Clark,	Hanna,	Platt, Conn.	
Deboe,	Hansbrough,	Proctor,	
Dillingham,	Kean,	Quarles,	

NOT VOTING—28.

Bacon,	Daniel,	McMillan,	Sewell,
Baker,	Depew,	Mason,	Shoup,
Bard,	Hale,	Nelson,	Simon,
Berry,	Hawley,	Penrose,	Spooner,
Beveridge,	Hoar,	Platt, N. Y.	Turley,
Burrows,	Jones, Nev.	Quay,	Vest,
Clapp,	Kyle,	Rawlins,	Wolcott.

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. THURSTON. I ask that the bill be read as it will stand when the committee amendments are agreed to.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The bill will be read as if the amendments were adopted.

Mr. CULLOM. Before the reading begins I desire to call the attention of the clerks to a failure to print the bill as it was intended to be. Page 2, line 22, of the bill as reported, after the word "or," the words "where any train, or" should be inserted. It was left out of the print. There should be a comma after the word "train."

Mr. PETTIGREW. The word "That" should be put in the beginning of line 17.

Mr. CULLOM. Yes.

The Secretary proceeded to read the bill, as follows:

Be it enacted, etc., That it shall be the duty of the general manager, superintendent, or other proper officer of every common carrier engaged in interstate commerce by railroad to make to the Interstate Commerce Commission, at its office in Washington, D. C., a monthly report, under oath, of all collisions of trains or where any train or part of a train accidentally leaves the track, and of all accidents which may occur to its passengers or employees, which report shall state the nature and causes thereof, and the circumstances connected therewith.

Mr. ALDRICH. I suggest to the chairman of the committee, after the words "all accidents which may occur," the insertion of

the words "by reason thereof." If a man stubs his toe on a platform, I should take it for granted that the accident would not have to be reported.

Mr. CULLOM. Would it not be on a railroad?

Mr. PETTIGREW. If he is an employee, it should be reported.

Mr. CULLOM. Let us see.

Mr. THURSTON. That is good enough.

Mr. ALDRICH. It is not good enough for me.

Mr. GALLINGER. It is as good as the rest of the bill.

Mr. ALDRICH. After the words "all accidents which may occur," I move to insert "by reason thereof."

Mr. GALLINGER. The bill has not been read.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Rhode Island will be stated.

The SECRETARY. After the word "accidents" in line 23, page 2, it is proposed to insert the words "by reason thereof."

Mr. ALDRICH. That is all right.

The Secretary resumed and concluded the reading of the bill as it would read if amended, as follows:

SEC. 2. That any common carrier failing to make such report within thirty days after the end of any month shall be deemed guilty of a misdemeanor and, upon conviction thereof by a court of competent jurisdiction, shall be punished by a fine of not less than $100 for each and every offense and for every day during which it shall fail to make such report after the time herein specified for making the same.

SEC. 3. That neither said report nor any part thereof shall be admitted as evidence or used for any purpose against such railroad so making such report in any suit or action for damages growing out of any matter mentioned in said report.

SEC. 4. That the Interstate Commerce Commission is authorized to prescribe for such common carriers a method and form for making the reports in the foregoing section provided.

Mr. ALLEN. Mr. President, I desire to say merely a word about this matter. This bill passed the House and came over here and was sent to the Committee on Interstate Commerce. An attempt was made several times to take it up in committee, but there was not a quorum present. It has now been reported by the committee, and I desire simply to submit this observation.

I voted for this amendment in order that the bill might be laid before the Senate and acted upon. Otherwise it would not have been reported at all. I desire to submit this further observation. This amendment or any amendment to the House bill means its defeat, for it can not pass the House at this session of Congress if amended here. Therefore I trust no amendment will be adopted.

Mr. CLARK. I should like to ask the chairman of the committee to interpret line 22 of the bill, or of the amendment, on page 2. I am so dense that I can not understand it.

Mr. CULLOM. The Senator from Wyoming perhaps did not observe that I stated a few moments ago that in line 22 there were some words which were not printed which ought to be in the amendment.

Mr. PLATT of Connecticut. Where is that?

Mr. CULLOM. Line 22, page 2. It should read:

Of all collisions of trains, or where any train or part of a train accidentally leaves the track, etc.

Mr. CLARK. In the confusion I missed that.

Mr. ALDRICH. In the eighth line, on page 3, I move to strike out the word "less" and insert the word "more."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Rhode Island will be stated.

The SECRETARY. In line 8, page 3, it is proposed to strike out the word "less" and insert "more," so as to read:

Shall be punished by a fine of not more than $100.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Rhode Island.

Mr. KENNEY. I desire to hear the context read in order to know what effect it will have on the general bill. I ask that the amendment be read in connection with the bill itself, so that we may understand it.

Mr. THURSTON. The present bill provides a fine for failure to comply with the act of not less than $100. The amendment would make the fine not more than $100. The present bill fixes a minimum; the amendment would fix a maximum fine.

Mr. SULLIVAN. It might be that a railroad company would pay the fine rather than comply with the order. It appears to me the amendment should not be adopted. To say that the company shall pay a fine of not less than $100 is one thing. To say it shall pay a fine of not more than $100 is a different matter.

Mr. TELLER. By the unanimous action of the Senate, we are to take a recess from half past 10, which hour will arrive now in five minutes, until 3 o'clock to-morrow. There is on the Calendar a large number of House pension bills and small claims that are not contested, and there is a great desire to have them taken up and disposed of. I desire to ask the unanimous consent of the Senate that we may so modify the unanimous-consent agreement of this afternoon that we may complete this bill and take, say, until 12 o'clock, and from 12 o'clock take a recess until 3 o'clock to-morrow.

Mr. ALDRICH. That can not be done.

Mr. LODGE. I do not think we ought to modify that agreement.

The PRESIDENT pro tempore. Objection is made.

Mr. TELLER. If there is objection, that ends it.

Mr. ALDRICH. So far as I am concerned, I am quite willing to do this—that the unanimous-consent agreement shall be modified so that we shall give forty minutes or even an hour, if necessary——

Mr. THURSTON. One hour.

Mr. ALDRICH. For the consideration of unobjected House bills——

Mr. TELLER. On the Calendar.

Mr. ALDRICH. Commencing at half past 10 and ending at half past 11, this bill to retain its place as the unfinished business, but not to be considered. Otherwise this bill will take up the whole of the time.

Mr. KENNEY. I ask the Senator whether he proposes to displace the pending bill without prejudice and take up unobjected House bills?

Mr. ALDRICH. Without prejudice.

Mr. TELLER. If we can agree to that——

Mr. CULLOM. I should like very much——

Mr. TELLER. Do not keep this bill here.

Mr. ALDRICH. It will certainly take up the whole hour, and I shall object to any arrangement of that sort.

Mr. TELLER. Let us get up these unobjected cases.

The PRESIDENT pro tempore. The Senator from Colorado asks unanimous consent that when the hour for a recess which was agreed upon arrives one additional hour may be devoted to the consideration of unobjected House bills on the Calendar. Is there objection?

Mr. KENNEY. And nothing else.

Mr. PETTIGREW. I shall object until the pending bill has been disposed of.

The PRESIDENT pro tempore. Objection is made.

Mr. SULLIVAN. I understood I had the floor, but I was taken off my feet, so to speak.

The PRESIDENT pro tempore. The Chair was not aware that the Senator from Mississippi was on the floor. The Senator is entitled to the floor.

Mr. SULLIVAN. That might be quite true, and yet it might be a fact that I was on the floor.

The PRESIDENT pro tempore. The Chair recognizes the Senator from Mississippi.

Mr. SULLIVAN. I see there is one minute remaining—long enough to take a vote upon this bill—and for that reason I yield the floor.

Mr. WOLCOTT. We can not hear what the Senator from Mississippi is saying.

Mr. SULLIVAN. The Senator from Mississippi said there was time enough to take a vote on the bill now, if anyone wants to vote upon it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Rhode Island.

Mr. WOLCOTT. I should like to have the amendment stated.

The PRESIDENT pro tempore. It will again be stated.

Mr. CULLOM. I desire to have the amendments of the committee first acted upon.

Mr. WOLCOTT. It is impossible to hear what is going on.

The PRESIDENT pro tempore. The Senator from Rhode Island offered an amendment, which is in order.

Mr. WOLCOTT. I should like to have it stated.

The PRESIDENT pro tempore. It will be again stated.

The SECRETARY. In line 8, page 3, it is proposed to strike out the word "less" and insert "more."

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Rhode Island.

Mr. WOLCOTT. I should like to have the whole clause read, so that we can see how the bill would read if "less" were substituted for "more."

The Secretary read as follows:

SEC. 2. That any common carrier failing to make such report within thirty days after the end of any month shall be deemed guilty of a misdemeanor and, upon conviction thereof by a court of competent jurisdiction, shall be punished by a fine of not more than $100.

Mr. ALDRICH. I ask unanimous consent that the time of meeting to-morrow may be changed from 3 o'clock to 2 o'clock, and that the period between 2 and 3 o'clock be devoted to the consideration of unobjected House bills upon the Calendar.

Mr. PETTIGREW. To that I object.

The PRESIDENT pro tempore. The Senator from Rhode Island asks unanimous consent that the recess——

Mr. PETTIGREW. I object.

The PRESIDENT pro tempore. Objection is made. The Senate will now take a recess until to-morrow at 3 o'clock.

Thereupon (at 10 o'clock and 30 minutes p. m.) the Senate took a recess until to-morrow, Sunday, March 3, 1901, at 3 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate March 2, 1901.

TEMPORARY APPOINTMENTS IN THE NAVY.

Thomas C. Wood, formerly a lieutenant in the Navy, appointed for temporary service under the provisions of an act of Congress approved May 4, 1898, for an advancement of eight numbers on the list of lieutenants of the Navy appointed for temporary service, as of date of July 3, 1898, for eminent and conspicuous conduct in battle, such advancement to be effective only to the date of his honorable discharge, September 28, 1898, and not to operate to restore him to the naval service.

George H. Norman, jr., formerly a lieutenant (junior grade) in the Navy, appointed for temporary service under the provisions of an act of Congress approved May 4, 1898, for an advancement of eight numbers on the list of lieutenants (junior grade) of the Navy appointed for temporary service, as of date of July 3, 1898, for eminent and conspicuous conduct in battle, such advancement to be effective only to the date of his honorable discharge, October 1, 1898, and not to operate to restore him to the naval service.

John T. Edson, formerly an ensign in the Navy, appointed for temporary service under the provisions of an act of Congress approved May 4, 1898, for an advancement of eight numbers on the list of ensigns of the Navy appointed for temporary service, as of date of July 3, 1898, for eminent and conspicuous conduct in battle, such advancement to be effective only to the date of his honorable discharge, October 17, 1898, and not to operate to restore him to the naval service.

John F. Bransford, formerly an assistant surgeon in the Navy, appointed for temporary service under the provisions of an act of Congress approved May 4, 1898, for an advancement of one number on the list of assistant surgeons of the Navy appointed for temporary service, as of date of July 3, 1898, for eminent and conspicuous conduct in battle, such advancement to be effective only to the date of his honorable discharge, March 23, 1899, and not to operate to restore him to the naval service.

Alexander Brown, formerly an assistant paymaster in the Navy, appointed for temporary service under the provisions of an act of Congress approved May 4, 1898, for an advancement of one number on the list of assistant paymasters of the Navy appointed for temporary service, as of date of July 3, 1898, for eminent and conspicuous conduct in battle, such advancement to be effective only to the date of his honorable discharge, December 2, 1898, and not to operate to restore him to the naval service.

MINERAL-LAND COMMISSIONER.

Jule M. Hartley, of Missoula, Mont., to be a mineral-land commissioner in Montana. Reinstatement.

COLLECTOR OF INTERNAL REVENUE.

Thomas E. Davis, of West Virginia, to be collector of internal revenue for the district of West Virginia, to succeed Albert B. White, resigned.

POSTMASTERS.

F. O. Brewster, to be postmaster at Harvey, Wells County, N. Dak. Office became Presidential July 1, 1900.

Joseph M. Miller, to be postmaster at Windber, Somerset County, Pa. Office became Presidential April 1, 1900.

Frank H. Bangham, to be postmaster at Susanville, Lassen County, Cal., in place of D. C. Hyer. Incumbent's commission expired March 1, 1901.

George W. Humphreys, to be postmaster at Dunsmuir, Siskiyou County, Cal., in place of C. A. Bills, resigned.

Nora H. Kelly, to be postmaster at Lockhart, Caldwell County, Tex., in place of William Kelly, deceased.

CONSUL-GENERAL.

William A. Rublee, of Wisconsin, to be consul-general of the United States at Hongkong, China, vice Rounsevelle Wildman, deceased.

HOUSE OF REPRESENTATIVES.

[*Continuation of proceedings of legislative day, Friday, March 1, 1901.*]

The recess having expired, the House reassembled at 9 o'clock a. m. (Saturday, March 2, 1901), and was called to order by the Speaker.

BOUNDARIES OF VIRGINIA AND TENNESSEE.

Mr. RHEA of Virginia. I ask unanimous consent for the present consideration of the joint resolution (S. R. 158) ratifying agreement between Tennessee and Virginia with reference to the boundary line of said States.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That a recent compact or agreement having been made by and between the States of Tennessee and Virginia whereby the State of Tennessee, by an act of its legislature approved January 28, 1901, ceded to the State of Virginia certain territory specifically described in said act and being the northern half of the main street between the cities of Bristol, Va., and Bristol, Tenn., and the State of Virginia, by act of its general assembly, approved February 9, 1901, having accepted said cession of the State of Tennessee, the consent of Congress is hereby given to said contract or agreement between said States fixing the boundary line between said States as shown by said acts referred to, and the same is hereby ratified.

There being no objection, the House proceeded to the consideration of the joint resolution; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. RHEA of Virginia, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

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. 14018. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes.

CHINESE IMMIGRATION.

Mr. JENKINS. I am directed by the Committee on the Judiciary to ask the present consideration of the bill (H. R. 12665) supplementary to an act entitled "An act to prohibit the coming of Chinese persons into the United States," approved May 5, 1892, and fixing the compensation of commissioners in such cases.

The bill was read, as follows:

Be it enacted, etc., That it shall be lawful for the district attorney of the district in which any Chinese person may be arrested for being found unlawfully within the United States, or having unlawfully entered the United States, to designate the United States commissioner within such district before whom such Chinese person shall be taken for hearing.

SEC. 2. That a United States commissioner shall be entitled to receive a fee of $5 for hearing and deciding a case arising under the Chinese-exclusion laws.

SEC. 3. That no warrant of arrest for violations of the Chinese-exclusion laws shall be issued by United States commissioners excepting upon the sworn complaint of a United States district attorney, assistant United States district attorney, collector, deputy collector, or inspector of customs, immigration inspector, United States marshal, or deputy United States marshal, or Chinese inspector, unless the issuing of such warrant of arrest shall first be approved or requested in writing by the United States district attorney of the district in which issued.

SEC. 4. That this act shall take effect immediately.

There being no objection, the House proceeded to the consideration of the bill.

Mr. RICHARDSON of Tennessee. I have not objected to the consideration of the bill, but, as I did not catch fully the effect of the bill as read, I would like the gentleman to make some statement with regard to it.

Mr. JENKINS. This bill was prepared by the Department of Justice upon the request of the United States attorney for the northern district of New York. It is designed to secure a better enforcement of the laws with reference to immigration of Chinese. It has been unanimously reported by the Committee on the Judiciary, and is a wise measure.

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

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

BRONZE MEDALS FOR THE PARTICIPANTS IN THE WAR WITH SPAIN.

Mr. MEYER of Louisiana. I ask unanimous consent for the present consideration of the joint resolution (S. R. 115) authorizing the Secretary of the Navy to cause bronze medals to be struck and distributed to certain officers and men who participated in the war with Spain, and for other purposes.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That the Secretary of the Navy be, and he is hereby, authorized to cause to be struck bronze medals commemorative of the naval and other engagements in the waters of the West Indies and on the shores of Cuba during the war with Spain, and to distribute the same to the officers and men of the Navy and Marine Corps who participated in any of said engagements deemed by him of sufficient importance to deserve commemoration: *Provided*, That officers and men of the Navy or Marine Corps who rendered specially meritorious service otherwise than in battle may be rewarded in like manner: *And provided further*, That any person who may, under the provisions of this act, be entitled to receive recognition in more than one instance shall, instead of a second medal, be presented with a bronze bar, appropriately inscribed, to be attached to the ribbon by which the medal is suspended. And to carry out the provisions of this resolution the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. MEYER of Louisiana. Mr. Speaker, the joint resolution authorizing the Secretary of the Navy to cause bronze medals to be struck and distributed to certain officers and men who participated in the war with Spain is so plain in its provisions that it

calls for very little explanation. It has come to us from the Senate, and is framed in accordance with the views of the Navy Department, which is thoroughly familiar with the whole subject. The object is not a vote of money, or increased pay, or of lands, or anything of mere money value to the officers and men of our Navy, for gallant and meritorious service; but it is a testimonial of honor in an enduring form, which tells its own story and may be handed down by the recipient to his children and his children's children as a precious possession.

The resolution proceeds upon the known principle that fidelity, patriotism, and an honorable fame are the greatest inspiration of heroism in your soldiers and sailors, and that to secure the highest results you must appeal to whatever is noblest and best in man's nature. This idea is not new. It is familiar in all the pages of history, ancient and modern. It comes down to us from the days of the old inscription, "Go, stranger, and tell Sparta that we died in obedience to her laws."

How many veterans, maimed and crippled, it may be, have in France held up their heads proudly, enduring poverty and the loss of every earthly possession, because the emblem of the Legion of Honor was pinned upon their breasts. Across the Channel you have the Victoria cross to fire brave men to more than common acts of bravery, daring, and suffering. Congress, all through our history, has voted swords and monuments to our heroes.

We do not by this resolution give these medals of honor to every one whose name was borne upon the rolls of the naval and marine service, but to those who participated in engagements of sufficient importance in the waters of the West Indies to deserve special commemoration. Naturally, perhaps I should say necessarily, the joint resolution devolves upon the Secretary of the Navy to select the actions which were of special importance. It is well suggested by the acting head of the Department that the Secretary of the Navy, in carrying out the law, can avail himself of the services of a board to examine the official reports, and determine what engagements were of real importance as bearing on the struggle. The joint resolution properly recognizes the fact that there may be services performed which were specially meritorious otherwise than in battle. Provision is also made for those who, in more than one instance, have rendered such service as deserves recognition. The resolution is carefully worded, and I believe that in its practical execution it will accomplish the object we all have at heart.

It would not be proper or possible for me to attempt to foreshadow in any way the action of the Navy Department or any board it may create in determining the events of greatest importance in the naval combats or the services of great importance and merit other than those rendered in battle. Some there were which comprised hard fighting and risk, others great personal risk and danger, as well as tact, skill, and judgment.

I may mention here some of the engagements, events, and services in Cuba and Porto Rico waters which contributed to the general and final success of the American arms. I may refer to Aguadores, July 1; Nipe, July 21; the landing of the troops at Bairiquiri, June 22; Cabanas, May 12; Tunas, June 30; Palo Alto, July 2; Baracoa, July 15; Cardenas, May 11; Cienfuegos, May 11, June 13, and April 29; Casilda, June 29; cable cutting, May 11, 16, 18, 19, 20, July 10, 16; Caibarien, August 14; Cape San Juan, August 6 to 9; San Juan, May 12; the voyage of the *Oregon* around Cape Horn and to the scene of operations; capture of Ponce, July 27; Don Jorge Juan destroyed, July 21; Manzanillo, June 30, July 1, 18, August 12; Guanica, July 25; Mariel, July 5; Santiago, June 6-16, July 2, 3; Matanzas, April 27; Point Muno, June 29; San Juan, June 19.

I do not claim that the foregoing is a full and complete list of important events, and still less do I undertake to assign the relative order of their importance. All this will be performed by hands far more competent than mine. These events will be the study of our youth in future days, as were those of the naval heroes of the Revolution, the war with Tripoli, and the grand combats of the war of 1812 with Great Britain.

There are those who will feel, as many have done, that the heroes of the Army and Navy who perished of pestilence in the British prison ship *Jersey*, near Brooklyn, in the Revolutionary struggle, preferring death to taking the oath of allegiance to the Crown, merited even greater honor than their more fortunate comrades who were not captured, and that there was no higher act of heroism performed in the late war than that of the young officer who entered the Spanish lines in Cuba in order to reach the insurgent camp and establish communication with them—a service in which, if captured, he would have suffered a shameful death, according to the usual laws of war. These records we all may be proud of, for they ennoble human nature and inspire all our sailors and officers to everything that man can do, achieve, and endure.

The late war with Spain was specially a naval war. I mean no disparagement to the courage and fortitude of our army who fought near Santiago. It was supposed by many of us at the outset that it would be necessary to dispatch to Cuba an army sufficiently large to overcome the 200,000 soldiers whom Spain had sent there to put down the insurrection. There was grave consideration of the problem of besieging and reducing Habana, with its formidable defenses. But the question of the relative naval power of the United States and of Spain took precedence of land operations and dwarfed them to the second rank.

The questions that pressed upon the public mind after the Spanish fleet sailed for the Western Continent were their ability to elude the American squadrons, to destroy a detachment or a squadron of our forces, to relieve their own ports, to waylay the *Oregon* on her long voyage from the Pacific coast around Cape Horn, or to depredate upon our coasts and exposed shipping. There was deep anxiety on all hands for our shipping and our coast cities, not so well fortified then and guarded as they are now. There was a profound solicitude for the safety of the *Oregon* and a grateful feeling of joy when the commander, passing all risks, carried that magnificent war cruiser to join our naval forces at their point of concentration. In those hours we had high hopes, great confidence, indeed, in our naval officers and sailors, and, I may say, no little anxiety and tension until the end came at last. [Applause.]

The end did come when we had the welcome news of the destruction of the Spanish fleet which emerged from Santiago Harbor. That hour brought us a relief which was as profound as the anxiety that preceded the advent of Cervera's fleet in Spanish waters.

The service rendered in its effects upon the war was as important as any recorded in history. It had a greater relative effect upon the struggle than the victory of the British fleet at Trafalgar over the combined fleets of France and Spain. It resembles in its effects upon the military situation and the fortunes of the war the memorable naval battle of the Nile, when Nelson destroyed or captured the French fleet.

From that hour the campaign in Egypt was virtually at an end. The French forces there could not be reenforced in men or material of war, and the hour when they must capitulate to the power which held the command of the sea was reduced to a mere question of months. It happened in like fashion in 1898, on the shores of Cuba. When the fleet of Spain was destroyed, when her communication with her army in Cuba was broken up and she could no longer reenforce or supply it, the statesmen of Spain realized that it was useless to continue the combat.

The United States would henceforth be able to transport without obstacle or obstruction all the soldiers or guns which might be required to overcome the resistance of the Spanish army under Blanco. To continue the struggle for the island was a hopeless endeavor, however brave and spirited it might be. The Government of Spain acted wisely and for the best interests of their country in suing for peace. The naval victory of Santiago settled the contest. The war by Spain was for Cuba—to retain and dominate that island. The game was lost and Spain was compelled to yield. The language and terms of the protocol were practically shaped by the United States naval forces off the harbor at Santiago. They "conquered a peace."

The splendid performance of Dewey in his destruction of the Spanish fleet at Manila Bay, however brilliant as a feat of arms, and even important in results or discouraging to the enemy, was of secondary importance to the naval victory at Santiago which ended the war. I am glad that the services of those who fought at Manila have been recognized fully and generously.

But the gratitude of this country for those who fought in the waters of the West Indies remains to be expressed and typified in an enduring, permanent shape worthy of them, worthy of us, and worthy of the spirit which, from Revolutionary days until now, has rendered honor to those who have periled life in the country's service. This joint resolution will be a monument, if one is needed, to commemorate this victory. It is a monition to all who come afterwards that republics are not ungrateful to their heroes, and that in conquering the foreign foe they have captured the hearts of the American people for all time. [Applause.]

There being no objection, the House proceeded to the consideration of the joint resolution, which was ordered to a third reading, read the third time, and passed.

On motion of Mr. MEYER of Louisiana, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

GOVERNMENT DEPOSITARIES IN ALASKA.

Mr. PAYNE. I ask unanimous consent for the present consideration of the bill (H. R. 13195) to amend section 5153 of the Revised Statutes of the United States.

The bill was read, as follows:

Be it enacted, etc., That section 5153 of the Revised Statutes of the United States be amended to read as follows:

"SEC. 5153. All national banking associations, designated for that purpose

by the Secretary of the Treasury, shall be depositaries of public money, except receipts from customs, under such regulations as may be prescribed by the Secretary, but receipts derived from duties on imports in Alaska, the Hawaiian Islands, and other islands under the jurisdiction of the United States may be deposited in such depositaries subject to such regulations; and such depositaries may also be employed as financial agents of the Government; and they shall perform all such reasonable duties as depositaries of public moneys and financial agents of the Government as may be required of them. The Secretary of the Treasury shall require the associations thus designated to give satisfactory security, by the deposit of United States bonds and otherwise, for the safe-keeping and prompt payment of the public money deposited with them, and for the faithful performance of their duties as financial agents of the Government. And every association so designated as receiver or depositary of the public money shall take and receive at par all of the national currency bills, by whatever association issued, which have been paid into the Government for internal revenue or for loans or stocks."

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Reserving the right to object, I would like to hear some explanation of this bill. It seems to be very important legislation. What committee reported it?

Mr. PAYNE. It came from the Ways and Means Committee.

Mr. RICHARDSON of Tennessee. I do not remember that that committee had it under consideration.

Mr. PAYNE. Oh, yes; the gentleman was present when the bill was fully explained. I will briefly explain it now; and I think the gentleman will recognize the bill.

The present law, Mr. Speaker, provides that national-bank depositaries may receive deposits of collectors of internal revenue, but not of collectors of customs. The only change that is proposed is to make the law for deposits of the collectors of Alaska, Hawaii, and other islands to be deposited in these designated depositaries.

Mr. RICHARDSON of Tennessee. I did not exactly catch the reading of the bill.

Mr. PAYNE. I will explain it, for the benefit of gentlemen not present in the committee.

Mr. RICHARDSON of Tennessee. I understand it now.

Mr. PAYNE. The reason for this——

The SPEAKER. The Chair hears no objection.

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

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

BRIDGE ACROSS RED RIVER, TEXAS.

Mr. SHEPPARD. Mr. Speaker, I ask unanimous consent to call up the bill H. R. 14093.

The Clerk read as follows:

A bill (H. R. 14093) to authorize the Paris, Choctaw and Little Rock Railway Company to construct and maintain a bridge across Red River, in the State of Texas.

The bill was read at length.

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

The amendments recommended by the committee were agreed to.

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

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

BRIDGE ACROSS THE MONONGAHELA RIVER.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 13436.

The Clerk read as follows:

A bill (H. R. 13436) to authorize the Charleroi and Monessen Bridge Company to construct and maintain a bridge across the Monongahela River.

The bill was read at length.

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

The amendments recommended by the committee were agreed to.

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

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

JOHN M. DAVIS.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 425) for the relief of John M. Davis.

The bill as amended was read, as follows:

Be it enacted, etc., That the Secretary of War be, and hereby is, authorized and directed to revoke the order dismissing John M. Davis, captain of Company H of the Sixty-third Regiment Illinois Volunteer Infantry, and to issue to him an honorable discharge as of date of April 9, 1865: *Provided*, That no pay, bounty, or other allowances shall be paid or become due or payable by reason of or on account of the passage of this act after April 9, 1865.

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

The amendments recommended by the committee were agreed to.

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

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

THOMAS LUTZ STITT.

Mr. OVERSTREET. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 4787) to authorize the appointment of Thomas Lutz Stitt as an officer in the Navy.

The bill as amended was read, as follows:

A bill (S. 4787) to authorize the appointment of Thomas Lutz Stitt as an officer in the Navy.

Be it enacted, etc., That the President be, and is hereby, authorized, by and with the advice and consent of the Senate, to appoint Thomas Lutz Stitt as a line officer in the Navy as ensign, subject to physical, moral, and professional examination, to take rank and position at the foot of the list, but he shall not receive pay or allowances for the time he has been out of the naval service.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Reserving the right to object, I would like to hear the report read in this case.

Mr. OVERSTREET. Mr. Speaker, this is a Senate bill. It received the unanimous recommendation of the Senate Committee on Naval Affairs, and received the unanimous recommendation of the House committee.

Mr. UNDERWOOD. I would say to my friend from Indiana that the recommendation coming from the Senate may not have very much weight with this side of the House.

Mr. OVERSTREET. It is corroborated and strengthened by the unanimous report of the House Committee on Naval Affairs. It places this beneficiary at the foot of the list for appointment as an ensign.

Mr. STEELE. He is a graduate of the Naval Academy.

Mr. OVERSTREET. He is a graduate of the Naval Academy, and has been out since 1896. This merely restores him the privilege of taking the foot of the list. It is recommended by the Secretary of the Navy.

Mr. UNDERWOOD. What is the necessity of taking him out of civil life and putting him in the Navy? What claim has he to this distinction?

Mr. OVERSTREET. They are short of men, and he has graduated at the Naval Academy.

Mr. UNDERWOOD. You say he is a graduate of the Naval Academy?

Mr. OVERSTREET. That is my understanding.

Mr. UNDERWOOD. How did he come to leave the service?

Mr. OVERSTREET. He resigned.

Mr. UNDERWOOD. There are no charges against him?

Mr. OVERSTREET. No, sir.

Mr. UNDERWOOD. He is a man of good character and standing?

Mr. OVERSTREET. Yes, sir.

Mr. UNDERWOOD. And they need him in the Navy?

Mr. OVERSTREET. Undoubtedly.

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

The amendment recommended by the committee was agreed to.

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

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

ISAAC M'CONNAUGHAY.

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

The Clerk read as follows:

A bill (S. 432) for the relief of Isaac McConnaughay, Company H, Fortieth Iowa Infantry Volunteers.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to issue to Isaac McConnaughay a certificate of honorable discharge, to date from the 16th day of November, 1862, as a private of Company H, Fortieth Iowa Infantry Volunteers, it having been established that the service rendered in that company and regiment in the name of Isaac McConnaughay subsequent to that date was rendered by Thomas J. McConnaughay; and the said Isaac McConnaughay shall hereafter be held and considered to have been in the military service of the United States as a member of said organization from the 14th day of August, 1862, until honorably discharged from the service as herein provided; but it is further provided that he shall not be entitled to any pay, bounty, or allowances by reason of the relief herein granted.

Mr. SLAYDEN. Mr. Speaker, reserving the right to object, I would like to have a statement from the author of the bill as to the necessity for passing this.

Mr. DE ARMOND. Mr. Speaker, this is a case where a man named Isaac McConnaughay enlisted in the Fortieth Iowa Infantry Volunteers and served a time and then, by mutual consent and by a way that was irregular and loose, his brother Thomas

took his place and served to the end of the war, answering to the name of Isaac. Later he was honorably discharged, and later, by action of Congress, the record was so changed as to show that Thomas McConnaughay, and not Isaac, rendered the service after Thomas took Isaac's place. This leaves Isaac in a place where his record is not straight.

Mr. SLAYDEN. The substitution was consented to by the officers?

Mr. DE ARMOND. Yes; and he was carried in that way under Isaac's name all the time. This is to correct the record in accordance with the facts.

Mr. SLAYDEN. I would like to ask the gentleman one further question. Does this provide the possibility for two men drawing pensions when only one did service?

Mr. DE ARMOND. They both did service.

Mr. SLAYDEN. Alternately.

Mr. DE ARMOND. One served four months and the other twenty-eight months, making about three years' service by the two. This bill passed the Senate unanimously and received the unanimous report of the Committee on Military Affairs.

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

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. DE ARMOND, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER.

Mr. GAMBLE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5698) to extend the time for the completion of a bridge across the Missouri River.

The bill was read at length.

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

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

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

IONIC COLUMNS DELIVERED TO THE MAYOR OF BALTIMORE.

Mr. DENNY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 13776.

The bill was read, as follows:

A bill (H. R. 13776) authorizing and directing the Secretary of the Treasury to deliver to the mayor and city council of Baltimore, Md., Ionic columns.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to deliver to the mayor and city council of Baltimore, in the State of Maryland, the twelve columns now in the custom-house of said city, in order that said columns may be placed in one of the public parks or places of said Baltimore City as a relic or remembrance of said custom-house, which is to be torn down and removed to make way for a new building to be erected.

The SPEAKER. Is there objection?

Mr. BAILEY of Texas. I object.

RAILROAD THROUGH FORT ONTARIO MILITARY RESERVATION.

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

Mr. DENNY. Mr. Speaker, I move to suspend the rules and pass that bill.

The SPEAKER. The Chair has recognized the gentleman from New York.

The Clerk read as follows:

The bill (S. 3489) authorizing and empowering the Secretary of War to grant the right of way for and the right to operate and maintain a line of railroad through the Fort Ontario Military Reservation, in the State of New York, to the Oswego and Rome Railroad Company.

The bill was read at length.

The SPEAKER. Is there objection?

Mr. BAILEY of Texas. I object.

Mr. STEPHENS of Texas. I ask unanimous consent to call up the House bill——

Mr. BAILEY of Texas. I object.

PREVENTING THE SALE OF FIREARMS, ETC.

Mr. SPERRY. Mr. Speaker, I ask unanimous consent for the consideration of the bill H. R. 12551.

Mr. BAILEY of Texas. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is unanimous consent until 11 o'clock—unanimous consent or to suspend the rules, under the order made last night by the House. Objection is made to unanimous consent.

Mr. SPERRY. I move to suspend the rules and pass the bill.

The SPEAKER. Are there any amendments to the bill?

Mr. SPERRY. There are two slight amendments.

The SPEAKER. The gentleman moves to suspend the rules and pass the bill with two amendments. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 12551) to prevent the sale of firearms, opium, and intoxicating liquors in certain islands of the Pacific.

Be it enacted, etc., That any person subject to the authority of the United States who shall give, sell, or otherwise supply any arms, ammunition, explosive substance, intoxicating liquor, or opium to any aboriginal native of any of the Pacific islands lying within the twentieth parallel of north latitude and the fortieth parallel of south latitude and the one hundred and twentieth meridian of longitude west and one hundred and twentieth meridian of longitude east of Greenwich, not being in the possession or under the protection of any civilized power, shall be punishable by imprisonment not exceeding three months, with or without hard labor, or a fine not exceeding $50, or both. And in addition to such punishment all articles of a similar nature to those in respect to which an offense has been committed found in the possession of the offender may be declared forfeited.

SEC. 2. That if it shall appear to the court that such opium, wine, or spirits have been given bona fide for medical purposes it shall be lawful for the court to dismiss the charge.

SEC. 3. That all offenses against this act committed on any of said islands, or on the waters, rocks, or keys adjacent thereto, shall be deemed committed on the high seas on board a merchant ship or vessel belonging to the United States, and the courts of the United States shall have jurisdiction accordingly.

SEC. 4. That this act shall take effect three months after its passage.

Mr. BAILEY of Texas. I demand a second, Mr. Speaker.

Mr. SPERRY. I ask that the second be considered as ordered.

Mr. BAILEY of Texas. I object.

The SPEAKER. The Chair appoints the gentleman from Connecticut [Mr. SPERRY] and the gentleman from Texas [Mr. BAILEY] as tellers.

The House divided; and the tellers reported—ayes 53, and noes 9.

Mr. BAILEY of Texas. No quorum, Mr. Speaker.

The SPEAKER. The Chair will count. [After counting.] Ninety-one members present; not a quorum. The Doorkeeper will close the doors, the Sergeant-at-Arms will bring in absent members, the roll will be called, and those favoring the motion will, as their names are called, vote "aye," and those opposed vote "no;" those not desiring to vote will answer "present."

Mr. UNDERWOOD. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise.

Mr. UNDERWOOD. It is evident, Mr. Speaker, that there is no quorum and will not be until 11 o'clock. At 11 o'clock the House meets, and I move that the House do now adjourn.

The SPEAKER. The gentleman from Alabama moves that the House do now adjourn.

The question was taken; and the motion was lost.

The SPEAKER. The Clerk will call the roll.

The question was taken; and there were—yeas 93, nays 8, answered "present" 82, not voting 170; as follows:

YEAS—93.

Adams,	Dalzell,	Jenkins,	Salmon,
Alexander,	Davenport, S. A.	Jones, Va.	Shafroth,
Allen, Me.	Davenport, S. W.	Jones, Wash.	Shelden,
Atwater,	De Armond,	Ketcham,	Sheppard,
Baker,	Denny,	Lacey,	Southard,
Barham,	Dick,	Littauer,	Sperry,
Bellamy,	Esch,	Littlefield,	Sprague.
Brantley,	Finley,	Lloyd,	Steele,
Bromwell,	Freer,	Lovering,	Stevens, Minn.
Brosius,	Gardner, N. J.	Lybrand,	Stewart, N. J.
Brownlow,	Gibson,	Mahon,	Sulloway,
Burke, Tex.	Graff,	Mercer,	Tawney,
Burkett,	Greene, Mass.	Minor,	Terry,
Burleigh,	Grosvenor,	Moody, Mass.	Thomas, Iowa
Butler,	Hawley,	Morris,	Van Voorhis,
Connell,	Henry, Conn.	Otjen,	Vreeland,
Cooper, Wis.	Hepburn,	Overstreet,	Wachter,
Corliss,	Hill,	Payne,	Warner,
Cousins,	Hitt,	Pearre,	Weaver,
Cromer,	Hoffecker,	Phillips,	Williams, Miss.
Crumpacker,	Hopkins,	Polk,	Wright.
Curtis,	Howell,	Ray, N. Y.	
Cushman,	Hull,	Rhea, Va.	
Dahle,	Jack,	Rixey,	

NAYS—8.

Berry,	Green, Pa.	Lester,	Maddox,
Gordon,	Kleberg,	McAleer,	Robinson, Ind.

ANSWERED "PRESENT"—82.

Adamson,	Gaston,	McLain,	Smith, H. C.
Allen, Ky.	Gilbert,	McRae,	Snodgrass,
Bailey, Tex.	Glynn,	Mann,	Spalding,
Ball,	Hay,	May,	Sparkman,
Bell,	Heatwole,	Meyer, La.	Spight,
Benton,	Henry, Tex.	Miers, Ind.	Stark,
Boutell, Ill.	Jett,	Mondell,	Stephens, Tex.
Brick,	Kahn,	Moody, Oreg.	Sulzer,
Burke, S. Dak.	King,	Mudd,	Swanson,
Burleson,	Kitchin,	Newlands,	Talbert,
Capron,	Lamb,	Parker, N. J.	Tate,
Clayton, Ala.	Landis,	Pierce, Tenn.	Taylor, Ala.
Cooper, Tex.	Lanham,	Quarles,	Thomas, N. C.
Cowherd,	Latimer,	Reeves,	Underwood,
Crowley,	Little,	Rhea, Ky.	Wanger,
Davis,	Livingston,	Richardson, Tenn.	Weeks,
Dougherty,	Long,	Robinson, Nebr.	Weymouth,
Elliott,	Loud,	Sherman,	Wheeler,
Emerson,	Loudenslager,	Sims,	Williams, J. R.
Fitzgerald, N. Y.	McCulloch,	Smith, Ill.	
Gamble,	McDermott,	Smith, Ky.	

NOT VOTING—170.

Acheson,	Davidson,	Lassiter,	Rodenberg,
Aldrich,	Dayton,	Lawrence,	Rucker,
Allen, Miss.	De Graffenreid,	Lentz,	Ruppert,
Babcock,	Dinsmore,	Levy,	Russell,
Bailey, Kans.	Dovener,	Lewis,	Ryan, N. Y.
Bankhead,	Driggs,	Linney,	Ryan, Pa.
Barber,	Driscoll,	Lorimer,	Scudder,
Barney,	Eddy,	McCall,	Shackleford,
Bartholdt,	Faris,	McCleary,	Shattuc,
Bartlett,	Fitzgerald, Mass.	McClellan,	Showalter,
Bingham,	Fitzpatrick,	McDowell,	Sibley,
Bishop,	Fleming,	Marsh,	Slayden,
Boreing,	Fletcher,	Meekison,	Small,
Boutelle, Me.	Fordney,	Mesick,	Smith, Iowa
Bowersock,	Foss,	Metcalf,	Smith, Samuel W.
Bradley,	Foster,	Miller,	Smith, Wm. Alden
Breazeale,	Fowler,	Moon,	Stallings,
Brenner,	Fox,	Morgan,	Stewart, N. Y.
Brewer,	Gaines,	Morrell,	Stewart, Wis.
Broussard,	Gardner, Mich.	Muller,	Stokes,
Brown,	Gayle,	Naphen,	Sutherland,
Brundidge,	Gill,	Needham,	Tayler, Ohio
Bull,	Gillet, N. Y.	Neville,	Thayer,
Burnett,	Gillett, Mass.	Noonan,	Thropp,
Burton,	Graham,	Norton, Ohio	Tompkins,
Calderhead,	Griffith,	Norton, S. C.	Tongue,
Caldwell,	Griggs,	O'Grady,	Turner,
Campbell,	Grout,	Olmsted,	Underhill,
Cannon,	Grow,	Otey,	Vandiver,
Carmack,	Hall,	Packer, Pa.	Wadsworth,
Catchings,	Hamilton,	Pearce, Mo.	Waters,
Chanler,	Haugen,	Pearson,	Watson,
Clark,	Hedge,	Powers,	White,
Clayton, N. Y.	Hemenway,	Prince,	Williams, W. E.
Cochran, Mo.	Henry, Miss.	Pugh.	Wilson, Idaho
Cochrane, N. Y.	Howard,	Ransdell,	Wilson, N. Y.
Conner,	Johnston,	Reeder,	Wilson, S. C.
Cooney,	Joy,	Richardson, Ala.	Woods,
Cox,	Kerr, Md.	Ridgely,	Young,
Crump,	Kerr, Ohio	Riordan,	Zenor,
Cummings,	Kluttz,	Robb,	Ziegler.
Cusack,	Knox,	Roberts,	
Davey,	Lane,	Robertson, La.	

So a second was ordered.

The SPEAKER. The roll call develops the presence of a quorum. The doors will be reopened. A second is ordered; and the Chair recognizes the gentleman from Connecticut, Mr. SPERRY, in the affirmative, and the gentleman from Texas, Mr. BAILEY, in the negative, on the bill called up by the gentleman from Connecticut.

Mr. SPERRY. Mr. Speaker, I wish to reserve my own time. All I desire to say now in connection with this bill is this: It has the unanimous report of the committee, as far as I know. Not only that, but the President in his last annual message referred to this subject of the islands of the Pacific which are not under the control of any government and asked that some action be taken. This bill, therefore, only refers to those islands not under the control of any government or any power. They are simply tribal; they are mostly cannibals. The islands are contained within the boundaries set forth in the report and bill.

I wish to say also that the State Department has examined this bill, gone through it carefully, and has suggested one or two amendments which have been added. I suppose that members have been deluged with petitions from every State in the Union in behalf of this bill. The bill I have presented is known as the Gillett bill. I know of no opposition to it, and I trust that in humanity's name it may receive the unanimous vote of this House. I reserve the balance of my time.

Mr. ROBINSON of Indiana. Mr. Speaker, I would like to ask the gentleman from Connecticut a question.

The SPEAKER. Does the gentleman from Connecticut yield to the gentleman from Indiana?

Mr. SPERRY. I will.

Mr. ROBINSON of Indiana. I see the designation of the territory over which this is to control is in geographical language which is not apparent without an examination of the map. About what points does this control?

Mr. SPERRY. It was intended, to begin with, to control entirely the New Hebrides, but there are some little small islands about the Hebrides which if the Hebrides only were named would not be included. There are about 60,000 of these aboriginal tribes which inhabit these islands, and this bill simply proposes to stop the sale mentioned by Americans to the aborigines in these islands.

Mr. ROBINSON of Indiana. Does it in any way attempt to control the sale to the inhabitants of the Philippine Islands?

Mr. SPERRY. It has nothing to do with the Philippine Islands.

Mr. ROBINSON of Indiana. Or the Samoan Islands?

Mr. SPERRY. No.

Mr. McDERMOTT. Will the gentleman from Connecticut yield to me?

Mr. SPERRY. Yes; with pleasure.

Mr. McDERMOTT. Why should you protect the savages of the Hebrides from being killed with bad rum and not protect the savages of the Philippines from being killed with the same liquid? Why are they omitted?

Mr. SPERRY. As I understand it, this bill simply applies to the islands about the Hebrides who are not under any government or any country. It does not refer to the Philippines or any of these islands except those who have a tribal government, so to speak, and within the boundaries named in the bill.

Mr. McDERMOTT. I understand that of the 14,000,000 people in the Philippine Islands, not more than 5,000 are of pure Castilian blood; the balance are half-breeds, Chinese, Malays, etc. Why do you not protect them from being killed by bad rum as well as the inhabitants of the New Hebrides?

Mr. SPERRY. I will say that we do not seek to enforce the provisions of this bill upon the Philippines.

Mr. McDERMOTT. Why not?

Mr. SPERRY. Because that is a matter now under consideration in relation to the Philippines itself, and we do not propose to trespass upon that which is the province of others. This is simply confined to these islands in the Pacific which have no recognized form of government and are not in the possession of any government or under the protection of any government.

Mr. BAILEY of Texas. Mr. Speaker, when I demanded a second on this measure I knew nothing about it, and, to be frank, I cared nothing about it. But upon an examination of it, it seems to me the most palpable attempt to first invent a fiction and then predicate legislation upon it that I have ever known. The original proponent of the bill simply undertook to assert the power of the United States over territory not subject to the jurisdiction of the United States.

The committee evidently concluded that, broad as the power of the United States is now supposed to be, it does not extend to soil not subject to our jurisdiction, and have undertaken to cure that by an amendment, and that amendment is what? That these offenses, for which a punishment is provided in the bill, when committed in these islands not subject to our jurisdiction, shall be deemed to have been committed upon the seas on one of our ships. Now, as a matter of fact, these offenses might be committed a thousand miles from any place where the United States may exercise a rightful jurisdiction. These offenses might be committed a thousand miles from our ships of war or merchantmen. And in order that the jurisdictlon of the United States may attach by fiction, this bill provides that these offenses shall be deemed to have been committed upon the high seas on one of our ships.

Mr. Speaker, it is discreditable to the Congress of the United States, it is discreditable to the Government of the United States, that, not content to exercise jurisdiction within its limits, that now embrace almost every sea in the world, it invents a fiction and extends jurisdiction where it can not be exercised except by a fiction. The gentlemen who are behind this bill subject themselves to the suspicion of insincerity so far as its intemperance feature is concerned, because, if they seek to stop the use of intoxicating liquors, why not include the Philippine Islands in their bill? I have been reliably informed that more than a thousand saloons have sprung up in the island of Luzon since the American flag was raised over it. I am told that in Hawaii, where saloons were unknown until we benevolently assimilated it, to-day there are over 400 in existence. You declare that the Philippine people are not entitled to their own form of government because they are incapable of maintaining it. If they are not capable of enjoying their freedom, why not protect them under our jurisdiction from the baleful effects of intoxicating liquors instead of extending our charity to people to whom we owe no obligation?

The gentleman from Connecticut, in charge of the bill, has not yet been gracious enough to tell the House exactly what islands are to be affected by the bill. Lest I should do him injustice, I pause to allow him, in my time, to enumerate the islands which are included.

Mr. SPERRY. The islands included within the boundaries designated by the bill I can not name. There are many of those little islands—hundreds of them; but where they are inhabited they are governed by tribes, not by any civilized country. They are not under the protection of any civilized country. In this bill we propose simply to say, so far as we are concerned, that within those boundaries people of the United States, subject to the United States jurisdiction, shall not sell rum or opium, whisky or firearms.

If the bill does not go as far as the gentleman would like to have it go, or as he thinks it should have gone, I will only say that it goes as far as the State Department has seemed willing to admit would be proper. The State Department is decidedly in favor of the bill as now drawn.

I would like to yield a few minutes of my time—five minutes——

Mr. BAILEY of Texas. I am not through yet. I was just asking the gentleman from Connecticut to define the limits within which this bill, if passed, would operate.

Mr. SPERRY. I can only give the limits as they are indicated by the parallels and boundaries in the bill.

Mr. BAILEY of Texas. The boundaries given in the bill do not indicate the points to which the proposed law would extend.

Mr. Speaker, the gentleman is mistaken when he says that I think the bill does not go far enough. I am very frank to say that I am not a philanthropist. I am not trying to take care of all people within the boundaries of the world. I simply instanced the fact that the bill is not made to apply to the Philippine Islands and to Hawaii to sustain my suggestion that the gentlemen urging this measure are not entirely sincere.

Now, Mr. Speaker, one other thing. I demand of the proponents of this bill to tell me in what court an offender of this bill, if it should become a law, would be tried. The bill provides punishment by imprisonment not exceeding three months at hard labor or by a fine not exceeding $50, or both. Where is the forum in which you would try those who may violate this law? If a man sells liquor in those islands, will you bring him back to the city of Washington and try him? If so, in what court? Will you take him to the State of Connecticut?

If you arraign him there, he will invoke that clause of the Constitution which provides that a man shall not be tried except in the district of the United States where the offense was committed, which district must have been previously ascertained by law. If a citizen of the United States residing in Connecticut should complete the sale there, it might be easy under your bill—however unjust it would be—to punish him. But if he goes to one of these islands and sells arms or ammunition or intoxicating liquors, I undertake to say that no court in America has the power to punish him. It was for that reason that the committee inserted this fiction—that the offense should be deemed to have been committed upon the high seas upon a ship-of-war or merchantman of the United States.

Under such a provision as that they may try a man for this offense without a jury. A man may be tried, convicted, and executed without a jury under this nebulous and vague and dangerous power of preserving the authority of the United States upon the high seas of the world. It was because there was no forum within the United States, and because none could be constituted within the United States, to try these offenses that these gentlemen invented a fiction, pure and simple, in order to confer one of the most dangerous and despotic powers ever yet exercised by a free government in the history of the world.

I deem myself fortunate in having my attention called to this dangerous piece of proposed legislation, which if enacted will become a precedent and can practically destroy the right of trial by jury in every place subject to the jurisdiction of the United States. [Applause.]

Mr. Speaker, I reserve the balance of my time.

Mr. SPERRY. I yield five minutes to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT of Massachusetts. Mr. Speaker, I wish to say a word as to the legal point just raised by the gentleman from Texas [Mr. BAILEY]. I did not draw the original bill. I put my name to the copy that was offered to me and introduced it because I saw that I was in hearty sympathy with its purpose; but when I had considered the question, I drew the amendment to which the gentleman from Texas has just referred; and the reason was——

Mr. BAILEY of Texas. The gentleman is too good a lawyer to have believed that the original bill was valid.

Mr. GILLETT of Massachusetts. I confess that when I looked at it critically I did not think it was valid.

The gentleman suggests that this is a new and dangerous precedent. Mr. Speaker, this is not a new precedent. The section to which the gentleman objects is copied almost exactly from that portion of the Revised Statutes which provides for jurisdiction over the Guano Islands, in which case precisely this fiction was adopted. In that provision of the Revised Statutes it is enacted that any act committed on those islands should be considered, just as in this bill, as having been committed on board an American ship. And the purpose, of course, was clear—that thereby jurisdiction is obtained for American courts, and with all the safeguards of the Constitution.

The gentleman asks in what court these offenses shall be tried. Why, of course, as the law provides for ships, they shall be tried in the port at which the vessel first comes in.

Now, the provision in regard to the Guano Islands is not only a provision standing in the Revised Statutes, but it has been passed upon by our Supreme Court, and has been held to be valid. Therefore, as a matter of law, the provision of this bill not only is not a new precedent, but it follows a decision of the Supreme Court, and I think that is authority enough.

Now, as to the reason why this bill should not apply to the other Pacific islands, to the Philippines, and to Hawaii. Why, sir, it comes with bad grace from the other side of the House to make that objection. I thought gentlemen on that side were contending that we are already giving too little self-government to Hawaii and the Philippine Islands; that we are absorbing too much power. If we should attempt to impose this legislation upon them, it would leave them still less self-government. It would be doing exactly what that side has been strenuously opposing. At any rate, that proposition is not before the committee.

Another committee would naturally and properly have that matter in charge; and, as I understand, it has been under consideration by that committee. I think myself there is need of legislation for the Philippines, and I hope the committee will report a bill. But because it is not in this bill is a paltry, and, it seems to me, a disingenuous argument for offering this bill. This bill does not contain, and does not pretend to contain, all the legislation which I think advisable for all the universe or for all islands, but it aims to accomplish one good purpose, and can hardly be opposed fairly because it does not accomplish more.

Here is one special condition needing legislation. English missionaries have been most successful in civilizing in those islands. England has prohibited the sale of liquor and firearms by British subjects. But American traders are going where the English are forbidden, are supplying the natives with liquor, and are steadily neutralizing and undermining the good work of the English missionaries. I think thus to permit our citizens to undo the unselfish and beneficient work of another country is a reproach and disgrace to America. It is to prevent that, and for that object alone, that this bill is proposed. In law it stands firmly upon the decision of the Supreme Court, and in policy I think it should stand as firmly upon the conscience of Americans.

The SPEAKER. The motion is to suspend the rules and pass the bill with the amendments.

Mr. GAINES. I did not hear the amendments read. I have read the bill. Can those amendments be read again?

The SPEAKER. They can by unanimous consent. The gentleman from Tennessee asks to have the amendments read. Without objection, the Clerk will report them.

Mr. SHERMAN. I object.

The question being taken on the motion to suspend the rules and pass the bill, there were—ayes 79.

Mr. SPERRY (before the negative vote was announced). I call for the yeas and nays.

The SPEAKER (after counting). Thirty-four gentleman have arisen. It requires 36 to order the yeas and nays.

Mr. SPERRY. I ask for the other side.

The SPEAKER (after counting). Eighty-six gentlemen have arisen, and the yeas and nays are ordered.

The question was taken; and there were—yeas 117, nays 80, answered "present" 21, not voting 135; as follows:

YEAS—117.

Acheson,	Fordney,	Lacey,	Ray, N. Y.
Alexander,	Foss,	Lamb,	Rodenberg,
Allen, Me.	Freer,	Lane,	Showalter,
Baker,	Gardner, Mich.	Lawrence,	Smith, Iowa,
Barber,	Gardner, N. J.	Littauer,	Smith, Samuel W.
Barham,	Gaston,	Littlefield,	Southard,
Barney,	Gibson,	Lloyd,	Spalding,
Bishop,	Gillet, N. Y.	Long,	Sperry,
Brick,	Gillett, Mass.	Loudenslager,	Spight,
Brosius,	Graff,	Lovering,	Sprague,
Brownlow,	Greene, Mass.	Lybrand,	Steele,
Burke, S. Dak.	Grosvenor,	Mahon,	Stevens, Minn.
Burleigh,	Grout,	Mann,	Stewart, N. J.
Butler,	Grow,	Mercer,	Sulloway,
Capron,	Hamilton,	Metcalf,	Tawney,
Connell,	Haugen,	Minor,	Tayler, Ohio
Cooper, Wis.	Hawley,	Moody, Mass.	Terry,
Cousins,	Heatwole,	Moody, Oreg.	Thomas, Iowa
Cromer,	Hedge,	Morgan,	Tompkins,
Crumpacker,	Hepburn,	Morris,	Van Voorhis,
Cushman,	Hill,	Mudd,	Vreeland,
Dahle,	Hitt,	Muller,	Wanger,
Dalzell,	Hoffecker,	Needham,	Warner,
Davenport, S. A.	Hopkins,	O'Grady,	Waters,
Davenport, S. W.	Howell,	Otjen,	Williams, Miss.
Denny,	Jack,	Overstreet,	Wright,
Dick,	Jones, Va.	Payne,	Ziegler.
Emerson,	Jones, Wash.	Phillips,	
Esch,	Kerr, Md.	Polk,	
Finley,	Ketcham,	Pugh,	

NAYS—80.

Adamson,	Dinsmore,	Lentz,	Shackleford,
Allen, Ky.	Dougherty,	Lester,	Sheppard,
Atwater,	Fitzgerald, N. Y.	Levy,	Sims,
Bailey, Tex.	Fleming,	Little,	Smith, Ky.
Ball,	Gaines,	Livingston,	Snodgrass,
Bartholdt,	Gayle,	McAleer,	Stallings,
Bellamy,	Gordon,	McDowell,	Stark,
Benton,	Green, Pa.	Maddox,	Stephens, Tex.
Berry,	Griffith,	May,	Sulzer,
Brantley,	Hay,	Moon,	Talbert,
Brundidge,	Henry, Miss.	Pierce, Tenn.	Tate,
Burke, Tex.	Henry, Tex.	Quarles,	Thayer,
Burleson,	Jett,	Ransdell,	Thomas, N. C.
Burnett,	Johnston,	Rhea, Ky.	Underwood,
Caldwell,	King,	Rhea, Va.	Vandiver,
Clayton, Ala.	Kitchin,	Richardson, Tenn.	Wachter,
Cooper, Tex.	Kleberg,	Rixey,	Wheeler,
Crowley,	Kluttz,	Robinson, Ind.	Williams, J. R.
Cusack,	Lanham,	Robinson, Nebr.	Williams, W. E.
De Armond,	Latimer,	Ryan, Pa.	Zenor.

ANSWERED "PRESENT"—21.

Adams,	Fletcher,	McClellan,	Smith, H. C.
Boutell, Ill.	Griggs,	Meyer, La.	Smith, Wm. Alden
Bromwell,	Hall,	Miers, Ind.	Taylor, Ala.
Calderhead,	Henry, Conn.	Mondell,	
Cowherd,	Kahn,	Shattuc,	
Elliott	Landis,	Sherman,	

NOT VOTING—135.

Aldrich,	Cummings,	McCall,	Rucker,
Allen, Miss.	Curtis,	McCleary,	Ruppert,
Babcock,	Davey,	McCulloch,	Russell,
Bailey, Kans.	Davidson,	McDermott,	Ryan, N. Y.
Bankhead,	Davis,	McLain,	Salmon,
Bartlett,	Dayton,	McRae,	Scudder,
Bell,	De Graffenreid,	Marsh,	Shafroth,
Bingham,	Dovener,	Meekison,	Shelden,
Boreing,	Driggs,	Mesick,	Sibley,
Boutelle, Me.	Driscoll,	Miller,	Slayden,
Bowersock,	Eddy,	Morrell,	Small,
Bradley,	Faris,	Naphen,	Smith, Ill.
Breazeale,	Fitzgerald, Mass.	Neville,	Sparkman.
Brenner,	Fitzpatrick,	Newlands,	Stewart, N. Y.
Brewer,	Foster,	Noonan,	Stewart, Wis.
Broussard,	Fowler,	Norton, Ohio	Stokes,
Brown,	Fox,	Norton, S. C.	Sutherland,
Bull,	Gamble,	Olmsted,	Swanson,
Burkett,	Gilbert,	Otey,	Thropp,
Burton,	Gill,	Packer, Pa.	Tongue,
Campbell,	Glynn,	Parker, N. J.	Turner,
Cannon,	Graham,	Pearce, Mo.	Underhill,
Carmack,	Hemenway,	Pearson,	Wadsworth,
Catchings,	Howard,	Pearre,	Watson,
Chanler,	Hull,	Powers,	Weaver,
Clark,	Jenkins,	Prince,	Weeks,
Clayton, N. Y.	Joy,	Reeder,	Weymouth,
Cochran, Mo.	Kerr, Ohio	Reeves,	White,
Cochrane, N. Y.	Knox,	Richardson, Ala.	Wilson, Idaho
Conner,	Lassiter,	Ridgely,	Wilson, N. Y.
Cooney,	Lewis,	Riordan,	Wilson, S. C.
Corliss,	Linney,	Robb,	Woods,
Cox,	Lorimer,	Roberts,	Young.
Crump,	Loud,	Robertson, La.	

So (two-thirds not having voted in favor thereof) the motion was rejected.

The following pairs were announced:

For this day:

Mr. HEMENWAY with Mr. MIERS of Indiana.

Mr. PUGH with Mr. TURNER.

Mr. SIBLEY with Mr. HALL.

Mr. CALDERHEAD with Mr. SHAFROTH.

Mr. PEARCE of Missouri with Mr. LEWIS.

Mr. YOUNG with Mr. WHEELER.

Mr. COCHRANE of New York with Mr. BRENNER.

Mr. SHERMAN with Mr. DRIGGS.

Mr. MCCLEARY with Mr. COWHERD.

For this vote:

Mr. PEARRE with Mr. DAVIS.

Mr. BROMWELL with Mr. SHATTUC.

Mr. MORRELL with Mr. BANKHEAD.

Mr. JOY with Mr. NAPHEN.

Mr. BURLEIGH with Mr. MCLAIN.

Mr. BULL with Mr. SUTHERLAND.

Mr. SHELDON with Mr. MCLAIN.

Until further notice:

Mr. CANNON with Mr. MCRAE.

Mr. RUSSELL with Mr. MCCLELLAN.

Mr. BOUTELL of Illinois with Mr. GRIGGS.

Mr. MCCALL with Mr. FITZGERALD of Massachusetts.

Mr. HULL. Mr. Speaker, I am paired with the gentleman from Pennsylvania [Mr. SIBLEY], and if he has not voted I desire to be recorded as "present."

Mr. MCCLELLAN. Mr. Speaker, I am paired with the gentleman from Connecticut [Mr. RUSSELL], and wish therefore to withdraw my vote and be recorded as "present."

Mr. KING. Mr. Speaker, I answered "present" on this call. I would ask if the gentleman from Michigan [Mr. HAMILTON], with whom I have had a pair, has voted?

The SPEAKER. The gentleman from Michigan is recorded.

Mr. KING. Then I desire to be recorded in the negative.

Mr. KING's vote was accordingly recorded as above.

LIMIT OF COST OF CERTAIN PUBLIC BUILDINGS.

Mr. MERCER. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 13947, with certain committee amendments.

The bill was read as follows:

A bill (H. R. 13947) increasing the limit of cost of certain public buildings, and for other purposes.

Be it enacted, etc., That to enable the Secretary of the Treasury of the United States to give effect to and execute the provisions of existing legislation authorizing the purchase of sites and the erection thereon of public buildings in the several cities hereinafter enumerated, the limit of cost heretofore fixed by Congress therefor be, and the same is hereby, increased, respectively, as follows, and the Secretary of the Treasury is hereby authorized to enter into contracts for the completion of each of said buildings within its respective limit of cost, including site, hereby fixed:

United States post-office and court-house at Aberdeen, S. Dak., from $87,000 to $100,000.

United States post-office and court-house at Abilene, Tex., from $75,000 to $100,000.

United States post-office and court-house at Boise, Idaho, from $200,000 to $250,000.

United States post-office and custom-house at Brunswick, Ga., from $50,000 to $100,000.

United States post-office and court-house at Cheyenne, Wyo., from $250,000 to $300,000.

United States post-office and court-house at Cumberland, Md., from $75,000 to $100,000.

United States post-office and court-house at Butte, Mont., from $200,000 to $225,000.

United States post-office and court-house at Eau Claire, Wis., from $50,000 to $100,000; and the limit of cost of site is hereby fixed at $10,000.

United States post-office and court-house at Elmira, N. Y., from $185,000 to $232,000; and the Secretary of the Treasury is hereby authorized, in his discretion, to expend not to exceed $7,000 for the acquisition of additional land for the enlargement of the site heretofore acquired.

United States post-office and court-house at Creston, Iowa, from $50,000 to $100,000.

United States post-office and court-house at Elizabeth City, N. C., from $50,000 to $100,000.

United States post-office and court-house at Fergus Falls, Minn., from $75,000 to $100,000.

United States post-office at Fitchburg, Mass., from $100,000 to $125,000.

United States post-office at Freeport, Ill., from $75,000 to $85,000.

United States post-office and court-house at Helena, Mont., from $300,000 to $325,000.

United States post-office and court-house at Jamestown, N. Y., from $75,000 to $115,000.

United States post-office at Janesville, Wis., from $50,000 to $75,000.

United States post-office at Joliet, Ill., from $100,000 to $130,000.

United States post-office at Joplin, Mo., from $50,000 to $65,000.

United States post-office at Hot Springs, Ark., from $78,000 to $85,000.

United States post-office at Lawrence, Mass., from $100,000 to $135,000; and the limit of cost of site is hereby fixed at $40,000.

United States post-office at Leadville, Colo., from $50,000 to $75,000.

United States post-office and court-house at Lockport, N. Y., from $50,000 to $105,000.

United States post-office and custom-house at Newport, Vt., from $50,000 to $85,000.

United States post-office and custom-house at Newport News, Va., from $100,000 to $150,000.

United States post-office at Norwich, Conn., from $100,000 to $110,000; and the limit of cost of site is hereby fixed at $35,000.

United States post-office at Rome, N. Y., from $50,000 to $70,000.

United States post-office at St. Cloud, Minn., from $50,000 to $68,000.

United States post-office, court-house, and custom-house at St. Paul, Minn., from $1,050,000 to $1,100,000.

United States post-office, custom-house, and court-house at Salt Lake City, Utah, from $300,000 to $400,000.

United States post-office, court-house, and custom-house at Seattle, Wash., from $300,000 to $650,000; and the limit of cost of site is hereby fixed at $150,000.

United States post-office, court-house, and custom-house at Tampa Fla., from $250,000 to $300,000.

United States post-office at Wilkesbarre, Pa., from $125,000 to $135,000; and the limit of cost of site is hereby fixed at $40,000.

United States post-office at Winston, N. C., from $50,000 to $60,000.

United States post-office at Oskaloosa, Iowa, from $50,000 to $66,000.

United States post-office at Bristol, Tenn., from $50,000 to $55,000.

The amendments recommended by the committee were read, as follows:

On page 2, line 12, strike out all after the word "hundred" and insert "and twenty-five thousand dollars;" so as to read "$325,000."

On page 2, line 20, strike out all after the word "hundred" up to and including the word "dollars," in line 21, and insert "and ten thousand dollars;" so as to read "$110,000."

On page 3, line 20, strike out all after the word "and" and insert "fifty thousand dollars;" so as to read "$350,000."

On page 4, line 5, strike out all after the word "to" and insert "$100,000."

Page 4, line 6, after the word "post-office" add "and custom-house," so as to read "United States post-office and custom-house at Joplin, Mo."

Page 4, line 7, strike out all after the word "to" and insert "$100,000."

Page 4, line 18, strike out all after the word "to" up to and including the word "dollars" in line 19, and insert "$100,000."

Page 4, line 21, strike out all after the word "to" up to and including the word "dollars" in line 22, and insert "$200,000."

Page 5, line 9, strike out all after the word "hundred" and insert the words "and fifty thousand dollars;" so as to read "$1,150,000."

Page 5, line 12, strike out the word "four" and insert the word "five;" so as to read "$500,000."

Page 5, line 15, strike out all after the word "to" up to and including the word "dollars" in line 16, and insert "$750,000; and the limit of cost of site is hereby fixed at $200,000."

Page 5, line 19, strike out all after the word "hundred" and insert "$25,000;" so as to read "$325,000."

Page 5, line 22, strike out the word "thirty-five" and insert the word "fifty;" so as to read "$150,000."

Page 6, after line 4, add the following: "United States post-office at Carrollton, Ky., from twenty-five thousand to thirty thousand dollars;" also "United States post-office and court-house at Columbus, Ga., from $156,000 to $159,000;" also "United States court-house, post-office, and custom-house at Dubuque, Iowa, increasing limit of cost and improving and enlarging building, as authorized by act of March 2, 1899, from $[illegible],000 to $110,000."

The SPEAKER. Is a second demanded?

Mr. BAILEY of Texas. I demand a second.

Mr. MERCER. I ask unanimous consent that a second be considered as ordered.

Mr. BAILEY of Texas. I object.

The SPEAKER. Objection is made by the gentleman from Texas. The Chair appoints the gentleman from Nebraska, Mr. MERCER, and the gentleman from Texas, Mr. BAILEY, to act as tellers.

The House divided; and tellers reported—ayes 122, noes 5.

So a second was ordered.

The SPEAKER. The Chair recognizes the gentleman from Nebraska and the gentleman from Texas for twenty minutes each.

Mr. MERCER. Mr. Speaker, this bill affects forty different cities of the United States. It provides for increases recommended by the

Treasury Department and occasioned principally by the rise in the price of building material since the buildings were first authorized. In some instances United States courts have been established, which necessitates an additional story to buildings originally intended for post-office purposes only.

The only two marked increases in this bill are Salt Lake City, Utah, and Seattle, in the State of Washington. In the city of Salt Lake the citizens presented the Government with a very valuable site, and this bill increases the limit of cost of building from $300,000 to $500,000, a very moderate sum for so important a city as Salt Lake, a city in which so many public officials are to be housed.

The increase in Seattle is correspondingly large, for the reason that, next to San Francisco and Portland, Oreg., upon the Pacific coast, this city of Seattle demands more room for Government officials than any other city west of the Rocky Mountains.

The following statement indicates the different cities benefited by this bill, and shows not only the limit of cost heretofore authorized by public buildings in the respective cities, but shows estimates made by the Treasury Department thereon and amount of increase conceded by your committee:

Location.	Present limit.	This bill.	Treasury estimate.
Aberdeen, S. Dak	$87,000	$100,000	$150,000
Abilene, Tex	75,000	100,000	125,000
Boise, Idaho	200,000	250,000	325,000
Brunswick, Ga	50,000	100,000	100,000
Cheyenne, Wyo	250,000	325,000	350,000
Cumberland, Md	75,000	100,000	125,000
Butte, Mont	200,000	225,000	300,000
Eau Claire, Wis	50,000	110,000	175,000
Elmira, N. Y	185,000	232,000	232,000
Creston, Iowa	50,000	100,000	150,000
Elizabeth City, N. C	50,000	100,000	125,000
Fergus Falls, Minn	75,000	100,000	125,000
Fitchburg, Mass	100,000	125,000	125,000
Freeport, Ill	75,000	85,000	125,000
Helena, Mont	300,000	350,000	400,000
Jamestown, N. Y	75,000	115,000	125,000
Janesville, Wis	50,000	75,000	125,000
Joliet, Ill	100,000	130,000	150,000
Joplin, Mo	50,000	100,000	100,000
Hot Springs, Ark	78,000	100,000	100,000
Lawrence, Mass	100,000	135,000	200,000
Leadville, Colo	50,000	75,000	125,000
Lockport, N. Y	50,000	105,000	125,000
Newport, Vt	50,000	100,000	125,000
Newport News, Va	100,000	200,000	250,000
Norwich, Conn	100,000	110,000	125,000
Rome, N. Y	50,000	70,000	75,000
St. Cloud, Minn	50,000	68,000	75,000
St. Paul, Minn	1,050,000	1,150,000	1,150,000
Salt Lake, Utah	300,000	500,000	500,000
Seattle, Wash	300,000	750,000	1,000,000
Tampa, Fla	250,000	325,000	350,000
Wilkesbarre, Pa	125,000	150,000	225,000
Winston, N. C	50,000	60,000	125,000
Oskaloosa, Iowa	50,000	66,000	75,000
Bristol, Tenn	50,000	55,000	55,000
Columbus, Ga	156,000	159,000	159,000
Carrollton, Ky	25,000	30,000	30,000
Dubuque, Iowa	100,000	110,000	110,000
Indianapolis, Ind	1,900,100	2,200,100	2,400,000
Total	7,081,100	9,340,100	10,811,000

Amount of increase asked by Treasury Department $3,729,800
Amount of increase granted by this bill 2,259,000

I reserve the balance of my time.

Mr. GRAFF. Will the gentleman yield to me for a question?

Mr. MERCER. I yield to the gentleman from Illinois for a question.

Mr. GRAFF. I desire to ask the gentleman from Nebraska whether there are any provisions here for any building not heretofore authorized by law?

Mr. MERCER. None whatever. This bill does not carry any new authorizations. I ask for a vote.

Mr. BAILEY of Texas. Mr. Speaker, I shall only myself consume enough time to remark that had I known in the beginning how widely and how judiciously the pork in this barrel had been distributed I would have had no expectation of defeating it; and with this remark I yield five minutes to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, this bill, carrying enormous appropriations, is another demonstration of the cohesive power of public plunder. I doubt not it will pass without a division. I am somewhat suprised, to say the least, at the present attitude of the distinguished gentleman from Illinois [Mr. CANNON], and I fail to hear his eloquent and emphatic protest against this bill, which will take hundreds and hundreds and thousands of dollars out of the public Treasury. Yesterday, the day before, and for several days last past, we have heard the gentleman from Illinois protesting against these kind of reckless and extravagant appropriations. But when this omnibus building bill comes up, appropriating this vast amount of money, we do not hear a word from the gentleman from Illinois. He is as dumb as an oyster. It is the old, old story. It only goes to show, however, how strong and powerful local patronage is to secure legislation.

The principal point I now desire to make is that the Committee on Public Buildings and Grounds has refused to give New York City a new post-office. A bill for that purpose has been in the committee for six years. New York City is unjustly discriminated against. The post-office in New York City is old and dilapidated. It is no longer adapted to the postal affairs of the metropolis. It is a menace to the health and to the lives and limbs of every man employed in it. Thousands of men employed in the New York City post-office are compelled to work underground, standing part of the time during each twenty-four hours in water and in dampness. Every merchant, the chamber of commerce, the press, the people, every board of industry and board of trade in New York have petitioned Congress for the last three years to appropriate enough money to build a new and decent post-office in the city of New York.

I myself, sir, have filed with the Clerk of this House hundreds and hundreds of petitions and resolutions in favor of a new post-office in New York City. They have been referred to the committee and that has been the end of the matter. I want to enter my most emphatic protest against the outrageous way New York City is treated by Congress.

The post-office in New York City supplies more revenue to the Government than any other ten post-offices in the United States. The revenue from that post-office, over and above its expenses, amounts every year to between five and six millions of dollars. It is the greatest post-office for the distribution and the transmission of mail in this country; and I say in all sincerity that the great metropolis of the country should have a post-office that will be not alone a credit to the nation, but will preserve the lives and not menace the health of the people who are compelled to work in it.

The chairman of the Committee on Public Buildings and Grounds and the committee appropriate money for every little crossroad post-office in the country. There is no trouble to get an appropriation of $150,000 for some little country post-office that is an expense to the Government, but when it comes to the post-office of the city of New York the Committee on Public Buildings and Grounds is deaf to all supplications and to all the entreaties of the people of that great city.

The entire postal business of the country is centered in New York City, and that city should have a post-office of adequate accommodations to facilitate business. We only ask for decent treatment—for what is just and right. I hold in my hand an editorial from the New York Herald of March 1 instant——

The SPEAKER. The time of the gentleman has expired.

Mr. SULZER. Will the gentleman from Texas yield to me time enough to have this article read?

Mr. BAILEY of Texas. I have agreed to give out the time, and will have to take it from others.

Mr. SULZER. Mr. Speaker, I ask unanimous consent to print as a part of my remarks an editorial from the New York Herald of March 1, 1901, regarding the New York post-office.

The SPEAKER. The gentleman from New York asks unanimous consent to print an editorial from the New York Herald in reference to the New York post-office.

Mr. MERCER. I object, Mr. Speaker, until I know what it is.

Mr. SULZER. It is a very short editorial from the New York Herald. It does not refer to the gentleman, but only to this post-office.

The SPEAKER. Objection is made.

Mr. BAILEY of Texas. Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. MIERS].

Mr. MIERS of Indiana. Mr. Speaker, I would like to have the attention of the chairman of the committee a moment. I would like to inquire if there has been an increase in the appropriation for the public building at Indianapolis?

Mr. MERCER. There has.

Mr. MIERS of Indiana. It is not in the printed bill.

Mr. MERCER. No; it is a committee amendment.

Mr. MIERS of Indiana. How much is the increase?

Mr. MERCER. Three hundred thousand dollars.

Mr. MIERS of Indiana. What is the purpose of the increase?

Mr. MERCER. For the purpose of permitting the Secretary of the Treasury and the Supervising Architect to draw plans so that the building shall be commensurate with the needs of the public business there.

Mr. MIERS of Indiana. Is it the purpose to change the plan originally adopted as to the character of the building?

Mr. MERCER. The plans had not been drawn. They were held up pending the action of Congress.

Mr. MIERS of Indiana. Is it changed, then, to carry out a different plan?

Mr. MERCER. I refer the gentleman to the gentleman from Indiana [Mr. OVERSTREET].

Mr. OVERSTREET. Mr. Speaker, the purpose of the increase is to make the difference between the price of material at the time the original law went into effect and the present time; also because of the increased price for the site for the building, which was made more by reason of the purchase of a larger amount of ground. I know the point the gentleman from Indiana refers to—whether or not there is any change in reference to the material to be used.

Mr. MIERS of Indiana. That is the point.

Mr. OVERSTREET. That has nothing to do with the increase. It has been the practice of the Department for a great many years to let bids for contracts for public buildings with the alternative of a different character of material, for the purpose of insuring competition, that would bring the best possible price for the construction for the amount authorized by the law. There is no purpose in this increase to change that practice, nor in any way or manner to affect the material to be used in the construction of the building. Taking into account the cost of the material and the increased price for the site are the only reasons for the increase.

Mr. MIERS of Indiana. I would like to ask my colleague, the gentleman from Indiana, whether this in any way militates against the use of Indiana stone and in favor of granite?

Mr. OVERSTREET. Not in any way whatever.

Mr. MIERS of Indiana. I would like to ask the gentleman if he has any information as to the relative cost of the Indiana stone and the Vermont granite?

Mr. OVERSTREET. I have not.

Mr. MIERS of Indiana. There is much more difference than $300,000, is there not?

Mr. OVERSTREET. I do not know, because the character of the material has nothing to do with the proposed increase. Bids will be invited in the alternative, so that the friends of one kind of material can have the privilege of competing with friends of the other material. They are not discriminated against.

Mr. MIERS of Indiana. Then, Mr. Speaker, in conclusion, I am in favor of the best building for Indianapolis that can be erected on an economical basis. There are two theories here. One is that there was an effort to crowd out the Indiana stone, because it is close there and cheaper, and put in the Vermont marble or granite; but I am entirely content with the explanation of the gentleman from Indiana [Mr. OVERSTREET], for two reasons. I realized there would be more difference between the cost of the two materials than two or three hundred thousand dollars; there would be more difference than half a million, and, in addition to that, if the Indiana stone, which is the favorite building stone, not only of the West, but the East, the North, and the South, were to be crowded out or to be put in jeopardy I would be opposed to it. But I understand from the distinguished chairman of the committee and the gentleman from Indiana that there is no such purpose as that. They tell me the proposed increase is to meet the extra expense by reason of the increase in price of material and labor.

Mr. STEELE. Let me say to the gentleman that I had correspondence with the Secretary of the Treasury on this subject. He assured me that the Supervising Architect of the Treasury had been misquoted, and that he had never said anything that could be tortured into expressions against the use of the Indiana stone.

Mr. MIERS of Indiana. Then the gentleman from Indiana [Mr. STEELE] joins in the conclusion that I do, that there is no proposed discrimination against the Indiana stone?

Mr. STEELE. I think not; if I thought there was I would not vote for this measure.

Mr. OVERSTREET. May I inquire of the gentleman whether or not my colleague has any opposition to leaving this to an open bid between all the representatives?

Mr. MIERS of Indiana. An open bid and a fair investigation is all that the Indiana stone desires. This industry has added largely to the wealth of the State and furnished employment to many laboring men, and is a matter of great interest to both labor and capital in the State and the nation. I would be derelict if I should allow any enactment that would needlessly vote an additional sum out of the Treasury, even if it does go to my State. I would be doubly so if I should allow anything to go unchallenged that would cripple this great industry.

The quarries of the State of Indiana have furnished the stone for the magnificent capitol at the city of Indianapolis and for the soldiers' monument and the court-house, all of which beautify the city of Indianapolis.

The products of said quarries have been used successfully in the building of several capitols of other States of this Union, court-houses, and public buildings all over the country.

The product of said quarries has by the experience of time proven to be permanent, enduring, and having all the qualities needed and desired in the construction of buildings and monuments for the future as well as the present.

The said quarries have become one of the great industries of the great State, and the value of their product represents to a very large extent the labor of the State.

It is regarded everywhere as the best and cheapest building stone in the United States. Its ability to stand the wear of time has been fully demonstrated; its superior qualities are recognized by the first architects of the United States. It never shirks or evades competition, but always courts it. It only wants open and equal chance for a place in the great building at our capital city. I accept the avowed purpose of the chairman of the committee and of the gentleman from Indiana [Mr. OVERSTREET] that the sole purpose of this increased appropriation is to meet the increased cost of labor and material since the original plans were considered.

I need hardly say that the people of Indiana are proud of this great industry and watching the legislation on this subject and will not consent that any legislation be had that looks to the smuggling in some other material to the disadvantage of the Indiana stone. What we want is an appropriation sufficiently large to economically construct a building adequate to the purposes for which it is to be used and in keeping with the growth and enterprise of the beautiful capital of the great State of Indiana. Personally, I believe the Indiana stone will meet all of these requirements.

Mr. OTEY. Mr. Speaker, may I ask if this bill can be amended?

The SPEAKER. It can not. This is a motion to suspend the rules.

Mr. MIERS of Indiana. Mr. Speaker, I ask unanimous consent that I may have leave to extend my remarks in the RECORD.

The SPEAKER. The gentleman asks unanimous consent that he may be permitted to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. MERCER. I object.

The SPEAKER. Too late.

Mr. BAILEY of Texas. I now yield five minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES. Mr. Speaker, if these buildings are incomplete they, of course, can not be used for the purposes for which they are supposed to be erected. If they are incomplete they should be finished. But, Mr. Speaker, I want to call the attention of this honorable body to the fact that if the majority party, that now makes this law, and has been making the law for four years, if the party had executed the laws as they now exist on our statute books, perchance this deficit might have been avoided.

In other words, if the trust laws that slumber absolutely dead upon our statute books had been prosecuted as they should have been, the trusts or combines, the unholy monopolies that are now outraging a free people and at this very moment are holding up the Government of the United States, as this bill is a proof of, this legislation might have been properly and fortunately avoided.

But, Mr. Speaker, the fact is that under the anti-trust act of 1890, placed there by the voice of both parties without a dissenting vote in the House or the Senate, up to last May had been brought into action against only three trusts in this country.

And the letter of the honorable Attorney-General of the United States, Mr. Griggs, which I hold in my possession, is absolute proof of the fact. One of these cases had failed, one case had succeeded, and one had been unadjudicated at that date. No one will dispute the fact, Mr. Speaker, that if that law had been properly executed every trust that has been carrying on interstate combines in this country might have been crushed, and this appropriation avoided, and the people permitted to have the rights that they should have under the law of the land.

Not only that statute, Mr. Speaker, but we have the act of August 28, 1894, known as the Wilson law. That act, Mr. Speaker, was carried into and made a part of and is now the law of this land, under and by virtue of the last section of the McKinley act, which expressly provided for the continuation of sections 73, 74, 75, 76, and 77 of the Wilson bill law. The sections in question read as follows:

SEC. 73. That every combination, conspiracy, trust, agreement, or contract is hereby declared to be contrary to public policy, illegal, and void, when the same is made by or between two or more persons or corporations either of whom is engaged in importing any article from any foreign country into the United States, and when such combination, conspiracy, trust, agreement, or contract is intended to operate in restraint of lawful trade, or free competition in lawful trade or commerce, or to increase the market price in any part of the United States of any article or articles imported or intended to be imported into the United States, or of any manufacture into which such imported article enters or is intended to enter. Every person who is or shall hereafter be engaged in the importation of goods or any commodity from any foreign country in violation of this section of this act, or who shall combine or conspire with another to violate the same, is guilty of a misdemeanor, and, on conviction thereof in any court of the United States, such person shall be fined in a sum not less than $100 and not exceeding $5,000, and shall be further punished by imprisonment, in the discretion of the court, for a term not less than three months nor exceeding twelve months.

SEC. 74. That the several circuit courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of section 73 of this act; and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the

Attorney-General, to institute proceedings in equity to prevent and restrain such violations. Such proceedings may be by way of petitions setting forth the case and praying that such violations shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises.

SEC. 75. That whenever it shall appear to the court before which any proceeding under the seventy-fourth section of this act may be pending that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the district in which the court is held or not; and subpœnas to that end may be served in any district by the marshal thereof.

SEC. 76. That any property owned under any contract or by any combination, or pursuant to any conspiracy (and being the subject thereof) mentioned in section 73 of this act, and being in the course of transportation from one State to another, or to or from a Territory, or the District of Columbia, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law.

SEC. 77. That any person who shall be injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by this act may sue therefor in any circuit court of the United States in the district in which the defendant resides or is found, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the costs of suit, including a reasonable attorney's fee.

Yet, Mr. Speaker, that law now is nearly seven years old, and not a single suit has been filed under it. The distinguished gentleman from Wisconsin [Mr. BABCOCK] introduced a bill a few days ago, but in plenty of time to have a willing Congress make it a law, which provides for putting on the free list, clearly a Democratic policy long espoused, every one of the iron materials that are used in making our public buildings as well as our private buildings, all the steel material and billets, etc.; and yet that bill sleeps to-day in the distinguished Republican committee; and yet that bill has not been heard of save in the public press since its introduction.

We passed last session a bill here that we thought at least continued the fight and opposition of the American people against trusts, and we sent it to the Senate, where it will die absolutely by the 4th of March, and yet the Democrats last session and this session demanded its passage; but nothing has been done by the majority party to pass it.

The SPEAKER. The time of the gentleman has expired.

Mr. GAINES. I ask unanimous consent to extend my remarks in the RECORD.

Mr. MERCER. I must object to that, but I will yield the gentleman two minutes of my time.

Mr. GAINES. I thank the gentleman.

Now, Mr. Speaker, I am not taking any partisan advantage of this situation—a statement of these facts suffice—but I challenge any man in this House or elsewhere to dispute the fact that the present Attorney-General, under the law of 1890 had filed any more than three suits up to the 31st of last May. I challenge any man to dispute successfully the fact that under the act of the Wilson anti-trust law and continued in the Dingley Act not a single suit has been filed—not one.

Mr. Speaker, it is said by the unholy party, the parent of trusts, that Bryanism is dead in this country, but, Mr. Speaker, that is not true. We find that that great patriot introduced in the Congress of the United States a bill similar to the Babcock bill on May 26, 1892, the number being H. R. 9004, requiring that such materials as were made into trust property and were protected under the tariff law should be placed upon the free list.

The SPEAKER. The time of the gentleman has expired.

Mr. GAINES. I append, Mr. Speaker, as part of my remarks, the Bryan bill of 1892 and Babcock bill of 1901, as follows:

[H. R. 9004, Fifty-second Congress, first session. In the House of Representatives, May 26, 1892. Referred to the Committee on Ways and Means and ordered to be printed. Mr. Bryan introduced the following bill:]

A bill to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, be, and the same is hereby, amended by adding thereto the following as an additional section, namely:

"SEC. 9. That whenever any circuit court of the United States shall find in a case pending before it under this act that any contract, combination in the form of a trust or otherwise, or conspiracy in restraint of trade or commerce among the several States, or with foreign nations, exists in respect to any article or articles upon which any duties are levied by the then existing tariff laws of the United States, it shall be the duty of the court to report the facts so found to the President of the United States, setting forth specifically each and every such article. It shall be the duty of the President of the United States, upon the receipt of such report, to issue his proclamation placing each and every such article, when imported into the United States, upon the free list, and shall fix the time, not exceeding thirty days from the receipt of the findings of the court, at which such article or articles shall be admitted free of duty. And on and after the date fixed in said proclamation such article or articles shall, when imported into the United States, be admitted free of duty: *Provided*, That whenever such article or articles are subjected to a tax under the internal-revenue laws of the United States, the duty on such article or articles shall be equal to such internal-revenue tax. And from and after the date fixed by the proclamation such article or articles shall be admitted, when imported into the United States, subject to a duty equal to the internal-revenue tax on said article or articles."

[H. R. 14145, Fifty-sixth Congress, second session. In the House of Representatives, February 11, 1901. Mr. BABCOCK introduced the following bill; which was referred to the Committee on Ways and Means, and ordered to be printed.]

A bill repealing certain sections of the act approved July 24, 1897, entitled "An act to provide revenue for the Government and to encourage the industries of the United States."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sections of the act approved July 24, 1897, entitled "An act to provide revenue for the Government and to encourage the industries of the United States," being a part of "Schedule C.—Metals and manufactures of," be, and the same are hereby, repealed:

"123. Bar iron, square iron, rolled or hammered, comprising flats not less than 1 inch wide nor less than three-eighths of 1 inch thick, round iron not less than seven-sixteenths of 1 inch in diameter, six-tenths of 1 cent per pound.

"124. Round iron, in coils or rods, less than seven-sixteenths of 1 inch in diameter, and bars or shapes of rolled or hammered iron, not specially provided for in this act, eight-tenths of 1 cent per pound: *Provided*, That all iron in slabs, blooms, loops, or other forms less finished than iron in bars, and more advanced than pig iron, except castings, shall be subject to a duty of five-tenths of 1 cent per pound: *Provided further*, That all iron bars, blooms, billets or sizes or shapes of any kind, in the manufacture of which charcoal is used as fuel, shall be subject to a duty of $12 per ton.

"125. Beams, girders, joists, angles, channels, car-truck channels, T T, columns and posts or parts or sections of columns and posts, deck and bulb beams, and building forms, together with all other structural shapes of iron or steel, whether plain or punched or fitted for use, five tenths of 1 cent per pound.

"126. Boiler or other plate iron or steel, except crucible plate steel and saw plates hereinafter provided for, not thinner than No. 10 wire gauge, sheared or unsheared, and skelp iron or steel sheared or rolled in grooves, valued at 1 cent per pound or less, five-tenth of 1 cent per pound; valued above 1 cent and not above 2 cents per pound, six-tenth of 1 cent per pound; valued above 2 cents and not above 4 cents per pound, 1 cent per pound; valued at over 4 cents per pound, 25 per cent ad valorem: *Provided*, That all sheets or plates of iron or steel thinner than No. 10 wire gauge shall pay duty as iron or steel sheets.

"127. Iron or steel anchors or parts thereof, 1½ cents per pound; forgings of iron or steel, or of combined iron and steel, of whatever shape or whatever degree or stage of manufacture, not specially provided for in this act, 35 per cent ad valorem; anti-friction ball forgings of iron or steel, or of combined iron and steel, 45 per cent ad valorem.

"128. Hoop, band, or scroll iron or steel, not otherwise provided for in this act, valued at 3 cents per pound or less, 8 inches or less in width, and less than three-eighths of 1 inch thick and not thinner than No. 10 wire gauge, five-tenths of 1 cent per pound; thinner than No. 10 wire gauge and not thinner than No. 20 wire gauge, six-tenths of 1 cent per pound; thinner than No. 20 wire gauge, eight-tenths of 1 cent per pound: *Provided*, That barrel hoops of iron or steel, and hoop or band iron or hoop or band steel flared, splayed or punched, with or without buckles or fastenings, shall pay one-tenth of 1 cent per pound more duty than that imposed on the hoop or band iron or steel from which they are made; steel bands or strips, untempered, suitable for making band saws, 3 cents per pound and 20 per cent ad valorem; if tempered, or tempered and polished, 6 cents per pound and 20 per cent ad valorem.

"129. Hoop or band iron, or hoop or band steel, cut to lengths, or wholly or partly manufactured into hoops or ties, coated or not coated with paint or any other preparation, with or without buckles or fastenings, for bailing cotton or any other commodity, five-tenths of 1 cent per pound.

"130. Railway bars, made of iron or steel, and railway bars made in part of steel, T rails, and punched iron or steel flat rails, seven-twentieths of 1 cent per pound; railway fish-plates or splice-bars, made of iron or steel, four-tenths of 1 cent per pound.

"131. Sheets of iron or steel, common or black, of whatever dimensions, and skelp iron or steel, valued at 3 cents per pound or less, thinner than No. 10 and not thinner than No. 20 wire gauge, seven-tenths of 1 cent per pound; thinner than No. 20 wire gauge and not thinner than No. 25 wire gauge, eight-tenths of 1 cent per pound; thinner than No. 25 wire gauge and not thinner than No. 32 wire gauge, 1.1 cents per pound; thinner than No. 32 wire gauge, 1.2 cents per pound; corrugated or crimped, 1.1 cents per pound: *Provided*, That all sheets of common or black iron or steel not thinner than No. 10 wire gauge shall pay duty as plate iron or plate steel.

"132. All iron or steel sheets or plates, and all hoop, band, or scroll iron or steel, excepting what are known commercially as tin plates, terne plates, and taggers tin, and hereinafter provided for, when galvanized or coated with zinc, spelter, or other metals, or any alloy of those metals, shall pay two-tenths of 1 cent per pound more duty than if the same was not so galvanized or coated.

"135. Steel ingots, cogged ingots, blooms, and slabs, by whatever process made; die blocks or blanks; billets and bars and tapered or beveled bars; mill shafting; pressed, sheared, or stamped shapes; saw plates, wholly or partially manufactured; hammer molds or swaged steel; gun-barrel molds not in bars; alloys used as substitutes for steel in the manufacture of tools; all descriptions and shapes of dry sand, loam, or iron-molded steel castings; sheets and plates and steel in all forms and shapes not specially provided for in this act, all of the above valued at 1 cent per pound or less, three-tenths of 1 cent per pound; valued above 1 cent and not above 1.4 cents per pound, four-tenths of 1 cent per pound; valued above 1.4 cents and not above 1.8 cents per pound, six-tenths of 1 cent per pound; valued above 1.8 cents and not above 2.2 cents per pound, seven-tenths of 1 cent per pound; valued above 2.2 cents and not above 3 cents per pound, nine-tenths of 1 cent per pound; valued above 3 cents per pound and not above 4 cents per pound, 1.2 cents per pound; valued above 4 cents and not above 7 cents per pound, 1.3 cents per pound; valued above 7 cents and not above 10 cents per pound, 2 cents per pound; valued above 10 cents and not above 13 cents per pound, 2.4 cents per pound; valued above 13 cents and not above 16 cents per pound, 2.8 cents per pound; valued above 16 cents per pound, 4.7 cents per pound.

"WIRE.

"136. Wire rods: Rivet, screw, fence, and other iron or steel wire rods, whether round, oval, flat, or square, or in any other shape, and nail rods, in coils or otherwise, valued at 4 cents or less per pound, four-tenths of 1 cent per pound; valued over 4 cents per pound, three-fourths of 1 cent per pound: *Provided*, That all round iron or steel rods smaller than No. 6 wire gauge shall be classed and dutiable as wire: *Provided further*, That all iron or steel rods which have been tempered or treated in any manner or partly manufactured shall pay an additional duty of one-half of 1 cent per pound.

"137. Round iron or steel wire, not smaller than No. 13 wire gauge, 1½ cents per pound; smaller than No. 13 and not smaller than No. 16 wire gauge, 1¾ cents per pound; smaller than No. 16 wire gauge, 2 cents per pound: *Provided*, That all the foregoing valued at more than 4 cents per pound shall pay 40 per cent ad valorem. Iron or steel or other wire not specially provided for in this act, including such as is commonly known as hat wire, or bonnet wire, crinoline wire, corset wire, needle wire, piano wire, clock wire, and watch

wire, whether flat or otherwise, and corset clasps, corset steels and dress steels, and sheet steel in strips, twenty-five one-thousandths of an inch thick or thinner, any of the foregoing, whether uncovered or covered with cotton, silk, metal, or other material, valued at more than 4 cents per pound, 45 per cent ad valorem: *Provided*, That articles manufactured from iron, steel, brass, or copper wire, shall pay the rate of duty imposed upon the wire used in the manufacture of such articles, and in addition thereto 1¼ cents per pound, except that wire rope and wire strand shall pay the maximum rate of duty which would be imposed upon any wire used in the manufacture thereof, and in addition thereto 1 cent per pound; and on iron or steel wire coated with zinc, tin, or any other metal, two-tenths of 1 cent per pound in addition to the rate imposed on the wire from which it is made.

"NAILS, SPIKES, TACKS, AND NEEDLES.

"160. Cut nails and cut spikes of iron or steel, six-tenths of 1 cent per pound.

"162. Wire nails made of wrought iron or steel, not less than 1 inch in length and not lighter than No. 16 wire gauge, one-half of 1 cent per pound; less than 1 inch in length and lighter than No. 16 wire gauge, 1 cent per pound.

"171. Wheels for railway purposes, or parts thereof, made of iron or steel, and steel-tired wheels for railway purposes, whether wholly or partly finished, and iron or steel locomotive, car, or other railway tiers or parts thereof, wholly or partly manufactured, 1¼ cents per pound; and ingots, cogged ingots, blooms, or blanks for the same, without regard to the degree of manufacture, 1¼ cents per pound: *Provided*, That when wheels for railway purposes, or parts thereof, of iron or steel, are imported with iron or steel axles fitted in them, the wheels and axles together shall be dutiable at the same rate as is provided for the wheels when imported separately."

Mr. BAILEY of Texas. I ask the gentleman from Nebraska [Mr. MERCER] if he intends to consume the balance of his time, that he use part of it now. We have, I believe, on this side five minutes remaining.

Mr. MERCER. I prefer that the gentleman from Texas should go on.

Mr. BAILEY of Texas. It is usual to alternate in these speeches. I had an impression that the gentleman from Nebraska did not intend to consume his time.

Mr. MERCER. I shall occupy only three or four minutes.

Mr. BAILEY of Texas. Well, with that expectation, I yield whatever time I have remaining to the gentleman from New York [Mr. GLYNN].

Mr. GLYNN. Mr. Speaker, I send to the desk a petition and set of resolutions, which appeared in the RECORD of January 11, 1901, and which I wish the Clerk to read.

The Clerk read as follows:

A PETITION.

SALT LAKE CITY, *December 28, 1900.*

To the Honorable Committee on Public Buildings and Grounds, House of Representatives, Washington, D. C.

GENTLEMEN: Your petitioners—merchants, bankers, and business men of Salt Lake City, Utah—respectfully represent that in compliance with "An act to provide for the purchase of a site and for the erection of a public building thereon at Salt Lake City, the capital of the State of Utah," approved March 2, 1899, advertisements were inserted in the Salt Lake Tribune for such site, requiring, among other things, that the Government building be located on "a corner lot, approximating 180 feet front by 180 feet in dimensions, is preferred. If not a corner lot, the property must approximate 180 feet by 220 feet in dimensions, the 220 feet to be street frontage." The act referred to requires, among other things, after the said advertisement is made, "that thereafter the Secretary of the Treasury shall cause examination to be made of the said bids and the said proposed sites, and shall cause statements, maps, and plats thereof to be taken and submitted to him."

Your petitioners therefore allege:

First. That no examination, such as is required by the act referred to, has ever been made.

Second. That they are informed and believe that the site was selected by one H. A. Taylor, who had visited Salt Lake City but three times and at dates long prior to 1899, and hence was not qualified at the date said site was selected to make a proper or suitable selection without personal examination.

Third. That it is south of all the business portion of the city and not in the direction of the city's growth.

Fourth. That it is on low ground, only 1½ blocks above the line of the gravity sewer. It is on ground similar to that on which the city and county building is located, the foundation of which is estimated to have cost from $40,000 to $50,000 more than if located on solid ground in the center or upper portion of the city.

Fifth. The advertisement fixed the size of the site 180 feet square if located at a street intersection. Streets in the business portion of Salt Lake City are 132 feet wide. The site selected is located on the corner of East Temple and Market streets. Market street is a private street, one block in length, half the width of the regular streets, hence it does not comply with the terms or intention of said advertisement.

Sixth. Your petitioners believe that the capital of the State of Utah should receive more consideration in the selection of a site for a public building.

That no proper consideration was given to the other numerous sites offered.

That if proper examination had been made the site which was situate on lowest ground and which would require the greatest expenditure for foundation would not have been selected.

Seventh. Your petitioners request that a committee be appointed to make a proper examination and select a site in the business district of the city, where it will be centrally located as regards population, in the direction of the city's growth, and where it will be convenient to all residents, and at the same time present an imposing and dignified appearance. They also request that all persons may be awarded an impartial hearing to present the merits of their respective locations.

And your petitioners will ever pray.

Lewis S. Mills, president Deseret National Bank; Heber J. Grant, president State Bank of Utah; John E. Dooly, banker; The Brigham Young Trust Company, by N. W. Clayton, chairman executive committee; Cooperative Wagon and Machine Company, Geo. T. Odell, general manager; Spencer Clawson & Co., wholesale dry goods; McCormick & Co., bankers; Henry Dinwoody, Dinwoody Furniture Company; Wm. R. Wallace, property owner; Hooper Building, by Jos. E. Caine, agent; Continental Market Company, J. E. Caine, president; W. F. Armstrong, president of Utah Commercial and Savings Bank; Thomas W. Jennings; Mary H. Jennings, by Thos. W. Jennings; P. W. Madsen; Utah Stove and Hardware Company, P. W. Madsen, president; Western Loan and Savings Company; J. B. Toronto, vice-president Western Loan and Savings Co.; Thomas G. Webber, merchant; Home Fire Insurance Company of Utah, by Heber J. Grant, president; Salt Lake Theater Company; Consolidated Implement Company, by Geo. A. Snow, president and general manager; The Deseret News, H. G. Whitney, business manager.

Mr. GLYNN. Mr. Speaker, this petition is signed by many of the leading business men of Salt Lake City, including representatives of 10 of the 14 banks of that city. It asks that the site upon which it is proposed to erect a public building there be investigated by a committee before any of the money appropriated for this building be expended. These gentlemen are among the most prominent men of that city. They speak for themselves in this petition. They claim that there was an irregularity in the selection of the site and that the title to a part of it is imperfect. For that reason they ask an investigation. I know that petitions have been filed on the other side in opposition to this; but I want to call attention to the fact that 10 out of the 14 banks in that city have signed the petition just read. The United States attorney at Salt Lake has filed with the Attorney-General a statement that the title of the proposed site is defective.

These gentlemen claim that the city of Salt Lake has only one-half of the title of this property on one side of the street—Market street—that the other half is merged in some estate.

The people of that city asked for a hearing before the Committee on Public Buildings and Grounds. They were notified that a hearing would be held on the succeeding day at 9 o'clock. It happened that one of the leading men of Salt Lake City, who signed that petition, was in the city of Washington. He appeared before the committee and informed them that only a few feet away from where it is proposed to erect this building there has been erected a large building, and in order to secure a foundation for it it was necessary to sink railroad ties.

They also claim, in another petition, printed in the RECORD of January 23, that the proposed site does not meet the requirements of the Government advertisement for a site. The gentlemen whose signatures appear on this petition stand ready to donate to the Government any site in Salt Lake City which may be selected by a committee to be appointed in accordance with their prayer in the petition as the best site in the city for a Federal building. Now, Mr. Speaker, I do not want to be misunderstood in this matter. I am not against the appropriation for the building at Salt Lake. I am in favor of the whole amount mentioned in this bill for that city, but I am also in favor of this House paying respectable attention to the prayers and requests of the prominent business men of Salt Lake City.

Surely, the standing and prominence of those men are sufficient to entitle them to attention from the members of this House; surely, those men would not place their names on a petition which stated aught else but the strict truth; surely, they are not asking anything unreasonable when they petition Congress to make an investigation for the purpose of securing the best possible site in Salt Lake City for the erection of a $500,000 building. I, for one, do not believe that we have any right to vote away the people's money for the erection of a public building without at least a reasonable assurance that the best possible site is being selected. But in this case, Mr. Speaker, men of prominence assert, in cold type, that the proposed site is the worst one of the eleven offered to the Government.

In the snap hearing before the Committee on Public Buildings and Grounds on this matter Mr. Spencer Clawson, one of the leading business men of Salt Lake City, distinctly stated that a more objectionable site than the one proposed could not be selected. Now, sirs, I do not believe that a man of Mr. Clawson's standing would make such an assertion unless it were true, and I do not think that any of you do, either. In fact, sirs, every person from Salt Lake City that I have talked with admits that there are more desirable sites in Salt Lake City than the one selected.

A gentleman sitting near me whispers for information as to how a public building at Salt Lake City interests me. He states it is not a New York State matter. I agree with him in a degree. But in another degree it is a New York State matter just as much as it is a Utah matter. New York does not furnish all the money for the public buildings, though I am rather under the impression that it furnishes a good deal indirectly for everything this country does. Neither does Utah furnish all the money. The money comes from the Federal Treasury. We are Federal officials, and every man here should be interested in every cent spent from the Treasury, even if it does not go into his own district.

I am well aware, Mr. Speaker, that no words of mine, or of anyone else, as far as that is concerned, will have the least influence upon this bill. I know that not a single line will be changed or a single amendment allowed. Knowing that, though, does not deter me in presenting the claims of the prominent men on this petition before the members of this House. The die has been cast; the logs have rolled; the booty has been so distributed that enough votes are behind the bill to ride roughshod over the prayers of

these prominent men of Salt Lake. They may be right, they may be wrong; but, right or wrong, they are certainly entitled to a hearing to make good the serious charges they present in their petition, and I am in favor of giving them this opportunity, even though the sauce has been so spread over this appropriation pudding as to make it toothsome to the majority of the members of this House.

Mr. MERCER. Mr. Speaker, in reply to what has just been said I wish to say that the Representative from Utah [Mr. KING], who at the outset favored the site in the interest of which the gentleman from New York has spoken, comes in now, and, with nearly all the citizens of Salt Lake, asks that the present site, which was given to the Government free of cost, be taken for this building, and the whole matter settled. I ask unanimous consent to publish with my remarks some data and reports covering this whole matter.

The SPEAKER. The gentleman from Nebraska [Mr. MERCER] asks unanimous consent to print with his remarks certain papers. Is there objection?

Mr. SULZER. I object.

Mr. MERCER. I now ask for a vote.

Mr. SULZER. Mr. Speaker, I withdraw the objection.

Mr. MERCER. I thank the gentleman for his courtesy. I now submit the data referred to concerning the Walker site in Salt Lake, upon which the Government building is to be erected.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, March 5, 1900.

SIR: In compliance with the request contained in your letter of the 19th ultimo, for a report in connection with S. 2198, providing for an increase of limit of cost of the public building at Salt Lake City, Utah, I have the honor to advise you that an increase in present limit, namely, $300,000 to $500,000, will be sufficient for the erection of a building affording ample accommodations to meet all the requirements of the public service at Salt Lake City.

Respectfully,
O. L. SPAULDING,
Acting Secretary.

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
House of Representatives.

TREASURY DEPARTMENT, *Washington, D. C., December 17, 1900.*

DEAR Mr. MERCER: Referring to our conversation by telephone on Saturday, I wish to submit to you, in corroboration of what I stated, a number of telegrams which I have received to-day. You will notice that one of them is from the city engineer, one from the State engineer, and two from ex-engineers, members of the board of public works. Of course no men are so well qualified to give an opinion as these men, and it puts an entire quietus on those who are claiming that it is not possible to get good foundations for the Salt Lake building.

I also understand that there is some complaint about there not being sufficient approaches. There is no more ground for this than for the other complaint. Ample approaches have been provided for. There was some controversy about a title to one-half of the street on one side of the building, but this has all been settled. The United States attorney says the title is perfect, and it has been so certified to us by the Department of Justice.

Let me say that this whole agitation is the result of disappointment on the part of certain parties who were not able to sell sites to the Government at big prices. I went over the whole matter of the Salt Lake building thoroughly. All these questions were raised before, and I satisfied myself fully in regard to them before selecting the site. I hope these telegrams which I inclose will settle the matter. If not, and if there is any more information desired, will you be kind enough to inform me and let me appear before the Committee before any adverse action is taken on the estimate for more money with which to construct the building.

It is my opinion that the extra money asked for should be appropriated. Salt Lake is a very important and growing city and greatly in need of a public building, and I hope such action will be taken as will permit us to begin its construction at an early date.

Please return the telegrams.

Very truly, yours,
H. A. TAYLOR.

Hon. DAVID H. MERCER,
Chairman Committee on Public Buildings, House of Representatives.

TREASURY DEPARTMENT, *Washington, D. C., December 18, 1900.*

SIR: Your letter of yesterday to the Secretary of the Treasury has been referred to me for reply. I wrote you yesterday, inclosing various telegrams, which I presume will satisfy you that there is no ground for the charge that the site for the Federal building is located where it will be impossible to secure good foundations. You also say that it is claimed that the site is removed some distance from the business portion of the city. As a matter of fact, it is on the main street of the city, less than two blocks from the point that everybody concedes is the business center, and is south, in the direction in which nearly all the growth of the city at present is being had.

You say that other sites were offered to the Government free of cost. Only one, and that was at the extreme northern end of the city, adjoining the Mormon Temple. That site has since been occupied by the erection of a building. This matter, as I wrote you before, has all been thoroughly investigated, and the Department believes that the site selected is the most suitable one to be had and meets the approval of a great majority of the people of the city, as papers on file in this office show.

Truly, yours,
H. A. TAYLOR,
Assistant Secretary.

Hon. DAVID H. MERCER,
Chairman Committee on Public Buildings, House of Representatives.

ENGINEERING DEPARTMENT,
WATERWORKS DIVISION, CITY HALL,
Salt Lake City, January 5, 1901.

To whom it may concern:

I hereby certify that the relative elevation of the Walker and Dooly sites offered to the United States Government is as follows:

Walker-site	4,294
Dooly site	4,303

I also certify that the Walker site is nearer the present business center of Salt Lake City than the old city hall, Mormon Church, or Dooly sites, and 2 blocks nearer the present business center than the joint city and county building, in which the courts are held and the public records kept, and which cost about $1,000,000.

Also, that the sewer which passes the Walker site is over 12 feet below the sidewalk at the corner of said site, and the main 42-inch outlet sewer, 1½ blocks below, is 26 feet below said corner.

I also certify that the foundation at said site is good and is better than the foundation where the joint city and county building is erected.

F. C. KELSEY, *City Engineer.*

Subscribed and sworn to before me this 5th day of January, A. D. 1901.
[SEAL.] M. J. CHEESMAN, *Notary Public.*
My commission expires July 14, 1901.

I, C. W. Johnson, do hereby certify that the foregoing is a true and correct copy of the original document.
[SEAL.] C. W. JOHNSON, *Notary Public.*

STEPHEN H. LYNCH,
TREASURER OF SALT LAKE COUNTY,
Salt Lake City, Utah, January 2, 1901.

To whom it may concern:

I, W. O. Carbis, deputy county treasurer, hereby certify that the real estate valuations of blocks Nos. 51, 59, 71, and 88, Plat A, Salt Lake City survey, for the year 1899, as shown by the books in the office of the county treasurer, were as follows, to wit:

Block 51, Walker site	$210,384.00
Block 59, Dooly site	169,308.00
Block 71, Young site (old city hall)	156,578.00
Block 88, Church site	97,685.00

Said valuations were assessed by the county assessor and approved and fixed by the boards of equalization of both the county and State for the year 1899.

W. O. CARBIS,
Deputy County Treasurer.

Subscribed and sworn to before me this 5th day of January, A. D. 1901.
[SEAL.] GEO. F. FELT, *Notary Public.*
My commission expires May 14, 1904.

I, C. W. Johnson, do hereby certify that the foregoing is a true and correct copy of the original document.
[SEAL.] C. W. JOHNSON, *Notary Public.*

To the HONORABLE COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
House of Representatives, Washington, D. C.

GENTLEMEN: Your petitioners, bankers, merchants, business and professional men of Salt Lake City, Utah, respectfully request that you make the additional appropriation of $200,000 for the new Federal building to be erected in this city on the Walker site, purchased by the Hon. Lyman J. Gage, Secretary of the Treasury Department, for $1 consideration, said site having cost the donors over $40,000. On August 1, 1899, said site was conveyed to the United States Government.

We make the above request on the ground that the site selected and purchased is as good and as centrally located as any that was offered to the Government, and that the Government will require a building of that size, to cost not less than $500,000, to accommodate its business in a city the size of Salt Lake.

We respectfully call your attention to the affidavits of the county treasurer and the city engineer, herewith attached, showing the relative value of the Walker site as compared with the others, and that the protests filed against said site are by parties who were directly interested in other sites.

We would respectfully call your attention to the certificate of the county treasurer, herewith attached, showing that the real estate in block 51, in which the Walker site is located, was assessed for the year 1899 by the county assessor (the same being approved by the State and county boards of equalization) at 34.3 per cent more than the real estate in block 71, in which the old city hall site is located; at 115.3 per cent more than the real estate in block 88, in which the Mormon Church site is located, and 24.3 per cent more than the real estate in block 59, in which the Dooly site is located.

And your petitioners ever pray.

The National Bank of the Republic, by Frank Knox, president; The Commercial National Bank, by George M. Downey, president; Bank of Commerce, by Samuel C. Park, cashier; Walker Brothers, bankers; J. E. Bamberger; North American Trust Company, by R. B. Whittemore, agent; David Keith, president Silver King Manufacturing Company; A. C. Ellis; Lindsey R. Rogers; Ezra Thompson; G. S. Holmes; Ogden Hiles, district judge; H. W. Lawrence; H. G. McMillan; Salt Lake and Ogden Railway Company, S. Bamberger, general manager; Herman Hill. Dickson, Ellis & Ellis; A. C. Ellis, jr., attorney at law; Walker House, by M. A. Dudley, proprietor; Clift House, by W. T. Lynch, proprietor; J. W. Houston; Buckle & Son; Bamberger & McMillan; E. W. Genter, manager Utah Savings & Trust Co.; Don H. Porter, proprietor Kenyon Hotel; Geo. Mullett & Co.; Knutsford Hotel, by G. S. Holmes; The Kentucky Liquor Co., John Strickley, manager; Smith Drug Co.; Boyd Park; Bamberger Coal Co., J. S. Critchlow, manager; A. R. Derge & Co., books and stationery; A. Fred Wey; S. S. Walker Estate Co., by Sharp Walker, president; P. J. Moran; James O'Connor, druggist; Ward & Co., per Geo. Ward, wholesale and retail butchers; W. S. Henderson, wholesale and retail grocery; Druehl & Franken, druggists, Main and Third South sts.; Walker Brothers' Dry Goods Co., per S. V. Shelp, manager. Freed Furniture and Carpet Company, by Lester D. Freed, manager; L. & A. Cohn, dry goods; O. J. Salisbury, treasurer Groesbeck Company; W. H. Bancroft; The Wilson-Sherman Company; W. J. Halloran; A. G. Norrell; Sam Levy Cigar Manufacturing Company; F. J. Hill & Co.; James A. Miner (chief justice); Nelden Judson Drug Company, by Jno. J. Judson, vice-president; William C. Hall; Houston Real Estate Investment Company, C. W. Johnson, secretary; The Lace House Company, by L. G. Ransohoff, secretary; R. B. Whittemore, member of city council; Ben Davis; Davis Shoe Company; Thos. G. Shearman estate, Thos. W. Partridge, agent; Western Hotel Company, S. T. Pearson; Odd Fellows' Building Association, by J. J. Thomas, president; W. J. Wolstenholme; Wm. Bartling, New York Cash Store; E. B. Wicks, real estate; John Lollin; John McDonald, jr.; F. D. Hobbs; Frederick Heath; Ernest Quayle; F. D. Clift; Danl. Wolstenholme; Citizens' Coal Company; W. H. H. Spafford; Jas. K. Shaw.

I, E. J. Wills, a notary public, do hereby certify that the foregoing is a true and correct copy of the original document.
[SEAL.] E. J. WILLS, *Notary Public.*
My commission expires May 10, 1901.

The question being taken on the motion to suspend the rules and pass the bill with the amendments, it was agreed to, two-thirds voting in favor thereof.

QUESTION OF PRIVILEGE.

The SPEAKER. The Chair lays before the House the sundry civil appropriation bill with Senate amendments. The gentleman from Illinois [Mr. CANNON] is recognized.

Mr. OTEY. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. OTEY. I would like first to submit a parliamentary inquiry. I believe we are now still in the session of yesterday. Is that true, parliamentarily speaking?

Several MEMBERS. That is right.

The SPEAKER. This is the Calendar day of Saturday, but it is the legislative day of Friday.

Mr. OTEY. Well, Mr. Speaker, this is a matter involving high personal privilege—involving the rights of every member on this floor.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. OTEY. Yesterday—or rather to-day—about 4 o'clock yesterday evening, when I made some extemporary remarks without any manuscript, I made no request whatever to have those remarks submitted to me for revision. I turn to page 3639 of the RECORD to-day and I find that my speech is not in the RECORD. It simply says:

[Mr. OTEY addressed the House. His remarks will appear hereafter.]

I think, sir, it is the right of every member to have his speech published in the RECORD just as he delivers it. [Laughter.] I made a speech yesterday—perhaps the best one I ever made in my life—and I find that it is not in the RECORD. I ask, sir, the poor privilege of a member of this House to put that speech in the RECORD just as I delivered it.

The SPEAKER. Has the gentleman concluded his statement?

Mr. OTEY. Yes, sir.

The SPEAKER. The Chair finds no question before him to be decided. [Laughter.] The Chair is advised—though not knowing the facts—that the gentleman's speech consisted of standing poetically silent, holding his watch, without saying a word.

Mr. OTEY. I did say a word. [Laughter.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12291) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title:

H. R. 14017. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1902.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3288. An act for the relief of Daniel Coonan.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] is recognized.

Mr. ROBINSON of Indiana. I desire to reserve points of order upon this bill.

The SPEAKER. There is no report yet.

Mr. CANNON. I ask unanimous consent that the House nonconcur in all of the Senate amendments to the sundry civil appropriation bill and ask for a conference with the Senate.

Mr. FITZPATRICK. I object, unless the gentleman from Virgia [Mr. OTEY] can have his "word" printed in the RECORD.

The SPEAKER. The Chair had not stated the request of the gentleman from Illinois. That gentleman, chairman of the Committee on Appropriations, asks unanimous consent that the House nonconcur in all the amendments of the Senate to the sundry civil appropriation bill, and request on the part of the House a conference with the Senate.

Mr. FITZPATRICK. I object, unless the gentleman from Virginia [Mr. OTEY] be permitted to print his "word" in the RECORD.

The SPEAKER. That permission will be cheerfully given. [Laughter.]

Mr. RIXEY. Mr. Speaker, I have been unable to procure a copy of the sundry civil bill as passed by the Senate. One of the amendments, I understand, is a provision in which I feel an interest—an amendment providing for the building of a bridge across the Potomac. I want to say to the gentleman from Illinois that I have no objection to his motion, provided we can have some assurance that before that amendment is finally disposed of we may have a vote upon the question in the House.

Mr. CANNON. Well, I will say to the gentleman that I have no expectation or belief that there can be a complete agreement upon this bill in the first instance. If there should not be, I am entirely content to report that item back for the consideration of the House.

Mr. RIXEY. That will be satisfactory.

The SPEAKER. The Chair hears no objection, and it is so ordered. The Chair appoints the following managers on the part of the House: Mr. CANNON, Mr. MOODY of Massachusetts, and Mr. MCRAE.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. HEMENWAY. Mr. Speaker, I desire to call up the conference report on the legislative appropriation bill, and ask unanimous consent that the statement be read instead of the conference report.

The SPEAKER. The gentleman from Indiana calls up the conference report on the legislative bill, and asks unanimous consent that the statement be read, and that the reading of the report be omitted. Is there objection?

Mr. SULZER. I object, Mr. Speaker.

The SPEAKER. Objection is made, and the Clerk will read both the report and the statement.

The Clerk proceeded to read the report.

Mr. SULZER (during the reading of the report). Mr. Speaker, I withdraw the objection.

The SPEAKER. The gentleman withdraws the objection. The Clerk will report the statement only.

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. 12291) making appropriations for the legislative, executive, and judicial expenses of the Government 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 Senate recede from its amendments numbered 23, 33, 34, 35, 36, 39, 40, 41, 42, 53, 55, 59, 62, 65, 66, 67, 72, 73, 76, 77, 78, 88, 94, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 115, 121, 122, 124, 125, 127, 131, 143, 144, 146, 149, 153, 154, 155, 156, 157, 175, 176, 179, 180, 182, 183, 191, 192, 204, 205, 207, 216, 220, and 221.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 20, 21, 22, 25, 26, 31, 32, 44, 45, 47, 49, 50, 51, 56, 58, 60, 61, 64, 68, 69, 70, 71, 74, 75, 79, 80, 82, 86, 87, 90, 91, 92, 93, 95, 96, 108, 109, 110, 111, 112, 113, 114, 116, 119, 120, 123, 126, 130, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 145, 148, 150, 151, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 177, 178, 187, 188, 201, 202, 203, 208, 209, 210, 211, 212, 213, 214, 215, 217, 218, 219, 222, 225, 226, and 227, and agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the number proposed insert "thirty;" and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$74,200;" and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with amendments as follows: Strike out all of the amended paragraph and insert in lieu thereof the following:

"Office of the Clerk: For Clerk of the House of Representatives, including compensation as disbursing officer of the contingent fund, $5,000; hire of horses and wagons and cartage for use of the Clerk's office, $780, or so much thereof as may be necessary; Chief Clerk, journal clerk, and 2 reading clerks, at $3,600 each; tally clerk, $3,000; printing and bill clerk and disbursing clerk, at $2,500 each; file clerk, $2,750; enrolling clerk, $2,250; assistant disbursing clerk, assistant enrolling clerk, resolution and petition clerk, newspaper clerk, index clerk, assistant journal clerk, and assistant to Chief Clerk, at $2,000 each; librarian, distributing clerk, and stationery clerk, at $1,800 each; 1 bookkeeper, 2 assistant librarians, and 7 clerks, at $1,600 each; document and bill clerk, $1,600; document clerk, $1,440; locksmith, who shall be skilled in his trade, $1,200; cabinetmaker, who shall be skilled in his trade, $1,200; 2 assistant cabinetmakers, who shall be skilled in their trade, at $900 each; 1 assistant in Clerk's office and 1 assistant in disbursing office, at $1,400 each; telegraph operator, assistant file clerk, and stenographer to the Clerk, at $1,200 each; 1 assistant in library, 1 assistant in document room, and 1 assistant in stationery room, at $900 each; 1 page, $720; 2 laborers in the bathroom (Robert Richardson and William Richardson), at $720 each; 2 laborers, at $720 each; assistant index clerk, $1,500; page in enrolling room and messenger in Chief Clerk's office, at $720 each; in all $91,460.

"The library of the House of Representatives shall hereafter be under the control and direction of the librarian of Congress, who shall provide all needful books of reference therefor. The librarian, 2 assistant librarians, and assistant in the library, above provided for, shall be appointed by the Clerk of the House, with the approval of the Speaker of the House of Representatives of the Fifty-sixth Congress, and thereafter no removals shall be made from the said positions except for cause reported to and approved by the Committee on Rules."

On page 14 of the bill, after line 8, insert as a separate paragraph the following:

"For janitors for rooms of the Committees on Accounts, Agriculture, Banking and Currency, Claims, District of Columbia, Elections, Foreign Affairs, Interstate and Foreign Commerce, Indian Affairs, Insular Affairs, Invalid Pensions, Judiciary, Merchant Marine and Fisheries, Military Affairs, Naval Affairs, Pensions, Public Buildings and Grounds, Public Lands, Rivers and Harbors, and War Claims, at the rate of $720 per annum each, from December 1, 1901, to June 30, 1902, inclusive, and said janitors shall be appointed by the chairmen respectively of said committees and shall perform all of the duties heretofore required of messengers detailed to said committees by the Doorkeeper; in all, $8,412."

On page 14 of the bill strike out all of lines 12 to 20, inclusive, and insert in lieu thereof the following:

"Office of Sergeant-at-Arms: For Sergeant-at-Arms of the House of Representatives, $4,500; deputy to the Sergeant-at-Arms, $2,000; cashier, $3,000; paying teller, $2,150; bookkeeper, $1,800; assistant bookkeeper, $900; messenger, $1,200; clerk in charge of pairs, $1,400; page, $720; and skilled laborer, $840; in all, $18,510."

And the Senate agree to the same.

Amendments numbered 17 and 18: That the House recede from its disagreement to the amendments of the Senate numbered 17 and 18, and agree to the same with amendments as follows: Strike out all of the amended paragraph and insert in lieu thereof the folllowing:

Office of Doorkeeper: For Doorkeeper, $3,500; hire of horses, feed, repair of wagon and harness, $600, or so much thereof as may be necessary; assistant doorkeeper, and Department messenger, at $2,000 each; 1 special employee (John T. Chancey), $1,500; 1 special employee, $1,500; clerk to Doorkeeper, and janitor, at $1,200 each; 10 messengers, including the messenger to the reporters' gallery, at $1,200 each; 13 messengers, at $1,000 each; messenger to the Speaker's table, $1,000; 14 messengers on the soldiers' roll, at $1,200 each; 12 laborers, at $720 each; 2 laborers in the water-closet, at $720 each; 1 laborer, $600; 8 laborers, known as cloakroom men, at $50 per month each; 10 laborers, during the session, at $60 per month each, $4,180.60; female attendant in ladies' retiring room, $720; superintendent of folding room, $2,000; 4 clerks in folding room, 1 at $1,800, and 3 at $1,200 each; foreman, $1,500; messenger, $1,200; page, $500; laborer, $720; 9 folders, at $900 each; 5 folders, at $840 each; 18 folders, at $720 each; night watchman, $900; driver, $600; 2 chief pages, at $900 each; 33 pages, during the session, including 2 riding pages and 2 telephone pages, at $2.50 per day each, $17,407.50; 10 pages for duty at the entrances to the Hall of the House, during the session, at $2.50 per day each, $5,275; horse and buggy for Department messenger, $250; superintendent of document room, $2,000; assistant superintendent of document room, $1,800; 6 assistants in document room, 1 at $1,600, 2 at $1,400 each, 1 at $1,200, and two at $1,000 each; in all, $150,893.10."

On page 16 of the bill strike out lines 22 to 25, inclusive, and on page 17 of the bill strike out lines 1, 2, and 3 and insert in lieu thereof the following:

"For the following minority employees authorized and named in the resolution adopted by the House of Representatives December 7, 1899, namely: One special employee, $1,500; 2 special messengers, at $1,200 each; and 1 special chief page, $900, and $500 additional for services as pair clerk; in all, $5,300."

And the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with amendments as follows: On page 17 of the bill strike out lines 19 to 24, inclusive, and on page 18 of the bill strike out lines 1 to 9, inclusive, and insert in lieu thereof the following:

"To continue the employment of the person named in the resolution of the House adopted June 5, 1900, as a laborer, at $50 per month, from March 4, 1901, until June 30, 1902, inclusive, $796.67.

"Successors to any of the employees provided for in the six preceding paragraphs may be named by the House of Representatives at any time prior to July 1, 1902.

"Office of postmaster: For postmaster, $2,500; assistant postmaster, $2,000; 12 messengers, including messenger to superintend transportation of mails, at $1,200 each; 8 messengers, at $100 per month each, during the session, $5,574.16; and 1 laborer, $720; in all, $25,194.16.

On page 20 of the bill, strike out lines 7 and 8 and insert in lieu thereof the following:

"For packing boxes, $3,218.40. And hereafter packing boxes for the use of the House of Representatives shall be procured after advertisement for proposals therefor, under specifications to be prepared by the Clerk of the House, and from the lowest and best bidder to furnish the same."

On page 20 of the bill, after line 18, insert the following as new paragraphs:

"Hereafter employees of the House of Representatives under the Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster shall only be assigned to and engaged upon the duties of the positions to which they are appointed and for which compensation is provided, except that in cases of emergency or congestion of public business incident to the close of a session of Congress or other like cause an employee or employees may be assigned or required to aid in the discharge of the duties of any other employee or employees, and in the discretion of the Doorkeeper not more than one folder may, if necessary, be assigned to do clerical work under the direction of the foreman of the folding room, but all assignments made hereunder shall be without additional compensation and shall not constitute the basis of a claim therefor.

"It shall not be lawful to appoint or employ in any position under the House of Representatives more than one person at any one time, or to require or permit any such person to divide with another any portion of his salary or compensation while so employed.

"It shall not be lawful to require or permit any person in the employ of the House of Representatives to sublet to another the discharge of any portion of the duties of the position to which he is appointed.

"No person shall be appointed or employed as a page in the service of the House of Representatives who is under 12 years or more than 18 years of age; but this provision shall not apply to chief pages, riding pages, and telephone pages.

"The Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster shall make certificate each month to their respective pay rolls, stating whether the persons named in such pay rolls and employed in their respective departments have been actually present at their respective places of duty and have actually performed the services for which compensation is provided in said pay rolls, and in each case where a person carried on such pay roll has been absent and has not performed the services in whole or in part for which payment is proposed, the reason for such absence and for such nonperformance of services shall be stated.

"The violation of any of the foregoing provisions of law shall, upon ascertainment thereof, be deemed to be cause for removal from office.

"It shall be the duty of the Committee on Accounts of the House of Representatives from time to time to inquire into the enforcement or violation of any of the foregoing provisions of law; and for this purpose they are hereby authorized to send for persons and papers, and to administer oaths; and they shall report to the House at least once every session their compliance with the duty herein imposed."

And the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,920;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "one assistant, $1,400;" and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the number proposed insert "seven;" and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "three assistants, at $1,000 each;" and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,180;" and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "one assistant for evening service, $1,200;" and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,400;" and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,000;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$71,300;" and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$360;" and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$70,945;" and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,000;" and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$94,220;" and the Senate agree to the same

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$148,329.44;" and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$55,960;" and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Two clerks;" and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the number proposed insert "four;" and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$70,380;" and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$577,860;" and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$312,520;" and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "twenty-one additional agents, to be appointed under the provisions of section 3 of said act, in lieu of the;" and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with amendments as follows: In lieu of the sum proposed insert "$550,000;" and on page 58 of the bill, after line 7, insert as a new paragraph the following:

"For compensation of the official authorized in section 12 of the act entitled 'An act to amend an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 30, 1898, and to reduce taxation thereunder,' at the rate of $3,000 per annum, until the close of the fiscal year 1902, $4,000, or so much thereof as may be necessary."

And the Senate agree to the same.

Amendment numbered 128: That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In lieu of the number proposed insert "six;" and the Senate agree to the same.

Amendment numbered 129: That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$206,880;" and the Senate agree to the same.

Amendment numbered 147: That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,640;" and the Senate agree to the same.

Amendment numbered 152: That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$38,140;" and the Senate agree to the same.

Amendment numbered 181: That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$52,320;" and the Senate agree to the same.

Amendment numbered 184: That the House recede from its disagreement to the amendment of the Senate numbered 184, and agree to the same with amendments as follows: In line 2 of the matter inserted by said amendment, after the word "dollars," insert the following: "bookkeeper, $1,600;" and in line 4 of the matter inserted by said amendment strike out the words "seven thousand six" and insert in lieu thereof the words "nine thousand two;" and the Senate agree to the same.

Amendment numbered 185: That the House recede from its disagreement

to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000;" and the Senate agree to the same.

Amendment numbered 186: That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,000;" and the Senate agree to the same.

Amendment numbered 189: That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,500;" and the Senate agree to the same.

Amendment numbered 190: That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,500;" and the Senate agree to the same.

Amendment numbered 193: That the House recede from its disagreement to the amendment of the Senate numbered 193, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,000;" and the Senate agree to the same.

Amendment numbered 194: That the House recede from its disagreement to the amendment of the Senate numbered 194, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,800;" and the Senate agree to the same.

Amendment numbered 195: That the House recede from its disagreement to the amendment of the Senate numbered 195, 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.

Amendment numbered 196: That the House recede from its disagreement to the amendment of the Senate numbered 196, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,000;" and the Senate agree to the same.

Amendment numbered 197: That the House recede from its disagreement to the amendment of the Senate numbered 197, 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.

Amendment numbered 198: That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,000;" and the Senate agree to the same.

Amendment numbered 199: That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,000;" and the Senate agree to the same.

Amendment numbered 200: That the House recede from its disagreement to the amendment of the Senate numbered 200, 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.

Amendment numbered 206: That the House recede from its disagreement to the amendment of the Senate numbered 206, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$161,050;" and the Senate agree to the same.

Amendment numbered 223: That the House recede from its disagreement to the amendment of the Senate numbered 223, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,200;" and the Senate agree to the same.

Amendment numbered 224: That the House recede from its disagreement to the amendment of the Senate numbered 224, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,920;" and the Senate agree to the same.

The action taken by the committee of conference and recommended in this report with reference to amendments of the Senate numbered 16, 17, 18, and 19, whereby new matter and certain provisions of law are inserted affecting the officers and employees of the House of Representatives, is based upon the authority expressed in the concurrent resolution of the two Houses, adopted February 27, 1901, and which is as follows:

"*Resolved by the House of Representatives (the Senate concurring)*, That the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12291) making appropriations for legislative, executive, and judicial expenses are authorized to include in their report such alterations, changes, and recommendations as they may deem proper with reference to so much of the text of said bill as relates to the officers and employees of the House of Representatives."

HENRY H. BINGHAM,
J. A. HEMENWAY,
L. F. LIVINGSTON,
Managers on the part of the House.

W. B. ALLISON,
W. J. SEWELL,
H. M. TELLER,
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 at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12291) making appropriations for legislative, executive, and judicial expenses submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report, namely:

On amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13, relating to the employees of the Senate: Provides for such additional employees and at such rates of compensation as the Senate proposed by its amendments.

On Nos. 14 and 15: Provides for 5 additional Capitol policemen at $960 instead of 6, as proposed by the Senate.

On Nos. 16, 17, 18, and 19, relating to the House of Representatives: Provides under the authority of a concurrent resolution of the two Houses for a reorganization of the employees under the Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster, with the following results, compared with the bill as it passed the Senate, namely:

"In the Clerk's office: One librarian, reduced from $2,000 to $1,800; 2 assistant librarians, reduced from $1,800 to $1,600 each; 1 locksmith is reduced from $1,440 to $1,200; 1 cabinetmaker, $1,200, created; 2 assistant cabinetmakers, at $900 each, created; 2 messengers in House library, at $1,314 each, omitted; 2 assistants, 1 in Clerk's office and 1 in disbursing office, at $1,400 each, created; 3 laborers, at $720 each, omitted; 3 assistants, 1 in library, 1 in document room, and 1 in stationery room, at $900 each, created; 1 assistant index clerk at $6 per day during the session, with average annual pay of $1,539, omitted; 1 assistant index clerk, at $1,500 per annum, created; for hire of horses and wagons and cartage for use of the Clerk's office the sum is reduced from $900 to $780; the net result is an increase of $2,434.

"In the office of the Sergeant-at-Arms: It is proposed to omit from the Capitol police 1 private at $960 and the $500 additional heretofore paid for services in looking after pairs; provides for a clerk in charge of pairs at $1,400; increases the compensation of the paying teller from $2,000 to $2,150; increases the compensation of the laborer from $660 to $840; making a net increase of $270.

In the office of the Doorkeeper: One messenger is provided for at $1,200 in lieu of a folder in the sealing room, at same salary, dropped; 1 clerk in folding room at $1,200 is provided for in lieu of a folder at $900, dropped, who receives $300 extra pay; 3 folders at $720 each are provided for instead of 3 folders at $70 per month each during the session; 2 telephone pages are provided for instead of 1 telephone and one telegraph page; 5 additional messengers, including one at the Speaker's table, at $1,000 each are provided for; 10 pages for duty at the entrances to the Hall at $2.50 per day each during the session are proposed, $5,275; 20 janitors for committee rooms at rate of $720 per annum each from December 1 next are recommended, $14,400 per annum, or $8,412 for balance of fiscal year from December 1, 1901; the salary of the assistant superintendent of the document room is reduced from $2,000 to $1,800; the salary of one assistant in the document room is increased from $1,314 to $1,400; 2 laborers at $720 each are provided for instead of 2 messengers at $70 per month each during the session; making a total proposed net increase of $11,622.30.

Office of the Postmaster: Two additional messengers are provided for at $1,200 each; 4 additional messengers during the session at $100 per month each are provided for; 3 messengers during the session at $800 each are omitted; 3 messengers have heretofore been authorized by resolution at each session at $100 per month each. Net increase for Post-Office under the foregoing will be $696.77.

Minority employees: Five hundred dollars is included as additional for one special chief page at $900 for services as pair clerk. The salary of one laborer is reduced from $720 to $600 to conform to the pay of other cloakroom men.

The total apparent net increase under the foregoing reorganization amounts to $15,403.07 on the face of the bill, or to $21,391.07, if the salaries of the new committee janitors are reckoned for a whole year instead of for the seven months remaining of the fiscal year from the beginning of their term of service in December next. On the other hand, the claims for compensation for extra services recommended at this session, amounting to $13,376.14, will be avoided in the future, and there will no longer be necessity for the usual provision for 15 extra folders at $75 per month each during a long session of Congress, which for six months would amount to $6,750; and by providing for the three skilled cabinetmakers as proposed the payments to the House carpenter, which for the past twelve months have amounted to more than $4,000, will likewise be avoided. These three sums aggregate $24,126.14, or nearly $3,000 more than the whole proposed increase reckoned on the basis of a year.

The new positions provided for are: One cabinetmaker at $1,200, and 2 cabinetmakers at $900 each, under the Clerk; 5 messengers at $1,000 each, and 10 pages at $2.50 per day each during the session, under the Doorkeeper, and 20 janitors to committee rooms at $720 each.

The following new provisions of law applying to the service of the House are proposed:

The library of the House of Representatives shall hereafter be under the control and direction of the Librarian of Congress, who shall provide all needful books of reference therefor. The librarian, two assistant librarians, and assistant in the library, above provided for, shall be appointed by the Clerk of the House, with the approval of the Speaker of the House of Representatives of the Fifty-sixth Congress, and thereafter no removals shall be made from the said positions except for cause reported to and approved by the Committee on Rules.

Hereafter employees of the House of Representatives under the Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster shall only be assigned to and engaged upon the duties of the positions to which they are appointed and for which compensation is provided, except that in cases of emergency or congestion of public business incident to the close of a session of Congress or other like cause an employee or employees may be assigned or required to aid in the discharge of the duties of any other employee or employees, and in the discretion of the Doorkeeper not more than one folder may, if necessary, be assigned to do clerical work under the direction of the foreman of the folding room, but all assignments made hereunder shall be without additional compensation and shall not constitute the basis of a claim therefor.

It shall not be lawful to appoint or employ in any position under the House of Representatives more than one person at any one time, or to require or permit any such person to divide with another any portion of his salary or compensation while so employed.

It shall not be lawful to require or permit any person in the employ of the House of Representatives to sublet to another the discharge of any portion of the duties of the position to which he is appointed.

No person shall be appointed or employed as a page in the service of the House of Representatives who is under 12 years or more than 18 years of age; but this provision shall not apply to chief pages, riding pages, and telephone pages.

The Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster shall make certificate each month to their respective pay rolls, stating whether the persons named in such pay rolls and employed in their respective departments have been actually present at their respective places of duty and have actually performed the services for which compensation is provided in said pay rolls, and in each case where a person carried on such pay roll has been absent and has not performed the services in whole or in part for which payment is proposed, the reason for such absence and for such nonperformance of services shall be stated.

The violation of any of the foregoing provisions of law shall, upon ascertainment thereof, be deemed to be cause for removal from office.

It shall be the duty of the Committee on Accounts of the House of Representatives from time to time to inquire into the enforcement or violation of any of the foregoing provisions of law; and for this purpose they are hereby authorized to send for persons and papers, and to administer oaths; and they shall report to the House at least once every session their compliance with the duty herein imposed.

And hereafter packing boxes for the use of the House of Representatives shall be procured after advertisement for proposals therefor, under specifications to be prepared by the Clerk of the House, and from the lowest and best bidder to furnish the same.

On Nos. 20 and 21: Fixes the salary of the chief clerk of the Government Printing Office at $2,750, as proposed by the Senate, instead of $2,500, as proposed by the House.

On Nos. 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, 53, and 54, relating to the Library of Congress: Fixes the salary of the Librarian's secretary at $1,800, as proposed by the Senate, instead of $1,500; of 1 clerk in the Librarian's office at $900 instead of $1,000, as proposed by the Senate; provides for additional assistants in the catalogue division as follows: One at $1,800, 1 at $1,500, 1 at $1,400, and 2 at $1,000 each; provides for the salary of 1 assistant in the reading room for the blind at $1,000, as proposed by the Senate, instead of $900; strikes out the proposed increase in the salary of 1 assistant in the manuscript division from $720 to $900; provides for an assistant in the law library for evening service at $1,200 instead of $1,500, as proposed by the Senate; strikes out the provision for a chief clerk in the copyright office at $2,000; omits the appropriations of $12,000 and the provision proposed by the Senate to open the Library

on Sundays; appropriates $60,000 instead of $50,000, as proposed by the House, and $100,000, as proposed by the Senate, for increase of the Library; increases the compensation of the 2 attendants in the ladies' room from $325 to $480 each, as proposed by the Senate, of the 2 check boys from $325 to $360 each, of charwomen from $180 to $240, and of 1 assistant engineer from $1,000 to $1,200.

On Nos. 55, 56, and 57, relating to the Civil Service Commission: Strikes out the provision for an additional assistant messenger and provides for 2 firemen and 1 elevator conductor at $720 each, and for 2 messenger boys at $360 each, as proposed by the Senate.

On Nos. 58, 59, 60, 61, 62, and 63, relating to the Department of State: Provides for the salary of the chief clerk at $3,000, as proposed by the Senate, instead of $2,500; strikes out the provision proposed by the Senate for 1 additional chief of bureau at $2,100; appropriates $200 additional to the Chief of the Bureau of Accounts as disbursing clerk; provides for 3 additional clerks of class 1, and for a chief messenger at $1,000 instead of a messenger at $840.

On Nos. 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, and 78, affecting the divisions of the office of the Secretary of the Treasury: Changes the title of locksmith to that of locksmith and electrician and strikes out the proposed increase of $200 in his salary, omits the additional fireman for the Butler Building, provides for 2 law clerks at $2,000 each instead of a clerk of class 4 and a clerk of class 3 in the division of customs, strikes out the proposed increase in the salary of the chief of the loans and currency division from $2,500 to $2,750, provides for an additional clerk of class 1 in the miscellaneous division, and strikes out the provision for an additional clerk of class 4 in lieu of 1 of class 3 in the office of disbursing clerks.

On Nos. 79, 80, 81, and 82: Provides for 5 temporary clerks at the rate of $1,600 per annum each during the remainder of the current fiscal year to dispose of accumulated appeals in the office of the Comptroller of the Treasury.

On Nos. 83, 84, and 85: Provides for 1 additional clerk of class 4 in lieu of a clerk at $900 in the office of the Auditor for the Navy Department.

On Nos. 86, 87, 88, and 89: Appropriates for 5 clerks of class 4 and 4 additional messengers, as proposed by the Senate, and for 25 laborers, at $660 each, instead of 23, as proposed by the Senate, in the office of the Auditor for the Post-Office Department.

On Nos. 90, 91, 92, 93, 94, 95, 96, and 97: Fixes the salary of the deputy assistant treasurer at $3,200 and of the assistant cashier at $3,000 in the office of the Treasurer, as proposed by the Senate; provides for an additional chief of division at $2,500, for 8 expert counters at $720 each, for two additional pressmen at $1,400 each, for 6 additional separators at $660 each, and for 6 assistant messengers in said office, as proposed by the House, instead of 7, as proposed by the Senate.

On Nos. 98, 99, and 100: Strikes out the increase proposed by the Senate of 2 clerks at $900 each to $1,000 each in the office of the Register of the Treasury.

On Nos. 101, 102, and 103: Strikes out the increase proposed by the Senate of the salary of the bookkeeper from $2,000 to $2,100 in the office of the Comptroller of the Currency.

On No. 104: Strikes out the provision proposed by the Senate authorizing the use of $500 of the appropriation, for services of experts, for the purchase of books, etc., for the Bureau of Statistics.

On Nos. 105, 106, and 107: Provides for the salary of the Chief of the Secret Service Division at $4,000, as proposed by the House, and the chief clerk at $2,500.

On Nos. 108, 109, and 110: Increases the salaries of the adjuster and the verifier in the office of construction of standard weights and measures from $1,500 to $1,800, as proposed by the Senate.

On Nos. 111, 112, and 113: Provides for a clerk of class 2 instead of a clerk of class 1, as proposed by the Senate, in the office of the Director of the Mint.

On No. 114: Makes the appropriation for collection of statistics relating to the annual production of precious metals applicable also to statistics of the consumption of precious metals.

On No. 115: Appropriates $1,500, as proposed by the House, instead of $2,500, as proposed by the Senate, for postage for the Treasury Department.

On No. 116: Appropriates $9,394, as proposed by the Senate, instead of $8,890, as proposed by the House, for rent of buildings for the Treasury Department.

On Nos. 117 and 118: Appropriates $550,000, instead of $650,000 as proposed by the House and $400,000 as proposed by the Senate, for continuing the additional employees in the office of the Commissioner of Internal Revenue, restricts the number of additional agents to be appointed to 21 instead of 30, and provides for an official at the rate of $3,000 per annum to conduct investigations to secure the efficient enforcement of the tax imposed upon legacies provided for in the new revenue act.

On Nos. 119 and 120: Provides for an additional assistant paying teller at $1,500 in the office of the assistant treasurer at Chicago.

On Nos. 121, 122, 123, 124, and 125: Strikes out the proposed increase of $250 in the salary of the cashier in the office of the assistant treasurer at Cincinnati; strikes out the provision for a paying teller at $1,500 in place of a clerk at $1,200, and the increase of the salary of the messenger from $600 to $720, and provides for a clerk and watchman at $840 and a night watchman at $600, instead of 2 night watchmen at $720 each.

On Nos. 126, 127, 128, and 129: Provides for additional assistant tellers in the office of the assistant treasurer at New York, as follows: One at $1,200 and 1 at $900.

On No. 130: Appropriates $60,000, as proposed by the Senate, instead of $50,000, as proposed by the House, for contingent expenses of the mint at San Francisco.

On No. 131: Appropriates $27,500, as proposed by the House, instead of $30,000, as proposed by the Senate, for wages of workmen in the assay office at New York.

On Nos. 132, 133, and 134: Appropriates $4,750 to continue the assay office at St. Louis, as proposed by the Senate.

On Nos. 135, 136, 137, 138, 139, and 140, relating to the office of the Commissary-General: Provides for a rearrangement of his clerical force, as proposed by the Senate, at a net increase of $1,200.

On Nos. 141 and 142: Appropriates $3,000, as proposed by the Senate, instead of $1,500, as proposed by the House, for rent of the depot quartermaster's office of the War Department.

On Nos. 143 and 144: Strikes out the addition of 1 clerk of class 2, proposed by the Senate, in the office of the Naval Records of the Rebellion.

On Nos. 145, 146, and 147: Provides for a draftsman at $2,000, as proposed by the Senate, and strikes out 1 additional clerk of class 3 in the Bureau of Equipment.

On Nos. 148, 149, 150, 151, and 152, relating to the Naval Observatory: Provides for a librarian at $1,200 instead of $1,400, as proposed by the Senate, and provides for 2 assistants, at $1,000 each instead of 1 laborer at $720 and 1 laborer at $660, as proposed by the Senate.

On Nos. 153 and 154: Strikes out increase of salary for draftsman from $1,000 to $1,200, proposed by the Senate, in the Bureau of Steam Engineering, Navy Department.

On Nos. 155, 156, and 157: Strikes out provision for 1 clerk of class 2 instead of 1 clerk of class 1, proposed by the Senate, in the Bureau of Supplies and Accounts, Navy Department.

On Nos. 158, 159, 160, 161, 162, 163, 164, and 165, relating to the office of the Secretary of the Interior: Increases the compensation of the chief clerk $250; provides for 2 additional special inspectors at $2,500, 2 additional clerks of class 4, 3 additional clerks of class 3, 5 additional clerks of class 2, 1 additional clerk of class 1, and 3 additional clerks at $1,000 each, all as proposed by the Senate.

On Nos. 166, 167, and 168: Provides for 1 assistant attorney at $2,750, instead of 1 assistant attorney at $2,500, and an additional sum of $250, as proposed by the Senate.

On Nos. 169, 170, 171, 172, 173, and 174, relating to the Indian Office: Provides for 1 additional clerk of class 3, 2 assistant messengers, 1 laborer, and 4 charwomen, and strikes out provision for 1 female messenger at $840, all as proposed by the Senate.

On Nos. 175 and 176: Strikes out increase of salary of captain of the watch of the Pension Office building from $840 to $900.

On No. 177: Appropriates $5,000, as proposed by the Senate, for equipment of the library rooms of the Patent Office.

On Nos. 178, 179, 180, and 181: Increases the salary of the Commissioner of Education, as proposed by the Senate, from $3,000 to $3,500, and strikes out the proposed increase in the salary of 1 specialist in educational systems from $1,400 to $1,600.

On Nos. 182 and 183: Strikes out the provisions proposed by the Senate permitting the purchase of newspapers and books for the Bureau of Education.

On No. 184: Provides for the continuance of the office of Commissioner of Railroads during the fiscal year 1902, as proposed by the Senate.

On Nos. 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, and 201, relating to the offices of surveyors-general, as compared with the provisions therefor proposed by the House, provides for the following increases, namely: For clerks in Alaska, $1,000; in Colorado, $1,500; in Idaho, $500; in Nevada, $500; in Utah, $1,000; in Washington, $200, and in Wyoming, $700; and increases the amount for contingent expenses of the office in Wyoming from $1,000 to $1,315.

On Nos. 202, 203, 204, 205, and 206, relating to the office of the Third Assistant Postmaster-General: Provides for 1 additional clerk of class 4 and 1 of class 1, and strikes out 1 additional clerk at $1,000 and 1 assistant messenger proposed by the Senate.

On No. 207: Fixes the rate of per diem allowance of assistant superintendents of the registry system at $4, as proposed by the House, instead of $3, as proposed by the Senate.

On Nos. 208 and 209: Provides for 3 additional clerks at $1,000 each in the office of the Fourth Assistant Postmaster-General, as proposed by the Senate.

On Nos. 210 and 211: Provides for an electrician for the Post-Office Department at $1,400, as proposed by the Senate, instead of $1,200, as proposed by the House.

On Nos. 212, 213, 214, and 215: Appropriates $15,500, as proposed by the Senate, instead of $15,000, as proposed by the House, for miscellaneous items for the Post-Office Department.

On No. 216: Strikes out the appropriation of $8,000 proposed by the Senate for the employment of a competent lawyer to represent the United States before committees of Congress.

On Nos. 217, 218, and 219: Provides for a law clerk at $2,000 instead of a clerk at $1,600 in the office of the Solicitor of the Treasury, as proposed by the Senate.

On Nos. 220 and 221: Strikes out the increase proposed in the compensation of the reporter of the United States court for Hawaii from $1,200 to $1,500.

On Nos. 222, 223, and 224: Makes a verbal correction in the text and provides for the reporter of the court of appeals of the District of Columbia at $1,200 instead of $1,000, as proposed by the House, and $1,500, as proposed by the Senate.

On No. 225: Appropriates $250, as proposed by the Senate, for contingent fund for the commissioner's office of the Yellowstone Park.

On Nos. 226 and 227: Increases the compensation of the chief clerk of the Court of Claims from $3,000 to $3,500, as proposed by the Senate.

The bill as finally agreed upon appropriates $24,600,753.85, being $196,205.58 more than as it passed the House, $798,755.58 less than the estimates, and $425,101.32 more than the appropriations for the current fiscal year.

The appropriation for the temporary employees in the Bureau of Internal Revenue in connection with the act to provide for war expenditures was fixed in the bill as it passed the House at the amount provided for the current fiscal year, namely, $650,000. In passing the bill the Senate reduced this amount to $400,000 in order to bring the matter within the jurisdiction of the conference committee. The conference committee fixed the amount at $550,000, that being the sum which it is estimated will be required for the service of the fiscal year 1902 under the provisions of the new revenue act which has been agreed upon by both Houses.

HENRY H. BINGHAM,
J. A. HEMENWAY,
L. F. LIVINGSTON,
Managers on the part of the House.

Mr. HEMENWAY. Mr. Speaker, unless there is some inquiry to be made, I move that the report be adopted.

Mr. BAILEY of Texas. Mr. Speaker, I did not hear what the report was.

Mr. HEMENWAY. The report of the committee of conference on the legislative bill.

Mr. BAILEY of Texas. Is it a full agreement?

Mr. HEMENWAY. It is a full agreement.

Mr. BAILEY of Texas. Mr. Speaker, there is one matter I simply desire to call attention to; but if there is a full agreement I have no hope of correcting it now. If the gentleman will permit, I understand that in reforming the appointments in the House the conferees have placed the House library under the control of the Librarian of Congress. Is that true?

Mr. HEMENWAY. That is true. I will state, however, that the patronage of the House library will continue as heretofore, with this exception. The employees will be appointed by the Clerk, with the approval of the Speaker of the House, and after they have once been appointed they can not be removed without consent of the Committee on Rules.

Mr. BAILEY of Texas. Well, will that leave the library under the control of the House?

Mr. HEMENWAY. It leaves it under the control of the House.

Mr. BAILEY of Texas. My question was based on the fact that I have seen a statement in the public prints that the House library was put under control of the Librarian of Congress; and I hope that is a mistake.

Mr. HEMENWAY. I will state that the same provision that was

shown to the gentleman from Texas the other day is left in the bill. It is simply that the supervision of the books and the selection of the books is with the Librarian. He has no other power.

Mr. MOODY of Massachusetts. Read the gentleman the exact language.

Mr. HEMENWAY. I will read the gentleman the exact language of the provision:

The library of the House of Representatives shall hereafter be under the control and direction of the Librarian of Congress, who shall provide all needful books of reference therefor. The librarian, two assistant librarians, and assistant in the library, above provided for, shall be appointed by the Clerk of the House, with the approval of the Speaker of the House of Representatives of the Fifty-sixth Congress, and thereafter no removals shall be made from the said positions except for cause reported to and approved by the Committee on Rules.

Mr. BAILEY of Texas. Mr. Speaker, I think it entirely proper to provide in this way for the appointment, but I have very serious doubt about the propriety of the House placing its library under the control of a gentleman who bears no relation to the House. The Librarian of Congress is now appointed by the President and confirmed by the Senate. The House, having once by law placed its library under his control, would find it necessary to enact a law to regain absolute control of it; and it appears to me an unwise provision for the House itself to share with the Senate and the President the control of its library. The Librarian of Congress is not responsible to the House; he is not an officer of the House, and to turn over to his supervision and control the library of this body seems to me of more than doubtful propriety.

Mr. HEMENWAY. I will state to the gentleman from Texas the only object of this is that the Librarian may select the books that go into this library; and I have no doubt if there is any member of Congress who desires a particular book in the library, and suggests it to the Librarian of Congress, that the book would be furnished. Why, the Public Printer simply prints upon the orders of the House; and I have no doubt the Librarian would furnish such books as members of the House desire. Now, the object of this provision is this: that we may have in the library such books as members of Congress desire; that we may have as near as possible a permanent force of competent men, who, when a member on the floor calls for a particular book, will be able to put their hands on it and give it to him.

Mr. BAILEY of Texas. That is all very desirable.

Mr. HEMENWAY. I think the Librarian of Congress is probably more competent to select the books for this library than anyone else. I have no doubt, as I said before, on the suggestion of any member that he desired certain books placed here in the library, that he would be pleased to put them there.

Mr. FITZPATRICK. Will the gentleman allow me to interrupt in this colloquy, and let us understand each other fairly. Does the bill mean to say that it gives arbitrary power to the Librarian of Congress or not?

Mr. HEMENWAY. I would say we will not give more power to the Librarian than we give to the Public Printer down here. He bears the same relation to the House that the Public Printer does.

Mr. MOODY of Massachusetts. May I suggest this fact. I agree with the gentleman from Texas that it would be unwise to part with complete control of the library. I suggest to the gentleman from Texas that by delegating this authority to the Librarian of Congress he becomes the servant of the House for that purpose. This designates a person who for the time shall be the servant of the House. And we very frequently do that in public law. For instance, in the case of the Commissioner of Immigration, the duty of looking after analogous public service—the Chinese restriction law; and I think that in giving this duty to the Librarian we do not give it to one who is not our servant, but we make some one ad hoc our servant for the purpose and duties with which we intrust him.

Mr. FITZPATRICK. Does the gentleman mean——

Mr. MOODY of Massachusetts. Permit me to finish the colloquy with the gentleman from Texas [Mr. BAILEY].

Mr. BAILEY of Texas. The only trouble about that is this. Take this instance, while wholly improbable, not impossible: The House disagrees with the Librarian about the manner in which he manages that library. The House would have no power to withdraw its authority except by law. Now, what I should want, if I expected to remain a member of this House, would be authority, whenever dealing with any officer of the House who might transgress the rules of the House, that there should be ample power to remove him.

Mr. MOODY of Massachusetts. Practically it comes to that, because, as the gentleman from Texas knows very well, on any resolution relating to House affairs sent to the Senate they would agree to it, as we extend the same courtesy to them. I think there is no danger. I agree with the gentleman's view.

Mr. FITZPATRICK. Will the gentleman allow me?

The SPEAKER. The question is on agreeing to the conference report.

Mr. UNDERWOOD. One moment; I would like just a word.

Mr. HEMENWAY. I will yield to the gentleman.

Mr. UNDERWOOD. Mr. Speaker, I would like to say a word on the amendment which is the provision in the conference report. That I understand provides all the officers of the House and reassigns the places and fixes the salaries of the House employees.

Mr. HEMENWAY. It does.

Mr. UNDERWOOD. Now, I want to say this: The report brought in here by the gentleman from Indiana may be very proper, and probably is, but the minority have not had any opportunity whatever to investigate this report and to consider it. I know in the closing hours of this session that we can not go into it intelligently now.

Mr. HEMENWAY. Let me suggest to the gentleman, right in connection with your statement, that on this special committee, appointed by the House, the minority was represented by the gentleman from Texas [Mr. BAILEY] and the gentleman from Nevada [Mr. NEWLANDS]. Every provision that is in this bill was submitted to Mr. BAILEY and to Mr. NEWLANDS, and from time to time I consulted with the gentleman himself as to the minority employees.

Mr. UNDERWOOD. If the gentleman will permit me, I do not think there will be any great difference. I will state yesterday afternoon the report was submitted to me. I was informed that it had to go back to the Senate within twenty minutes, and had to be passed on by the Senate in twenty minutes; and upon the question of the appointment of the employees of this House and the amount of salaries that they should receive, and as to whether we had too many or too few to perform the duties, I did not think we could do that in that time; and therefore I did not attempt to consider it.

Now, all I desire to say is this, that the House has by resolution provided a committee for the reorganization of the employees of the House, authorizing them to sit during recess, and therefore I think the minority members can very well allow this to go, notwithstanding the fact that they have had no real opportunity to investigate it. The gentleman from Indiana, and gentlemen on the conference committee on that side, have assumed this responsibility. We can not interfere with it now, and I merely wish it to go in the RECORD that we have not had a chance to investigate it.

Mr. HEMENWAY. The gentleman will understand that at this late day in the session, the agreement having been reached yesterday late in the day, and the report being a long one, there could be little opportunity upon our part to offer him a chance to investigate; and at the time the report went back to the Senate yesterday afternoon it was expected that the Senate would immediately act upon it, but they were delayed and did not act upon it as early as was expected.

Mr. UNDERWOOD. We do not propose to oppose the passage of the bill, but having had no chance to investigate it, I stated that we did not assume any responsibility in the matter, as we can not know what is in it.

Mr. HEMENWAY. I yield to the gentleman from Georgia ten minutes.

Mr. LIVINGSTON. Mr. Speaker, the employees of the House are cared for. There is $500 added to the messenger who arranges the pairs on this side of the House, which takes him out of the deficiency bill hereafter and gives him a salary of $900. That place is now filled by Mr. English. Another alteration is in regard to an employee in the cloakroom who now gets $60, and he is reduced to $50, which puts him on the same basis as the employees of the cloakroom on the right of the House. These are the only changes in the minority employees. Making the best analysis of changes I could, there are 14 places dropped and 25 created. That, however, does not include the 10 pages to be employed for the session nor the 20 janitors for committee rooms. There is one gentleman who has been on the roll who is employed now that has not been taken care of in this arrangement. I refer to Mr. McCloskey.

Mr. HEMENWAY. Let me suggest to the gentleman that he would have to be taken care of on the deficiency bill.

Mr. LIVINGSTON. I was going to suggest that that gentleman can be taken care of on the deficiency bill if the House proposes to continue his services. I want to say that the managers on the part of the House, I think, have succeeded very well in keeping down appropriations, or in reducing the appropriations in our dealings with the conferees or managers on the part of the Senate. I think the bill carries just about as small an amount of money as your managers on the part of the House could possibly secure at the hands of the Senate. We did our utmost to reduce the amount as low as possible.

Mr. HEMENWAY. I now yield five minutes to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, as suggested by the gentleman from Alabama [Mr. UNDERWOOD], it is unfortunate that we have to vote upon these very important provisions without an opportunity to know what they are. It is unfortunate, I think, that the work of preparing the legislation in regard to the employees of the House was not left to the committee to be provided under the resolution which the House adopted a day or two ago. I hope that the mem-

bers of the committee, headed by the gentleman from Massachusetts [Mr. MOODY], have been given an opportunity to inspect this legislation, and that they are cognizant of it fully, and that it has their approval or disapproval. It seems to me, from what I can gather, that the main effect of the legislation is to provide that the employee under the present regulations who gets, say, $900 in the regular way and $300 or $400 in the deficiency bill, will get the increase at once as a matter of course, and in the regular course, instead of by indirection.

It seems to me, as I gather from the reading by the Clerk of the new provisions, that the thought of keeping down salaries to what would be a reasonable limit, that the possibility of reducing instead of increasing the number of employees in the House, have had but little consideration, if any, in this committee.

Mr. HEMENWAY. I will state to the gentleman that the result of the reorganization is a net reduction of $3,000.

Mr. DE ARMOND. That is, with the amounts allowed in the deficiency bill?

Mr. HEMENWAY. Yes; for extra pay.

Mr. DE ARMOND. Well, it seems to me, Mr. Speaker, that if we were desirous of making reductions we could go much further. The gentleman from Georgia has suggested that care has been taken of minority employees. The one thing, it seems to me, which care has not been taken of is the interests of the people who pay the minority employees as well as the majority employees. I do not believe that 357 or 400 employees in this House (secretaries to members not included) are at all necessary. I believe that one-half the number, or less than half the number, if properly selected and under proper discipline, would render more efficient service.

Mr. KING. Does the gentleman from Missouri state that there are 357 employees connected with this House?

Mr. DE ARMOND. That was the report of the special committee.

Mr. KING. And with such a report as that does the gentleman mean to say that this committee has not recommended a reduction?

Mr. DE ARMOND. I understand the number has been increased instead of lessened. It does seem to me that this is a rash way of legislating. While I make no question of the good intentions of anybody, and could not with the lack of knowledge I have, which must be shared by every other member of the House, it seems to be possible, at least—I will not put it more strongly—that we may discover after the new provisions have gone into law that we have crystallized and anchored abuses in the law, while taking away some objectionable features of the system that have prevailed, those of "addition, division, and silence."

Now, Mr. Speaker, I wish we could have a separate vote upon this. I wish the matter could be so arranged that it could have the consideration of the House in something approaching an intelligent manner. This emphasizes what I think is an exceedingly bad practice—that of putting onto appropriation bills legislation of vast importance, of the propriety and effect of which no member of the House not upon the conference committee can have anything like a fair or adequate conception. It ought not to be done; it is not the way to do, and instead of removing abuses we are perpetuating them.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. HEMENWAY. I yield to the gentleman one minute more in order to make a suggestion. I want to make a suggestion that in the Missouri legislature there are more employees than we have in the House of Representatives.

Mr. DE ARMOND. I want to suggest to the gentleman that he is entirely mistaken in his illustration. Will the gentleman be kind enough to direct the line of his suggestion to the territory where he probably knows something about things, and not to that of which he does not know. How about the Indiana legislature?

Mr. HEMENWAY. There are a great many more there than there ought to be. Did not the Democratic candidate for governor admit that there were more than 400 employees under the Missouri legislature, and did not the Republican governor claim that there were more than 500?

Mr. DE ARMOND. I do not know about the details of that. The Missouri legislature at times when the gentleman's party was in control had more employees and paid at a far higher rate of compensation than public interests would permit or require.

But the suggestion of the gentleman in regard to the legislature of Missouri has nothing at all to do with the kind of legislation that we have here now—legislation in regard to which there is no possibility in knowing what it is; legislation that may be all right—I do not say it is not—but legislation that the House can not understand; legislation that the House will enact, if it does enact it, in the dark, and by this process, so much resorted to, putting upon appropriation bills and carrying through with the appropriation bill as a vehicle measures which could become law by no other agency and which by no process of reasoning could be justified as law.

What I have suggested is—and I come right to the point—the unfortunate state of affairs is that upon matters of so much importance as these we are to legislate in the dark, and that this committee has seen proper to take the place of the committee to be appointed by the Speaker of the House to consider intelligently this subject for such time as they desire and make their recommendations.

I believe, and I think it will be found to be true, that this legislation will fasten upon the House, with its approval, the employment of far more employees than are needed to discharge the business of the House and at a much higher rate of compensation than is necessary. At least it will forestall the intelligent investigation to be made under the order of the House by a committee appointed by the Speaker; and in that respect it is objectionable.

I for one, inasmuch as I must vote in the dark in this matter, with no more information than can be gathered by trying to listen to the hurried reading of the clerk—inasmuch as it is impossible for anybody, unless he has been upon the conference committee, to know whether this is right or wrong, good or bad—I for one being compelled to vote in the dark—recognizing this method of legislation as very objectionable and usually very bad in its results—shall vote against the adoption of this conference report.

Mr. HEMENWAY. In comparison with the number of employees in the Missouri legislature, which I am informed is larger than the number in this House, I suggest to the gentleman from Missouri that this provision, notwithstanding his lack of knowledge, is a good one.

Mr. FITZPATRICK. I would like to put a question to the gentleman from Indiana [Mr. HEMENWAY]. When I am asking a question, simply and purely for information, as to whether this measure will place absolute power in the hands of one officer, whoever he may be, does the gentleman think that it is a fair answer to refer to the fact that possibly outrages are perpetrated in the printing and folding departments?

Mr. HEMENWAY. I have answered that question.

Mr. CORLISS. I wish to ask whether this provision does not create a life position, the incumbent to hold it indefinitely unless removed for cause?

Mr. HEMENWAY. The gentleman is referring to the librarian?

Mr. CORLISS. Not only the librarian of the House, but his three assistants. The provision certainly creates life positions.

Mr. HEMENWAY. The object of the provision is to secure in the library competent men, so that when a gentleman on his feet perhaps in the House making a speech desires some information—desires a book from the library—there will be some one there who can put his hand on the volume which is wanted and have it sent here promptly when called for.

Mr. CORLISS. But this creates life positions.

Mr. HEMENWAY. No; not necessarily.

Mr. CORLISS. Is there any limitation in this measure with reference to the length of tenure?

Mr. HEMENWAY. The appointments are to be made by the Clerk.

Mr. CORLISS. And the incumbents can not be removed except for cause during life. Is not that true?

Mr. HEMENWAY. That is true.

Mr. CORLISS. I certainly think that is an outrage on the House.

Mr. HEMENWAY. I yield to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, for many Congresses the library of the House of Representatives has been a library in name only—a place for incompetency—where the employees substantially have simply drawn their salaries without any intelligent service, and where what little service we have had has been from one, and sometimes two, employees drawing inferior salaries. There ought to be a provision which would give permanency of employment to competent people in the library, where competent service is required, and frequently required on the instant.

Mr. HOPKINS. Suppose you should get an incompetent man in that life position, then where are you?

A MEMBER. He can be removed for cause.

Mr. CANNON. Oh, there will be no trouble about removing an incompetent man, if such a one should get the position. But the man is appointed with the approval of the Speaker.

Mr. CORLISS. Gentlemen say the officer can be removed for cause. For what cause can he be removed? This is an act of Congress, and will give the legal incumbent a right to the office until removed for cause, and there is no cause set forth.

Mr. CANNON. Well, I will say blindness would be a cause; senility would be a cause; incompetency would be a cause.

Mr. CORLISS. That is your interpretation?

Mr. CANNON. There are a thousand possible causes; nobody could specify all of them.

Mr. HEMENWAY. The Committee on Rules would determine the cause.

Mr. CORLISS. You do not provide who shall exercise the power of removal.

Mr. HEMENWAY. Oh, I beg to differ with the gentleman. The officer to be appointed by the Clerk with the approval of the Speaker.

Mr. CORLISS. But there is no power to remove him.

Mr. HEMENWAY. Certainly there is. He can be removed whenever sufficient cause is presented to the Committee on Rules. Whenever the Committee on Rules thinks that the officer is not competent, that is cause enough and he goes out.

Mr. CORLISS. There is no such provision.

Mr. HEMENWAY. Oh, yes, there is.

Mr. CORLISS. I submit that there ought to be a defined tenure of office. We do not want life positions created anywhere.

Mr. HEMENWAY. I read from the provision of the amendment:

And thereafter no removals shall be made from the said position except for cause reported to and approved by the Committee on Rules.

The Committee on Rules is to determine whether the officer is competent. If at any time a member asking for a book should find that the employee in the library is incompetent, he would immediately say to the Committee on Rules: "This man is not competent; he does not know where to find a book which is wanted." I have no doubt if the charge was sustained the Committee on Rules would at once say: "That is a sufficient cause for his removal."

Mr. CORLISS. I have not been very successful myself in obtaining action from the Committee on Rules. [Laughter.] Therefore I think we had better have some limitation upon this power.

Mr. RICHARDSON of Tennessee. I would like to occupy a few minutes.

Mr. HEMENWAY. I will yield to the gentleman for three minutes.

Mr. RICHARDSON of Tennessee. As I understand, the provision now reported with respect to employees in the House library is an effort to make the tenure of office of those employees more permanent. Is that true?

Mr. HEMENWAY. That is the object.

Mr. RICHARDSON of Tennessee. How many of these employees are there?

Mr. HEMENWAY. Four.

Mr. RICHARDSON of Tennessee. Now, it is proposed to fix their tenure of office by law, making it to that extent permanent. I understand they must be removed for cause, with the consent of the Speaker.

Mr. HEMENWAY. No; the Committee on Rules.

Mr. RICHARDSON of Tennessee. Well, the Committee on Rules, presided over by the Speaker. Now, that is right. I believe that all the officers and employees of the House should have some permanent tenure to the extent of enabling them to stay here until they learn their duties. They ought not to be changed so often. But the objection which I make in this case is that you extend this permanent tenure to these library employees when you on the other side have all four of the officers.

Mr. HEMENWAY. No doubt that is true. I will ask the gentleman right there——

Mr. RICHARDSON of Tennessee. One moment. You are entitled to it, and you need not expect them to be permanent if the opportunity comes to change, when they are all of one party; because there has never been any civil service in this Government that has been absolutely fair.

Now, what I would suggest to the gentlemen would have been, when they were making these appointments, they should divide these offices when you are undertaking to make a permanent establishment, so that there would be no political inducement to make these changes. In other words, you can not so arrange it that there will not be found cause to remove a man when all the employees of that special bureau belong to any one political party.

Mr. HEMENWAY. I want to say to the gentleman that I have no doubt that if the Democrats secure control of the House—and I hope they never will—that the Committee on Rules will soon find a cause for the removal of the four——

Mr. RICHARDSON of Tennessee. No, that would not be right; and I would not insist on that, where there is a law to protect them.

I would not ask a total violation of the law upon any kind of a pretext; but you will always find that there will be some way by which they will get a part of them, and that you may not expect human nature will ever get so perfect and pure that men will not claim their share; and it would have been a great deal better in undertaking to make a permanent roll that they should have been equally divided between the two parties.

Mr. HEMENWAY. While the Republicans are in control of Congress, this will no doubt result in continuing the same force, if they are competent librarians; and I have no doubt should the Democratic party control for ten years, and have four competent men, it would keep them for the ten years.

The SPEAKER. The time of the gentleman has expired.

Mr. HEMENWAY. I move the adoption of the conference report.

Mr. HEPBURN. I desire to make a point of order.

The SPEAKER. Does the gentleman yield to the gentleman?

Mr. HEMENWAY. Does the gentleman desire to ask a question?

Mr. HEPBURN. I desire to make a point of order. Mr. Speaker, all points of order were reserved on the bill.

Mr. HEMENWAY. I do not yield to the gentleman for that purpose.

Mr. HEPBURN. I think the gentleman will have to yield.

Mr. HEMENWAY. If I do, I will be very glad to; but I decline to yield for that purpose.

The SPEAKER. The Chair must hear the point of order.

Mr. HEPBURN. Mr. Speaker, my point of order is that the amendment in the report of the committee is not germane to the amendment, and that it is a recommendation of a usurpation on the part of the conference committee of a subject-matter in their report not having been referred to them, and there being no disagreement between the two Houses upon that subject.

Mr. HEMENWAY. If the gentleman will permit me there——

Mr. HEPBURN. I decline to yield to the gentleman for that purpose. [Laughter.]

The SPEAKER. Let the gentleman state his point of order.

Mr. HEPBURN. Amendment No. 16 reads as follows: The Senate strikes out of the resolution "February 2, 1901." That is the entire amendment. There is no addition, and the only disagreement between the two Houses is whether or not the House will consent to the striking out of those words.

Mr. MOODY of Massachusetts. Will the gentleman yield to a suggestion?

Mr. HEPBURN. Yes.

Mr. MOODY of Massachusetts. The gentleman must have been absent when the House unanimously, on my motion, conferred upon the conference committee authority to deal with this whole subject.

Mr. HEPBURN. What whole subject?

Mr. MOODY of Massachusetts. The whole subject of House employees. It was on an action of the special committee, reporting a concurrent resolution reported by the committee of which I was chairman.

Mr. HEPBURN. That perhaps would justify the committee in a portion of their report. If I could have the report a moment I would call the attention of the Chair to it.

Mr. HEMENWAY. I call the attention of the gentleman to the last page.

Mr. HEPBURN (reading):

That the committee is authorized to include in their report such alterations, changes, and recommendations as they may deem proper with reference to so much of the text of said bill as relates to the officers and employees of the House of Representatives.

Now, the first portion of the recommendation of the committee refers to certain officers of the House, and my friend——

The SPEAKER. The Chair will have to interrupt the gentleman from Iowa, as our time is very precious. In the first place, no reservation of any points of order was made upon this legislative bill report.

Mr. HEPBURN. I think I distinctly heard a gentleman; I was rising to make that reservation.

The SPEAKER. The Clerk states that is not the case. It was upon the sundry civil bill, made by the gentleman from Indiana [Mr. ROBINSON], but not on this bill. Secondly, if the point had been reserved against the report it is too late to bring it up as to this particular part of the report, because it has been under consideration for some time.

Therefore the reservation of the point of order would not protect the gentleman from Iowa if he allows a discussion to proceed and then waits to bring up his point of order. In the third place, as called to his attention, this matter was absolutely referred to the conferees on the legislative bill, with full power. Therefore the Chair is compelled to overrule the point of order.

Mr. HEPBURN. It is on the question of fact that I desire to dispute with the Chair. I find no authority to transfer the library.

The SPEAKER. The Chair overrules the point of order.

Mr. HEPBURN. The Chair can do that.

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

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. HEPBURN. Division.

The House divided: and there were—ayes 82, noes 41.

So the report of the committee of conference was agreed to.

On motion of Mr. HEMENWAY, a motion to reconsider the vote by which the conference report was agreed to, was laid on the table.

RAILWAY THROUGH THE FORT ONTARIO MILITARY RESERVATION.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for the present consideration of this bill.

The Clerk read as follows:

A bill (S. 3489) authorizing and empowering the Secretary of War to grant the right of way for and the right to operate and maintain a line of railroad through the Fort Ontario Military Reservation in the State of New York, to the Oswego and Rome Railroad Company.

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and empowered to grant to the Oswego and Rome Railroad Company, a corporation organized and existing under the laws of the State of New York, its successors and assigns, the right of way for and the right to operate and maintain a line of railroad through the Fort Ontario Military Reservation, in the State of New York, said right of way to be a strip of land of sufficient width of each side of the center line of the railroad of said Oswego and Rome Railroad Company, as the same is now located and constructed across the northerly and westerly portions of said military reservation, to enable said company to properly and efficiently operate said line of railroad.

SEC. 2. That the Secretary of War shall have power to impose such terms, conditions, restrictions, and limitations as he shall deem advisable in said grant of right of way, and shall have power from time to time to make and enforce such reasonable and necessary rules and regulations concerning the operation and maintenance of said line of railroad across said military reservation as he may deem necessary for the proper protection of the interests of the United States in the use of said military reservation.

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

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

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

PUBLICATION OF SUPPLEMENT OF REVISED STATUTES.

Mr. BARBER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5280) to continue the publication of the Supplement to the Revised Statutes.

The bill was read, as follows:

A bill (H. R. 5280) to continue the publication of the Supplement to the Revised Statutes.

Be it enacted, etc., That the publication of the Supplement to the Revised Statutes, embracing the statutes, general and permanent in their nature, passed after the Revised Statutes, with references connecting provisions on the same subject, explanatory notes, and citations of judicial decisions, be continued and issued in one volume, to include the general laws of the Forty-third to the Fifty-sixth Congresses, inclusive, with a table of alterations and a general index to the whole, to be prepared and edited by the editors of the current part of the existing Supplement, authorized by the act of February 27, 1893, chapter 167, Supplement to the Revised Statutes, volume 2, page 91, and the act of January 12, 1895, chapter 23, section 73, Supplement to the Revised Statutes, volume 2, page 354, and the act of June 4, 1897, chapter 2, Statutes at Large, volume 30, page 30, and to be known as Supplement to the Revised Statutes, volume 1, 3d edition, 1874 to 1901, to be stereotyped at the Government Printing Office, using the present plates, as far as practicable, with such alterations as may be found necessary, the work and plates and all right and title therein and thereto to be in and fully belong to the Government for its exclusive use and benefit.

SEC. 2. That a sufficient number of copies be printed and bound for distribution, and to be distributed to members of Congress for themselves and for distribution by them, and to the departments, libraries, public officers, and others, the same number to each as heretofore provided by Congress for the distribution of the pamphlet copies of the statutes of each session of Congress as provided by the act of January 12, 1895, section 73, chapter 23, Supplement to the Revised Statutes, volume 2, page 354, and the same number to each of the editors as to a member of Congress, and such additional copies on the order of the Secretary of State as may be necessary from time to time to supply such number as may be certified by the head of any department to be required for the use of his department, and for offices newly created, and for keeping for sale in the same manner and like terms as the Revised Statutes are required to be kept for sale. For preparing and editing said supplement, including the legislation of the Fifty-sixth Congress, and the indexing and all clerical work necessary fully to complete the same, there shall be paid to said editors the sum of $6,000.

SEC. 3. That the publication herein authorized shall be taken to be prima facie evidence of the laws therein contained, but shall not change or alter any existing law or preclude reference to or control, in case of any discrepancy, the effect of any original act passed by Congress.

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

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

The SPEAKER. Without objection the amendment to the title will be agreed to.

There was no objection, and it was so ordered.

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

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had insisted upon its amendments to 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, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. HALE, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 12901) to supplement existing laws relating to the disposition of lands, etc., disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HANSBROUGH, Mr. CARTER, and Mr. HEITFELD as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8068) authorizing the board of supervisors of Pima County, Ariz., to issue fifty-year 5 per cent bonds of Pima County, Ariz., to redeem certain funded indebtedness of said county.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 85.

Resolved by the House of Representatives (the Senate concurring), That there be printed from the stereotype plates in the Government Printing Office 6,000 copies of House Document No. 336, Fifty-sixth Congress, second session, entitled "A report on the work and expenditure of the Agricultural Experiment Stations for the year ended June 30, 1900," of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 3,000 copies for the use of the Department of Agriculture; the quality of paper and style of binding to be the same as in the original edition of the publication.

PRIVILEGE OF SEVENTH SECTION OF IMMEDIATE-TRANSPORTATION ACT.

Mr. GREENE of Massachusetts. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 5022.

The Clerk read as follows:

A bill (S. 5022) to extend the privileges of the seventh section of the immediate-transportation act to Fall River, Mass.

Be it enacted, etc., That the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement be, and they are hereby, extended to the port of Fall River, Mass.

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

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. GREENE of Massachusetts, a motion to reconsider the vote by which the bill was passed was laid on the table.

OFFICERS OF NAVY AND MARINE CORPS TO ADMINISTER OATHS.

Mr. WHEELER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 1632.

The Clerk read as follows:

A bill (S. 1632) to amend "An act authorizing certain officers of the Navy and Marine Corps to administer oaths," approved January 25, 1895.

Be it enacted, etc., That the act entitled "An act authoring certain officers of the Navy and Marine Corps to administer oaths," approved January 25, 1895, be, and is hereby, amended so as to read as follows:

"That judges-advocate of naval general courts-martial and courts of inquiry, and all commanders in chief of naval squadrons, commandants of navy-yards and stations, officers commanding vessels of the Navy, and recruiting officers of the Navy, and the adjutant and inspector, assistant adjutant and inspector, commanding officers, and recruiting officers of the Marine Corps be, and the same are hereby, authorized to administer oaths for the purposes of the administration of naval justice and for other purposes of naval administration."

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

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

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

REGISTRATION OF NAMES OF PERSONS ENGAGED IN TRANSPORTATION BUSINESS.

Mr. ADAMS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 13109.

The Clerk read as follows:

A bill (H. R. 13109) to authorize the registration of the names of persons, firms, or corporations engaged in transportation business.

Be it enacted, etc., That any person, firm, or corporation incorporated under the laws of the United States, or of any of the States or Territories thereof, engaged in transportation, for hire, of passengers, goods, merchandise, and other property between any of the States of the United States, or between the United States and any of its possessions, or in foreign commerce, or in any or all thereof, may register the trade, firm, or corporation name under which such business is conducted in the Patent Office by complying with the provisions of this act and with such rules and regulations not inconsistent with this act as the Commissioner may make.

SEC. 2. That the application for such registration of such name must be accompanied by a written declaration, verified under oath, that such person, firm, or corporation is engaged in the transportation, for hire, of passengers, goods, merchandise, and other property between the States of the United States, or between the United States and any of its possessions, or in foreign commerce, or in any or all thereof, and has at that time the right to use the name sought to be registered, and that no other such person, firm, or corporation has, since the date of the passage of this act, acquired the use of such name in the identical form of or in such near resemblance thereto as may cause confusion or mistake and be calculated to deceive. In case of several applications for registration of the same name or of names of such near resemblance as aforesaid which have been in use prior to the passage of this act, the Commissioner shall and may determine which applicant for registration first used such name, and, upon compliance with the terms of this act, shall allow the registration of such name by such applicant and by no other.

No name shall be registered which is merely a surname, or which is identical with another registered name, or is in such near resemblance thereto as may in use cause confusion or mistake and be calculated to deceive. Each application for such registration shall be accompanied by a fee of $25, which shall cover the expense of examining the application, registering the same, and issuing a certificate therefor.

SEC. 3. That the certificate of registration of such name shall be issued in the name of the United States of America under the seal of the Patent Office

and be signed by the Commissioner of Patents, and the record thereof, together with printed copies of the application, shall be kept in books in the Patent Office, and such certificate of registration shall be evidence in any suit in which such name shall be brought into controversy.

SEC. 4. That such registration shall vest in such person, firm, or corporation, their successors or assigns, the exclusive right and privilege to use such registered name.

SEC. 5. That the registration of such name in the Patent Office shall be prima facie evidence of the ownership, and any person, firm, or corporation who shall imitate such name as registered in the Patent Office under this act shall be liable to an action for damages for the wrongful use of the said name at the suit of the owner thereof, and the party aggrieved shall also have the right, according to the course of equity, to enjoin the wrongful use of such name and to recover damages therefor in any court having jurisdiction of the person, firm, or corporation guilty of such wrongful act, and courts of the United States shall have original and appellate jurisdiction in such cases without regard to the amount of damages in controversy.

SEC. 6. That any person, firm, or corporation who shall procure the registry of the name in the Patent Office by a false or fraudulent representation or declaration, orally or in writing, or by any fraudulent means, shall be liable to pay any damages sustained in consequence thereof by the injured party, to be recovered in an action on the case.

SEC. 7. That this act shall take effect on and after the 1st day of July, 1901.

Mr. SULZER. Mr. Speaker, reserving the right to object, I desire to ask the gentleman from Pennsylvania if this bill has been reported from a committee?

Mr. ADAMS. It has been reported from the Committee on Interstate and Foreign Commerce.

Mr. SULZER. It seems to me that this bill should have gone to the Committee on Patents. That is the proper committee.

Mr. ADAMS. It was referred to the Committee on Interstate and Foreign Commerce, and reported out of that committee. It relates to firms and corporations trading between the different States. It is limited to that. This matter is protected in the State courts, but this is to make it effective throughout the United States.

Mr. SULZER. Does not the patent or trade-mark law at the present time protect the trade-marks of firms, individuals, and corporations? Why should there be further legislation?

Mr. ADAMS. That is the object of this bill, to put it on a par with the law as to patents and trade-marks. It follows the act in reference to trade-marks and patents, and was submitted to the Commissioner of Patents, who makes a favorable report and shows the analogy between the two questions, and he advises and urges the passage of the bill.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I object.

Mr. ADAMS. I hope the gentleman will not object.

The SPEAKER. Objection is made by the gentleman from Mississippi.

Mr. ADAMS. I hope the gentleman will withdraw his objection.

Mr. WILLIAMS of Mississippi. This is offering the general trade law of the country for the benefit of some private concern. If they were protected by the general law they would have no need of the bill. I object.

BRIDGE ACROSS THE CUMBERLAND RIVER AT NASHVILLE, TENN.

Mr. GAINES. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14238) to authorize the city of Nashville, Tenn., to construct a free public bridge across the Cumberland River within the corporate limits of said city.

The bill was read at length.

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

Mr. WILLIAMS of Mississippi. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman if this is an ordinary bridge bill, with the ordinary language.

Mr. GAINES. Yes; approved by the Secretary of War, and has the unanimous report of the Committee on Interstate and Foreign Commerce.

Mr. WILLIAMS of Mississippi. I have no objection, Mr. Speaker.

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

Mr. LOUD. Mr. Speaker, I shall not object to this bill, but I desire to call the attention of the House to the fact that this is the third bridge bill that has passed to-day, evidently coming from our Committee on Interstate and Foreign Commerce, which does not contain the reservation that the bridge shall be a post road. I desire to call the attention of the House to the danger in the closing hours of Congress in passing these bills in this manner. I do not care whether they reserve them for post roads or not, but I desire to call to the attention of the House that these reservations are not made here as they are when the House is in its sober senses.

Mr. PAYNE. I want to suggest, Mr. Speaker, that if the gentleman from California had proposed such an amendment to any bill the House would not have opposed it.

Mr. LOUD. I have not the language in my head of that amendment. Personally I do not care.

Mr. GAINES. This is to be a free bridge for everybody; there is no toll to be exacted.

Mr. HEPBURN. I will say these provisions were not placed in the bill because it is to be a free bridge.

Mr. LOUD. But what would the gentleman say in relation to the bridge across the Monongahela River which the gentleman from Pennsylvania brought up this morning? This is the third bill of the kind to-day.

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

The committee amendments were agreed to.

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

On motion of Mr. GAINES, a motion to reconsider the last vote was laid on the table.

PRISONERS CONVICTED IN CONSULAR COURTS.

Mr. LITTLEFIELD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13396) to amend section 5546 of the Revised Statutes.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 5546 of the Revised Statutes be amended by adding after the words "any court of the United States" the words "including consular courts," and after the words "District or Territory" by adding the words "or country," and after the words "where the conviction has occurred" by adding the words "and in case of convictions by a consular court the transportation shall be by some properly qualified agent or agents designated by the Department of State, the reasonable actual expense of transportation, necessary subsistence, and hire and transportation of guards and agent or agents to be defrayed from the appropriation for bringing home criminals;" so as to read:

"SEC. 5546. All persons who have been, or who may hereafter be, convicted of crime by any court of the United States, including consular courts, whose punishment is imprisonment in a District or Territory or country where, at the time of conviction or at any time during the term of imprisonment, there may be no penitentiary or jail suitable for the confinement of convicts, or available therefor, shall be confined during the term for which they have been or may be sentenced, or during the residue of said term, in some suitable jail or penitentiary in a convenient State or Territory, to be designated by the Attorney-General, and shall be transported and delivered to the warden or keeper of such jail or penitentiary by the marshal of the District or Territory where the conviction has occurred; and in case of convictions by a consular court the transportation shall be by some properly qualified agent or agents designated by the Department of State, the reasonable actual expense of transportation, necessary subsistence, and hire and transportation of guards and agent or agents to be defrayed from the appropriation for bringing home criminals; and if the conviction be had in the District of Columbia, the transportation and delivery shall be by the warden of the jail of that District, the reasonable actual expense of transportation, necessary subsistence, and hire and transportation of guards and the marshal, or the warden of the jail in the District of Columbia only, to be paid by the Attorney-General out of the judiciary fund.

"But if, in the opinion of the Attorney-General, the expense of transportation from any State, Territory, or the District of Columbia in which there is no penitentiary will exceed the cost of maintaining them in jail in the State, Territory, or the District of Columbia during the period of their sentence, then it shall be lawful so to confine them therein for the period designated in their respective sentences. And the place of imprisonment may be changed in any case when, in the opinion of the Attorney-General, it is necessary for the preservation of the health of the prisoner, or when, in his opinion, the place of confinement is not sufficient to secure the custody of the prisoner, or because of cruel and improper treatment: *Provided, however*, That no change shall be made in the case of any prisoner on the ground of the unhealthiness of the prisoner or because of his treatment, after his conviction and during his term of imprisonment, unless such change shall be applied for by such prisoner or some one in his behalf."

Mr. RICHARDSON. Mr. Speaker, it is almost impossible in hearing a bill of this character read to understand it. It seems to me it is pretty far-reaching. I do not like to object to a bill of a general character like this, but unless the gentleman has some good reason for taking it up by unanimous consent I shall have to object. I would like to hear from the gentleman what the scope of the bill is.

Mr. LITTLEFIELD. Mr. Speaker, this bill simply confers upon the Government the same power with reference to transferring prisoners under conviction and in confinement by consular courts that the Government now possesses with reference to Territories and the District of Columbia. It is merely a matter of convenience on the part of the Government in the proper confinement and punishment of criminals. It is asked for by the Department of State.

They now have in confinement in Korea, for instance, one life convict who is held in prison with great inconvenience and much insecurity. It is very desirable that he should be removed to some safe penitentiary. The Attorney-General is anxious to have the bill passed in order to confer upon the Government such power with reference to convictions in consular courts that it now has in connection with convictions in other United States courts.

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

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

On motion of Mr. LITTLEFIELD, a motion to reconsider the last vote was laid on the table.

DELIVERY OF CERTAIN IONIC COLUMNS TO THE MAYOR AND CITY COUNCIL OF BALTIMORE, MD.

Mr. DENNY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13776) authorizing and di-

recting the Secretary of the Treasury to deliver to the mayor and city council of Baltimore, Md., Ionic columns.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to deliver to the mayor and city council of Baltimore, in the State of Maryland, the 12 columns now in the custom-house of said city, in order that said columns may be placed in one of the public parks or places of said Baltimore City as a relic or remembrance of said custom-house, which is to be torn down and removed to make way for a new building to be erected.

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

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

On motion of Mr. DENNY, a motion to reconsider the last vote was laid on the table.

IMPROVEMENT OF PIGEON RIVER, MINNESOTA.

Mr. MORRIS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14128) to authorize the Pigeon River Improvement, Slide, and Boom Company, of Minnesota, to enter upon the Grand Portage Indian Reservation, and improve the Pigeon River in said State at what is known as the cascades of said river.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Pigeon River Improvement, Slide, and Boom Company, a corporation organized and existing under the laws of the State of Minnesota, be, and hereby is, authorized, under such rules and regulations and subject to such conditions and limitations as the Secretary of the Interior may prescribe, to enter upon and improve the Pigeon River at what is known as the cascades of said river, for the purpose of making said river at said point navigable for floating logs, and to that end to enter upon the unallotted lands, and, with the consent of the allottees, upon any allotted lands, adjacent to said cascades, of the Grand Portage Indian Reservation, in said State, and to construct such sluice dams, wing dams, bulkheads, spill dams, and other works necessary for said purpose, and to take from said unallotted lands timber for the construction of said improvements and works in quantity not to exceed 125,000 feet, board measure, for which timber said company shall pay such price as may be agreed upon between said company and the Secretary of the Interior, but not less than $5 per thousand feet, board measure, the proceeds to be placed in the Treasury of the United States to the credit of the Chippewa Indians in Minnesota: *Provided*, That said river after being so improved shall be open at all times to the free passage of all timber cut from said Grand Portage Indian Reservation, and to the passage of all other timber upon such terms and conditions as the Secretary of the Interior may prescribe.

The following committee amendments were read:

Strike out all after the word "Reservation," in line 14 of page 2, and insert the following: "and to the passage of all other timber for a reasonable charge therefor."

Add at the end of the bill the following:

"*Provided further*, That suitable fishways shall be constructed and maintained by said company, to be approved by the United States Fish Commissioner."

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I would like to ask what committee reported this bill.

Mr. MORRIS. I will say to the gentleman from Tennessee that the object of this bill is only for the purpose of enabling these parties to go upon the Indian reservation and improve this stream so as to admit of the passage of saw logs.

If the Indian reservation were not adjacent to these cascades, it would not be necessary to come to Congress at all in relation to this matter; the power would exist without additional legislation. But the Indian reservation being adjacent, it is necessary to get permission to go upon the Indian reservation and cut this small amount of timber—only 125,000 feet; and provision is made for payment, under the supervision of the Secretary of the Interior, at a minimum price of $5 per thousand feet—a high minimum, I will say—so that the logs which may be cut thereafter on the Indian reservation would come down free through these cascades.

Mr. RICHARDSON of Tennessee. Has the bill been submitted to the Secretary of the Interior?

Mr. MORRIS. It has been submitted to the Commissioner of Indian Affairs and to the Secretary of the Interior, and is recommended by both of them. It has also been unanimously reported by the Committee on Indian Affairs, before whom I appeared and explained the bill.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. MORRIS, a motion to reconsider the last vote was laid on the table.

JAMES A. HUTTON.

Mr. NEWLANDS. I ask unanimous consent for the consideration of the bill (S. 2936) authorizing the appointment of James A. Hutton to a captaincy of infantry in the United States Army.

The bill was read, as follows:

Be it enacted, etc., That the President be, and is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint James A. Hutton, late a captain of infantry in the Army of the United States, to the position of captain of infantry, at the foot of the list of captains therein, the list of captains of the infantry arm of the service being increased to that extent until a vacancy shall occur; and all laws and parts of laws in conflict herewith are suspended for this purpose only: *Provided*, That said Hutton shall receive no pay or allowances of any kind for the period between the date of his dismissal and date of his appointment under the provisions of this bill.

The SPEAKER. Is there objection?

Mr. RAY of New York. I reserve the right to object. I would like to hear some reason for the passage of this bill.

Mr. NEWLANDS. Mr. Speaker, Captain Hutton was a graduate of West Point and was commissioned in the Regular Army. He was dismissed from the Regular Army in 1894 for absence without leave and disobedience of orders. Later on he volunteered in the late Spanish war and was appointed a second lieutenant in a California regiment.

He was ordered to the Philippine Islands, where he rendered very distinguished service upon the staff of General King, the staff of General Wheaton, and the staff of General Anderson; and these officers, as I understand, all recommend his restoration to the Army on the ground of distinguished and courageous service in the Philippines.

Mr. RAY of New York. Then, as I understand, this man has redeemed himself by his subsequent conduct, so that it is now thought proper to authorize his reappointment to the Army, which the President can not make without this bill?

Mr. NEWLANDS. The President can not do it without this bill; and the conduct of this officer ever since his dismissal has been, according to the testimony of numerous officers, unexceptionable.

Mr. RAY of New York. I have no objection.

Mr. SULZER. Mr. Speaker, just a few words. I wish to say that this matter has been carefully examined by the Committee on Military Affairs, and the Committee unanimously recommend the passage of the bill. It is a very worthy case. As the gentleman from New York [Mr. RAY] has expressed it, Captain Hutton has redeemed himself, and in my judgment is entitled to this relief. He is a brave and gallant soldier, and has made a splendid record. I hope there will be no objection.

Mr. BROMWELL. How old is he?

Mr. NEWLANDS. I should judge about forty-five.

Mr. BROMWELL. And he is not eligible to appointment in the Regular Army under the provisions of the act recently passed?

Mr. NEWLANDS. No, sir.

Mr. BROMWELL. What was the cause of his discharge from the Army?

Mr. NEWLANDS. Absence without leave and failure to obey an order commanding him to report. With reference to that point, I wish to say that I have carefully looked over all the testimony given before the court-martial on whose finding he was dismissed; and the conclusion of that court seems to me to have been very, very severe.

The case has been looked into most carefully by both the Senate committee and the House committee. The Senate committee took it up a year ago, and were then in favor of recommending the restoration of this officer, but concluded to let the matter rest until the present session in order to obtain reports concerning his character and conduct meanwhile. The testimony has now come from officers of the Army high in standing, stating that his conduct and character have been unexceptionable, and the result is these favorable reports by both committees.

I will state further that two distinguished officers of the Army who had been in the Philippine war—Lieutenant-Colonel Edwards, the chief of staff of General Lawton, and Brigadier-General Barry, chief of staff of General Otis—both appeared before the Military Committee of the Senate and testified to the value of the services rendered in the Philippines by this officer and urged his restoration to the Army. Colonel Edwards stated among other things that upon two occasions he had heard General Lockwood say that he intended to urge the restoration of this officer to the Army at the conclusion of the war.

Mr. BROMWELL. What was his rank when he was discharged?

Mr. NEWLANDS. He was a captain.

Mr. BROMWELL. Then this bill will not place him above his proper rank?

Mr. NEWLANDS. It puts him at the foot of the list.

Mr. BROMWELL. I have no objection.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. NEWLANDS, a motion to reconsider the last vote was laid on the table.

REGISTRATION OF EMPLOYEES IN TRANSPORTATION BUSINESS.

Mr. WILLIAMS of Mississippi. Mr. Speaker, a few moments ago I objected to the present consideration of the bill offered by the gentleman from Pennsylvania [Mr. ADAMS]. I have since looked over the bill and report very carefully, and I still think the bill ought not to pass. But the pressure of my friends upon my courtesy is so great that I do not feel like taking the responsibility of defeating the bill by my sole objection. I therefore withdraw the objection, but I hope the House will vote down the bill.

Mr. ROBINSON of Indiana. I renew the objection.

CIVIL GOVERNMENT OF ALASKA.

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

The bill was read, as follows:

A bill (S. 5573) to amend section 203 of Title III of the act entitled "An act making further provisions for a civil government for Alaska, and for other purposes."

Be it enacted, etc., That section 203 of Title III of the act entitled "An act making further provisions for a civil government for Alaska, and for other purposes," be amended so as to read as follows:

The treasurer of the corporation shall be ex officio treasurer or the school board, and shall, before entering upon the duties of his office, take the oath prescribed by law and execute bonds to the corporation in an amount to be determined by the judge of the district court, which bond shall be approved by the council and the judge of the district court and filed in district court may from time to time direct, but in no event shall such bonds be less than twice the amount of money in the hands of the treasurer at any one time, to be determined by the tax rolls and license books of the corporation, of the corporation clerk, and the clerk of the district court: *Provided*, That 50 per cent of all licensed moneys provided for by act of Congress approved March 3, 1899, entitled "An act to define and punish crimes in the district of Alaska and to provide a code of criminal procedure for said district," and any amendments made thereto, required to be paid by any resident, person, or corporation for business carried on within said corporation, shall be paid over by the clerk of the United States district court receiving the same to the treasurer of said corporation upon taking his receipt therefor in duplicate, one of which duplicate receipts shall be forwarded to the Secretary of the Treasury of the United States by the clerk as a voucher in lieu of cash, and the other receipt shall be retained by the clerk.

The money received by the treasurer of the corporation from the clerk of the court for licenses shall be used, under the direction of the council, for school purposes: *Provided*, That where it is made to appear to the satisfaction of the district court that the whole amount heretofore or hereafter received by the treasurer of the corporation from the clerk of the court is not required for school purposes, the court may from time to time, by orders duly made and entered with a statement of the facts upon which they are based, authorize the expenditure of the accumulated surplus, or any part thereof, for any of the municipal purposes enumerated in this chapter.

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

Mr. RICHARDSON of Tennessee. I would like to hear some explanation of the bill by the gentleman from Illinois; and I ask him to state also whether the Secretary of the Interior has approved the bill.

Mr. WARNER. Mr. Speaker, the purpose of the bill is double. In the first place, it has been discovered that more money has been derived from licenses in the incorporated towns of Alaska than is necessary for school purposes in those towns. The bill provides that the surplus of this money may be turned over to the incorporated towns or municipalities for municipal purposes, under the direction of the court.

Then, again, the schools outside of the municipalities are not provided for at all. This bill provides that 50 per cent of the money derived from licenses on business outside of incorporated towns, or so much thereof as the Secretary of the Interior may deem necessary, shall be expended, under the control and direction of that officer, for school purposes outside of municipalities.

Heretofore Congress has appropriated money for schools in Alaska, starting with $50,000 a year, and since 1893, to and including the current year, has appropriated $30,000 a year, and the Committee on Appropriations has now declined to make any further appropriations for school purposes in Alaska.

Mr. RICHARDSON of Tennessee. And that would take the place of that which is provided on the sundry civil bill.

Mr. WARNER. There are 25 schools that would be closed if this appropriation is not made. The Secretary of the Interior approves it, the President in his message recommended that such a bill be passed, and it has the approval of all the Departments.

Mr. MOODY of Massachusetts. The gentleman stated that the Committee on Appropriations had declined to make the appropriation. Was that not for the purpose of enabling your committee to deal with the subject-matter in this way?

Mr. WARNER. The chairman of the Appropriation Committee told me he wanted our committee to provide for these schools with this license money.

Mr. RIDGELY. Will the gentleman permit me to ask him a question?

Mr. WARNER. Certainly.

Mr. RIDGELY. Can this money be taken and given to sectarian or religious denominations?

Mr. WARNER. No distinction is made as to denominations. The Secretary of the Interior controls the schools outside of the incorporated towns. The municipalities control them inside their jurisdiction.

Mr. RIDGELY. But those inside the jurisdiction, they are to be public schools, are they not?

Mr. WARNER. They are to be public schools, the same as we have them in Kansas and Illinois.

Mr. RIDGELY. Under this law, if the Secretary should see fit to turn it over to churches or religious societies he could do so.

Mr. WARNER. No; they must be public schools.

Mr. SHACKLEFORD. If this matter was so pressing a necessity and of such urgency, why was it not presented earlier in the session?

Mr. WARNER. It has been reported out from the committee I do not know how long, and I have been making the Speaker's life a burden to him trying to get recognition in order to obtain consideration of this bill.

Mr. LOUD. Has he been opposed to it?

Mr. WARNER. No.

Mr. SHACKLEFORD. We have been sitting here for some days without having anything to do, and it seems to me that would have been a proper time to have considered this bill.

The SPEAKER. Is there objection? The Chair hears none. The question is on the amendment.

The amendment recommended by the committee was agreed to.

Mr. SULZER. Mr. Speaker, I desire to offer an amendment.

The Clerk read as follows:

Add at the end of the bill that "hereafter no hides of deer shall be exported from Alaska under a penalty of $100 for each hide."

Mr. WARNER. I raise the point of order on the amendment; it is not germane, and is new legislation.

Mr. SULZER. Upon that I desire to be heard.

The SPEAKER. The Chair will hear the gentleman on the point of order.

Mr. SULZER. Mr. Speaker, when the Alaska code bill passed this House, by some inadvertence there was no provision put in that bill to protect the deer of Alaska. This was a mistake of grave importance. The deer of Alaska are being rapidly exterminated by the Indians, who hunt the deer simply for their hides. I am reliably informed—in fact, I know—that thousands and thousands of deer in Alaska are slaughtered every winter by the Indians. During the winter the deep snows compel the deer to come down from the mountains, and the natives ruthlessly slaughter them for their skins. Their skins are sold for from 50 cents to a dollar apiece. If this thing continues——

The SPEAKER. The Chair is prepared to rule on the question.

Mr. SULZER. Mr. Speaker, just one moment more. If this thing continues, in a very short time the deer of Alaska will be exterminated, and the people who live there and who to a certain extent subsist on the meat of the deer will be unable to get fresh meat. The natives slaughter the defenseless deer, and in ninety-nine cases out of a hundred leave the carcass to rot.

This amendment is a matter of great importance to the people of Alaska and in the interest of the protection of the deer. It ought to be adopted. Every true sportsman should favor it. I trust the gentleman will withdraw his point of order against the amendment. If he does not—and the Chair sustains it—I shall at once prepare and introduce a bill to accomplish the purpose desired.

The SPEAKER. The bill has entire relation to educational matters in Alaska and no relation whatever to deer, and therefore the amendment is clearly out of order.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

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

MESCALERO INDIAN RESERVATION, N. MEX.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

Joint resolution (H. Res. 213) setting aside certain lands within the Mescalero Indian Reservation, in New Mexico, for the use of the Indians thereon, and providing for the sale of the residue of the lands therein for the benefit of said tribe of Indians.

Resolved, etc., That the President of the United States be, and he is hereby requested and directed, through the Secretary of the Interior, to allot the lands of the Mescalero Apache Indians in Donna Ana County, N. Mex., to the individual members of said tribe, under the act of Congress of February 8, 1887, and of February 8, 1891, and that he negotiate with said tribe of Indians for the cession of the unallotted lands to the United States, and that the same be disposed of under all of the land laws of the United States.

For the purpose of carrying out this resolution the Secretary of the Interior is hereby directed to order an Indian inspector to the Mescalero Apache Agency, in New Mexico, to allot said lands among said Indians and to negotiate with said tribe for the relinquishment of all their interest in the unallotted portion of said reservation, and that such relinquishment be in the form of an agreement, which shall be subject to ratification and confirmation by Congress: *Provided*, That any agreement entered into by said inspector shall contain a proviso that the United States shall make no payment for the relinquishment of the title to said land until the receipt of funds from the sale thereof, and as fast as the lands opened for settlement are sold the money received from such sale shall be covered into the United States Treasury and placed to the credit of the said tribe of Indians.

The SPEAKER. Is there objection?

Mr. RAY of New York. Reserving the right to object, I desire to know what committee this comes from?

Mr. STEPHENS of Texas. This bill comes from the Committee on Indian Affairs, on a unanimous report from the committee.

Mr. RAY of New York. Do I understand the gentleman to say that this is a unanimous report?

Mr. STEPHENS of Texas. It is; I made the report myself in behalf of the committee. This bill has but few of the same provisions as were contained in the original bill. I introduced a bill providing for the acquirement of these lands, and provided that

allotments should be made to the Indians and the remainder thrown open for settlement.

In this reservation there are 471,000 acres of land. About 70,000 will be allotted to the Indians, who are 444 in number, and, giving 160 acres to each Indian, will leave 403,000 acres to be thrown open for settlement. The bill as originally introduced was to open the reservation unreservedly for settlement. The bill as amended and now under consideration provides that a commission shall be appointed by the President who shall negotiate a treaty with these Indians for the purpose of purchasing the land and have them allot the land among them, and then open the remaining lands for settlement after the treaty has been ratified by Congress.

Consequently this is only a preliminary step, and is necessary because a railroad from El Paso, called the El Paso and Northeastern Railroad, now a part of the Rock Island system, passes near the reservation, just to the west of it, and it is very necessary to the development of that country that this reservation should be thrown open to settlement.

The agent of these Indians, Capt. V. E. Stotler, has resigned and joined the Army, and when this agency was under his control he recommended strongly in different reports that this reservation should be opened to settlement, after first allotting to each Indian 160 acres of land. He stated that the Indians desired the lands allotted among them.

The lands where they now live are irrigable lands, and it is understood that the treaty would set apart irrigable lands to the Indians as their allotment for themselves, and the remainder would be opened for settlement. This opening of this reservation has frequently been requested by the governors of the Territory in different reports, and I hope there will be no objection to the bill.

Mr. RAY of New York. The bill seems to dispose of a large amount of land, or provides for it to be disposed of. What proportion of it will go to the Indians?

Mr. STEPHENS of Texas. About one-seventh, and after the treaty has been made with the Indians allotting them each 160 acres of land, the lands not allotted, six-sevenths, would be opened for settlement and be sold, and the money derived from the sale of the land would be placed to the credit of the Indian tribe.

All the moneys received from the sale of the land would be turned into the Indian fund, and the Government does not pay 1 cent for the land under this bill. Under the terms of the bill the United States pays nothing for the land. Whenever a man purchases a homestead the money goes to the Indians, and until it is purchased there will be no money to turn in. There is no burden on the Treasury, but it throws open 403,000 acres of a desirable country to settlement by white men.

Mr. LOUD. Let me ask the gentleman—does the present Delegate from New Mexico favor this bill?

Mr. STEPHENS of Texas. The present Delegate is opposed to it, but his predecessor was in favor of it, and I understand the succeeding one is in favor of it.

Mr. LOUD. Owing to the fact that the Delegate is not in a position to oppose it, I object.

The SPEAKER. Objection is made by the gentleman from California.

Mr. STEPHENS of Texas. Mr. Speaker, I move to suspend the rules and pass the bill.

The SPEAKER. The Chair will state that the Chair did not recognize the gentleman for that purpose.

BRIDGE ACROSS THE NIAGARA RIVER.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13973) to amend section 14 of the act approved June 29, 1898, entitled "An act to provide for the construction of a bridge across the Niagara River."

The Clerk read the bill, as follows:

Be it enacted, etc., That section 14 of the act approved June 29, 1898, entitled "An act to provide for the construction of a bridge across Niagara River," be, and the same is hereby, amended so as to read as follows:

"SEC. 14. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed by June 30, 1904."

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

Mr. HEPBURN. I object.

Mr. ALEXANDER. Mr. Speaker, I move to suspend the rules and pass the bill.

The SPEAKER. That is in the same situation as the last bill.

ISAAC R. DUNKELBERGER.

Mr. JETT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3283) for the relief of Isaac R. Dunkelberger.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and is hereby, authorized to nominate, and, by and with the advice and consent of the Senate, appoint Isaac R. Dunkelberger, late a captain, First United States Cavalry, and brevet lieutenant-colonel, United States Army, a captain of cavalry in the Army of the United States, and when so appointed he shall be placed on the retired list of officers of the Army.

Mr. RAY of New York. Mr. Speaker, reserving the right to object, I would like some explanation of this bill.

Mr. JETT. Mr. Speaker, this was a bill passed by the Senate in the first session of the Fifty-sixth Congress, and, as I remember, it was reported unanimously by the Committee on Military Affairs of the House during the last session. There was a great injustice done this officer at the time he was forced out of the service.

I want to say by way of parenthesis that I am as much opposed to putting officers on the retired list as any man on the floor of this House, but when a great injustice has been done, as I believe has been done to Captain Dunkleberger, I believe as a member of this body it is our duty to correct the error if it is in our power so to do. When he was dismissed his disabilities were such that he should have been placed upon the retired list at that time instead of being forced out of the service.

If any member of this House will take the time to investigate this report, he will ascertain also that his condition was the result of wounds received while in the line of service and that he should have been retired and placed on the retired list instead of being forced out of the service, as was done by some medical gentlemen.

Mr. BROMWELL. Mr. Speaker, I do not understand that the gentleman has given us any reason why this bill should be passed or this action should be taken; he has made an argument, but he has not stated any facts. We want the facts.

Mr. JETT. I will say to the gentleman from Ohio that when the act of 1870 was passed, forcing certain officers out of the service on account, as I understand, of the fact that the establishment had got top-heavy with officers, this man was forced out when he had a right to take advantage of his condition and disabilities and go onto the retired list.

Mr. BROMWELL. How was he forced out?

Mr. JETT. He was forced out under an act passed by the Congress of the United States, which went into effect, I think, January 1, 1871. At the time this was done he had received such injuries in the service before as entitled him to take the benefit of the law that would have placed him on the retired list.

In other words, he could have gone before a certain board provided for by law, and if they found he was suffering from certain disabilities resulting from injuries received in the line of service he would be entitled to be placed on the retired list. Instead of that he was forced out of the service. He was not given that notice to which he was entitled before he was forced out of the Army.

Mr. BROMWELL. Mr. Speaker, I object to this bill.

Mr. HULL. Will not the gentleman withhold it a minute?

Mr. BROMWELL. I will reserve the objection, Mr. Speaker.

Mr. HULL. Mr. Speaker, I think the gentleman from Illinois has stated the facts partially. Under that act the man was entitled, if he was subject to retirement, to notice, and had a right to appear before the retiring board. This officer had no notice of the action of the Department until he was entirely out of the service. Serving where he was, he had no knowledge that he was even to be retired or dismissed from the service until it was an accomplished fact.

Now, Mr. Speaker, I would not be in favor of retiring officers because they were out of the service as the result of the act of 1870. The act was right, and if they had received proper notice so they could protect their interests, and then they were dismissed by the Department, this Congress, nor no other Congress, should ever interfere in the matter. But in place of this man having the right to do as he had under the law and go before a retiring board, the "benzine board," as it was called, situated in Washington, did not comply with the law and give him notice.

Mr. BROMWELL. Was that the case with other officers of the Army at that time?

Mr. HULL. Very few; and most of them have been retired by act of Congress.

Mr. BROMWELL. How many other cases are there probably of this kind?

Mr. HULL. I do not know of any.

Mr. BROMWELL. Twenty-nine years afterwards he comes here to have this thing corrected.

Mr. HULL. It is not twenty-nine years. He has been fighting for it and got favorable reports for a number of years. I yield to my colleague [Mr. CAPRON].

Mr. CAPRON. Mr. Speaker, I only want to say a word which I think may be of interest and perhaps will strengthen this case, having been on the subcommittee which examined it from the beginning. In the report you will find that it says this case was referred to the Secretary of War April 20, 1871, and he says "If this applicant can be sent before a retiring board legally, I think he should be sent." That is signed "U. S. Grant."

A little later on there is a statement, "I am afraid that injustice has been done him," meaning Captain Dunkleberger. And that

is signed by "P. H. Sheridan, U. S. A.," and the board of physicians say the same thing. No stronger case was ever brought before that committee than this.

Mr. RAY of New York. Then, as I understand, this man is not out of the service and is not seeking relief because of any official misconduct or moral turpitude?

Mr. CAPRON. Not at all.

Mr. RAY of New York. As I understand, similar relief has been granted in a large number of cases?

Mr. CAPRON. Yes, sir.

Mr. HULL. Let me add that everyone of this man's disabilities was contracted during his service in the civil war—from wounds received in battle.

Mr. CAPRON. No man who reads this man's record could object to the bill.

Mr. BROMWELL. If this explanation had been made in the first place, I should not have objected. I now withdraw the objection.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

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

JAMES A. SOMERVILLE.

Mr. THOMAS of Iowa. I ask unanimous consent for the present consideration of the bill (H. R. 7603) to correct the military record of James A. Somerville.

The bill was read, as follows:

Be it enacted, etc., That the charge of desertion now standing against James A. Somerville, late of Company D, Fifth New Jersey Volunteer Infantry on the records of the War Department, be, and the same is, removed, and the Secretary of War is hereby directed to issue to said James A. Somerville an honorable discharge, the same to date from the muster out of the said Fifth New Jersey Infantry.

The amendment reported from the Committee on Military Affairs was read, as follows:

Strike out the last two lines of the bill and insert in lieu thereof the following: "dated December 10, 1862: *Provided*, That no pay, bounty or other emoluments shall become due or payable by virtue of the passage of this act."

Mr. HAY. I would like some explanation of the bill.

Mr. HALL. Let the report be read.

The report was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 7603) to correct the military record of James A. Somerville, report the same back to the House favorably, with the recommendation that it do pass with the following amendment:

Strike out the last two lines of the bill and insert in lieu thereof the following: "dated December 10, 1862: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

Lieutenant Somerville was sent to hospital from Fair Oaks in July, 1862. He was dismissed in December for absence without leave, although he was then in hospital at Newark, N. J., and so reported by the surgeons, who stated that he was not fit for active service. In February, 1863, he asked that the dismissal be revoked and that he be granted an honorable discharge. The military commission reported that he ought not to be restored to the service, and took no action. He was notified that he had no appeal.

Beyond all question he was dismissed while he was in hospital, without notice. No reason can be given for the dismissal, and he is entitled to an honorable discharge with the usual proviso.

We add the record in this case as an appendix.

Mr. KING. I would like to ask whether this bill, if passed, will give this man a pensionable status?

Several MEMBERS. They all do that.

Mr. KING. Then I shall object.

Mr. CAPRON. The record shows that this man never deserted.

Mr. KING subsequently withdrew his objection, and the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

RIVER IMPROVEMENTS AT ST. JOSEPH, MO.

Mr. COCHRAN of Missouri. I ask unanimous consent for the consideration of the resolution which I send to the desk.

The Clerk read as follows:

Be it resolved by the House of Representatives (the Senate concurring), That the Secretary of War is hereby instructed to send to the House of Representatives information as to the information and recommendations contained in the supplemental report of the Missouri River Commission as to river improvements at St. Joseph, Mo.

Mr. COCHRAN of Missouri. Mr. Speaker, my reason for asking the adoption of this resolution is that the report which it asks for can not be made available for the use of the House or the Senate except by the adoption of a resolution of this kind.

There being no objection, the House proceeded to the consideration of the resolution, and it was adopted,

JAMES W. LONG.

Mr. WM. ALDEN SMITH. I ask unanimous consent to take up for consideration the bill (H. R. 3651) placing James W. Long, late a captain of the United States Army, on the retired list.

The bill was read, as follows:

Be it enacted, etc., That the President be, and is hereby, authorized to place the name of James W. Long, late a captain in the United States Army, upon the retired list of the Army, in the class whose disabilities result from wounds received in battle, with the rank and pay of a captain of infantry.

The amendment reported by the committee on Military Affairs was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the President be, and is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint James W. Long, late captain in the United States Army, a captain of infantry, and to thereupon place his name upon the unlimited retired list of the Army, in the class whose disabilities result from wounds received in battle, with the rank and pay of a captain of infantry, retired."

The SPEAKER. Is there objection?

Mr. HAY. Reserving the right to object, I ask the reading of the report.

The SPEAKER. The report will be read unless the gentleman would prefer to hear a statement.

Mr. WM. ALDEN SMITH. Mr. Speaker, I am satisfied that no unanimous consent has been asked of the House upon a more meritorious bill than the one I have presented. Indeed, I do not look with favor upon special bills of this character ordinarily, though I have never yet objected to one where the member presenting it felt that it was proper legislation, and I do not think there will be anyone in the House who will consider this measure improper from any standpoint. This is the first unanimous consent I have asked, and I should not avail myself of this privilege were it not for the fact that a great injustice has been done Maj. James W. Long, which it would be proper and right that Congress should rectify.

Major Long was appointed second lieutenant by President Lincoln in 1861, and served in the Regular Army for ten years. There is not a blemish upon his record. He was gallant, fearless, punctual, soldierly in his conduct and in his bearing, from the time he entered the Union Army until he severed his connection therewith. He bears many honorable wounds upon his person, the most serious of which has destroyed the sight of one eye and left his face somewhat mangled and disfigured, as the result of loyal services to his country.

He was recommended for retirement in 1867 on account of wounds, but the War Department, knowing he was a valuable man and an excellent soldier of exceptional ability, assigned him to service as Indian agent for the State of Michigan, under an old law set forth in section 2062 of the Revised Statutes. This was during the Administration of President Grant, when Army officers were assigned to Indian service. His work was of the most delicate character, and he did it with signal ability, calling forth the commendation of the Department many times while he was thus engaged.

He was with the Army of the Potomac, and participated in the campaigns of that army at Yorktown, Gettysburg, and the seven days' fight on the Peninsula, during which time—at the battle of Gaines Mill—he received three wounds, one from a pistol ball, a shell in the left foot, and an Austrian rifle ball, explosive caliber .69, which entered his face at the right ala of the nose, passing upward, outward, and downward, fracturing the superior maxillary bone, lodging at the lower angle of the jaw, from which it was afterwards extracted by Asst. Surg. Gen. W. C. Spencer, of the United States Army.

This latter wound thoroughly disabled him, and he was sent to the rear. Upon his arrival in Washington he was examined and ordered to his home to recruit his health and obtain necessary medical treatment. While at his home, and before his wound was healed sufficiently to allow of the removal of the bandages, he was placed on recruiting service, and from that time on he was either in the field or on special duty, or under medical care during the balance of his service, and during this fearful test of his physical condition he went through severe campaigns and battles and hardships, commanding his regiment through the battles of the Wilderness and Spottsylvania Court-House, where he was again prostrated by an attack which ended in typhoid fever and resulted in a long and dangerous sickness.

Again Surgeon Norris insisted on his retirement, but again this splendid officer was ordered on special duty, both at Louisville, Ky., and Trenton, N. J. From Trenton he was ordered back to the regiment at Newport Barracks, Ky., and from there to Louisville, and from there to Jeffersonville and Warsaw, where he was in command of the post.

Thence he was ordered to Atlanta, Ga., with his regiment, for consolidation of the Sixteenth and Second Regiments of the United States Infantry, all of which is set forth in General Orders of the War Department, under date of March 15, 1869. While at Atlanta, this officer, who served continuously through the entire civil war, who had endured hardships that no one thought he could stand, who had suffered from wounds that weaker men would have yielded to, who was dauntless and fearless in battle, and intelligent and discriminating in the performance of his every duty, was finally ordered before the examining board at Atlanta, Ga., and by that board found to be disqualified for active service on account of physical disability.

By the decision of this Atlanta board he lost his regimental

standing of the company, the association of nearly ten years of service, and was practically told that on account of his physical disabilities he was no longer fit for active service. This meant, according to the laws of Congress, his retirement from active service, with the right to appear before a regularly constituted retiring board.

This, however, was not done, but Major Long, after going to his home and reporting his address, as prescribed, was ordered to the Indian service by General Orders No. 49 of the War Department, May 7, 1869. He was placed in charge of the Mackinac Indian Agency, performing all of the duties required of him and drawing the pay to which he was entitled as an officer of the Army on duty. While holding this civil position by the direction of the War Department he was made ineligible to assignment on the active list of the Army, the decision of the Atlanta board standing in his way; and to further complicate his status, the following paragraph in public act 185, approved July 15, 1870, was enacted by Congress:

SEC. 18. *And be it further enacted*, That it shall not be lawful for any officer of the Army of the United States on the active list to hold any civil office, either by election or appointment, and any such officer accepting or exercising the functions of a civil office shall at once cease to be an officer of the Army, and his commission shall be vacated thereby.

Now, Mr. Speaker, there was but one remedy for this gallant soldier after this law was passed, and that was to get off the active list. He having been pronounced unfit for active service, and having lost his regimental position and status by virtue of the decision of the Atlanta board, he made application to be ordered before the retiring board, which was done, and that tribunal found that he was fit for active service, contrary to the finding of the Atlanta board, who said that he was not fit for such service.

Major Long was then the Indian agent. He could not help it; he was acting under orders. He could not leave his post without being relieved; had he done so, he would have been tried by court-martial and dismissed. He was not relieved from duty, and he could not relieve himself, and found that the only alternative for him was to resign, or be legislated out after ten years of service, with two brevets, both for bravery in battle, and under this misinterpretation of his rights he resigned, receiving an honorable discharge. General Corbin, Adjutant-General of the Army, says Major Long's "record is good."

There is no dismissal by court-martial to be explained away. There are no charges of any kind against him. His record is eloquent with gallant service during the whole period of his Army career. He is entitled to be restored, and I urge my associates here to give this just and proper recognition to this splendid soldier. When the Atlanta board found him unfit for service he was entitled to be retired, and this is but a very tardy act of justice which I seek to accomplish for him to-day. The following letter, written by Brig. Gen. and Chief Signal Officer A. W. Greely to the chairman of the Committee on Military Affairs, is a high testimonial to Major Long's service as a soldier. The letter says:

WASHINGTON, *December 4, 1900.*

MY DEAR Mr. HULL: I have always viewed applications for restoration to the Army with disfavor, but from a knowledge of the case of James W. Long I believe that his is one of exceptionable hardship and that this restoration of a man very badly wounded and practically forced out of the service, through no fault of his own, has particular merits. I earnestly hope that his bill will pass.

Yours, truly,

A. W. GREELY,
Brigadier-General, Chief Signal Officer U. S. A.

Hon. J. A. T. HULL,
Chairman Military Committee, House of Representatives.

With such a record as this soldier has, Congress is justified in doing for this soldier what should have been done for him years ago. I urge it in the interest of justice and in recognition of a most worthy officer of our Army.

Mr. UNDERWOOD. Is this gentleman now receiving a pension on account of his injuries in the service?

Mr. WM. ALDEN SMITH. I do not so understand. He has for years been anxious to have a measure of this kind passed so that he could go back to the Army, where he belongs.

Mr. UNDERWOOD. Is he seeking to go back into the Army on the retired list?

Mr. WM. ALDEN SMITH. He is seeking to go back into the Army.

Mr. UNDERWOOD. Does not this bill provide for his retirement?

Mr. WM. ALDEN SMITH. Yes; he may be retired.

Mr. UNDERWOOD. I would like to understand this matter distinctly, because if this bill proposes to retire him I will object; if it merely seeks to give him a status in the Army, that he may go upon regular duty, I will not object.

Mr. WM. ALDEN SMITH. The gentleman has not objected to other cases less meritorious than this.

Mr. UNDERWOOD. I beg the gentleman's pardon.

Mr. WM. ALDEN SMITH. I have never asked unanimous consent, and would not now, if this case were not highly meritorious.

Mr. UNDERWOOD. I am not making any objection against the gentleman, but against his bill.

Mr. WM. ALDEN SMITH. I want to put this officer back where he belongs.

Mr. UNDERWOOD. I would like to have the bill read again.

The SPEAKER. If there be no objection the bill will be again read.

The bill with the amendment was again read.

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I ask that the bill be read again.

The bill was again reported.

Mr. UNDERWOOD. Mr. Speaker, I object to the bill.

The SPEAKER. Objection is made.

NEW DIVISION OF EASTERN JUDICIAL DISTRICT OF TEXAS.

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

The Clerk read as follows:

A bill (H. R. 14260) to amend an act entitled "An act to constitute a new division of the eastern judicial district of Texas, and to provide for the holding of terms of court at Sherman, Tex., and for the appointment of a clerk of said court, and for other purposes," approved February 19, 1901.

Be it enacted, etc., That section 5 of said act be, and the same is hereby, amended to read as follows:

"SEC. 5. That the clerk of the circuit court of said eastern district shall maintain an office, in charge of himself or a deputy, at the said city of Sherman, which shall be kept open at all times for the transaction of the business of said division; and the district judge for the said eastern district shall appoint a clerk of the district court who shall maintain an office at the said city of Sherman, which shall be kept open at all times for the transaction of the business of said division."

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

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

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

CONSTRUING THE ACT APPROVED JUNE 27, 1900.

Mr. LINNEY. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution No. 8.

The Clerk read as follows:

Joint resolution (S. R. 8) construing the act approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents."

Resolved, etc., That the act approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," is construed and held to include all persons who served for ninety days in the military or naval service of the United States during the late war of the rebellion, and who have been honorably discharged therefrom: *Provided, however*, That the foregoing shall not apply to those who served in the First, Second, Third, Fourth, Fifth, and Sixth regiments United States Volunteer Infantry who had a prior service in the Confederate army or navy.

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

In line 11, after the word "from," insert:

"Nothwithstanding a prior service in the Confederate army or navy, and section 4716 of the Revised Statutes of the United States is amended accordingly."

After the word "navy," in line 3, on page 2, add:

"Nor to those who served more than one year in the Confederate army or navy; nor to those who, having had such prior service, enlisted in the military or naval service of the United States after the 1st day of January, 1865: *And provided further*, That no pension shall be granted for any disability incurred while aiding or abetting the late rebellion; and that no pension shall be granted under this resolution except on application therefor filed after its passage."

The SPEAKER. Is there objection?

Mr. PAYNE. Reserving the right to object, I want the bill explained. It looks that the bill might be held to include every person who served ninety days in the Army.

Mr. LINNEY. It does not.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I want to say that we can not hear one solitary word of what is being said, and unless we can we will object.

The SPEAKER. If the gentleman in charge of a bill would talk distinctly so that all could hear him, it would preserve order. The trouble is they talk between themselves, instead of in a manner that they should if they were addressing an audience of 10,000 people, which is necessary in this Hall.

Mr. LINNEY. Mr. Speaker, I think I can explain the resolution so that there will be very little, if any, objection to it on its merits. Discriminations have been made by a construction of section 4715 of the Revised Statutes touching pensions, which reads as follows:

No money on account of pensions shall be paid to any person, or to the widow, children, or heirs of any deceased person, who in any manner voluntarily engaged in or aided or abetted the late rebellion against the authority of the United States.

Now, by various amendments and constructions of this section, I find that there have been seven separate exceptions made. The first is, widows of soldiers who served in the Revolutionary war; second, those who served in the war of 1812 against Great Britain; third, those who served in the Mexican war; fourth, those who

served in the Indian wars; fifth, those who served in the Spanish war (though they had formerly been Confederate soldiers); sixth, those who received a pensionable disability in the United States Army (see act of March 3, 1877), and, seventh, those who received a pensionable disability in the United States Navy, although the soldier may have given former service to the Confederate cause.

No soldier, whatever may have been the character of his service, and whatever may have been the injuries originating in the service in the Federal Army, is entitled to a pension. Now, this resolution, as I understand it, and I do not think it is capable of any other construction, simply places the soldier himself upon the same footing—that is, where he has received injuries in the Federal service—as other soldiers who are now receiving a pension.

Those who served in certain regiments mentioned in this resolution—First, Second, Third, and Fourth Infantry—shall not get anything. Why? Because it has been generally supposed that those persons enlisted in the service of the United States under an agreement that they were not to fight their former comrades, but to do service in the Indian wars, or something of that sort, and to receive no bounty or pension. This resolution expressly excepts them, and these will take no benefits whatever from my resolution.

Mr. RICHARDSON of Alabama. Will the gentleman allow me to ask him a question?

Mr. LINNEY. Certainly.

Mr. RICHARDSON of Alabama. I understand you to say now that men who belonged to the Confederate army and afterwards fought in the Union Army are not entitled to a pension.

Mr. LINNEY. He is not, as the law is now construed.

Mr. RICHARDSON of Alabama. That is right.

Mr. LINNEY. Those who joined the Federal Army and rendered faithful service have much merit in their claim for pension now, because the Government accepted their services, and is thereby estopped now to say they are not entitled to the same treatment that their comrades get.

Mr. RICHARDSON of Alabama. I am opposed to giving pensions to men who were in the Confederate army and joined the Union Army.

Mr. LINNEY. Will you do me the kindness to hear me a moment? There were many men of the South who went into the Southern army under influences they could not resist, and the first opportunity they joined the Federal Army and did good service. Are they not entitled to a pension?

Mr. RICHARDSON of Alabama. I am for giving a pension to any true, loyal Federal soldier in every way, shape, and form, and opposed to Confederates receiving a pension, because I am opposed to rewarding a man who deserts any cause.

Mr. LINNEY. As a general rule your proposition may be correct; but, Mr. Speaker, when the Government desired his services and welcomed him into the ranks of the Federal Army, he is in every sense a Federal soldier. There is one class just as worthy as any soldier. Suppose a man volunteered, under peculiar influence brought to bear, in the Confederate army, and honestly seeing his error, joined the Federal Army and shed his blood for the Union, is he not even more of a hero than the average soldier?

Conscription began and was rigidly enforced from 1862 to 1864. It took in our boys at the tender age of 17 years. Now, who doubts the patriotism of a boy of 17 years, who under strong pressure joined the Confederate army, and, following his convictions, left it? Has he not shown more moral courage than the average soldier if he afterwards was loyal to the last to the Union cause?

Mr. BROMWELL. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BROMWELL. All this discussion, as I understand, is subject to the objection reserved?

The SPEAKER. It is all under the unanimous-consent privilege.

Mr. BROMWELL. And the objection can still be made.

The SPEAKER. An objection from any member prevents consideration.

Mr. HAY. Will the gentleman allow me to ask him a question?

Mr. LINNEY. Certainly.

Mr. HAY. Is it the purpose of this bill to put on the pension list men who were in the service of the Confederacy and then served in the Federal Army?

Mr. LINNEY. Under certain restrictions, it is.

Mr. HAY. I object.

The SPEAKER. Objection is made.

ADDITIONAL POWERS TO MARINE-HOSPITAL SERVICE.

Mr. MEYER of Louisiana. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 4171.

A bill (S. 4171) to amend "An act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service," approved February 15, 1893.

Be it enacted, etc., That an act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service, approved February 15, 1893, be amended and added to as follows:

That section 6 of said act shall be amended to read as follows:

"SEC. 6. That on the arrival of an infected vessel at any port not provided with the proper facilities for treatment of the same the Secretary may remand said vessel, at its own expense, to the nearest national or other quarantine station where accommodations and appliances are provided for the necessary disinfection and treatment of the vessel, passengers, and cargo; and after treatment of any infected vessel, or inspection of any vessel not infected, at a national quarantine station, and after certificate shall have been given by the United States quarantine officer at said station that the vessel, cargo, and passengers are each and all free from infectious disease or danger of conveying the same, said vessel shall be permitted to enter and admitted to entry at any port of the United States named within the certificate. But at any ports where sufficient quarantine provision has been made by State or local authorities the Secretary of the Treasury may direct vessels bound for said ports to undergo quarantine at said State or local station."

That there shall be added the following sections:

"SEC. 10. That national quarantine stations shall be conducted in accordance with the provisions of this act, and the Supervising Surgeon-General, with the approval of the Secretary of the Treasury, is authorized to designate and mark the boundaries of the quarantine grounds and quarantine anchorages for vessels, which are reserved for use at each United States quarantine station; and any vessel or officer of any vessel or other person trespassing or otherwise entering upon such grounds or anchorages in disregard of the quarantine rules and regulations, or without permission of the officer in charge of such station, shall be deemed guilty of a misdemeanor and subject to arrest, and upon conviction thereof be punished by a fine of not more than $300 or imprisonment for not more than one year, or both, in the discretion of the court.

"Any master or owner of any vessel, or any person violating any provision of this act or any rule or regulation made in accordance with this act, relating to inspection of vessels or relating to the prevention of the introduction of contagious or infectious diseases, or any master, owner, or agent of any vessel making a false statement relative to the sanitary condition of said vessel or its contents or as to the health of any passenger or person thereon, shall be deemed guilty of a misdemeanor and subject to arrest, and upon conviction thereof be punished by a fine of not more than $500 or imprisonment for not more than one year, or both, in the discretion of the court.

"SEC. 11. That at any port or place in the United States where the Secretary of the Treasury shall deem it necessary for the prevention of the introduction of contagious or infectious disease from a foreign port or place that incoming vessels, vehicles, or persons shall be inspected by a national quarantine officer, such officer shall be designated or appointed by the Secretary of the Treasury, on recommendation of the Surgeon-General of the Marine-Hospital Service; and at any such port or place no vessel, vehicle, or person from any foreign port or place shall be admitted to entry or enter without a certificate of said officer that the United States quarantine regulations have been complied with.

"Any vessel sailing from any foreign port without the bill of health required by section 2 of this act, and arriving within the limits of any collection district of the United States, and not entering or attempting to enter any port of the United States, shall be subject to such quarantine measures as shall be prescribed by regulations of the Secretary of the Treasury, and the cost of such measures shall be a lien on said vessel, to be recovered by proceedings in the proper district court of the United States and in the manner set forth above as regards vessels from foreign ports without bills of health and entering any port of the United States.

"SEC. 12. That the medical officers of the United States, duly clothed with authority to act as quarantine officers at any port or place within the United States, and when performing the said duties, are hereby authorized to take declarations and administer oaths in matters pertaining to the administration of the quarantine laws and regulations of the United States."

The SPEAKER. Is there objection?

Mr. FITZGERALD of New York. Reserving the right to object, I would like to ask the gentleman if there is in any way any interference with the State's rights?

Mr. MEYER of Louisiana. Not in any way.

The SPEAKER. The Chair hears no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. MEYER of Louisiana, a motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES M. STRADLING.

Mr. GARDNER of New Jersey. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill H. R. 12807.

The Clerk read as follows:

A bill (H. R. 12807) for the relief of James M. Stradling.

Be it enacted, etc., That James L. Stradling shall be held and considered to have been mustered into the service of the United States as a second lieutenant of the First Regiment of New Jersey Cavalry Volunteers on the 19th day of July, 1864, and that the Secretary of War be, and he is hereby, authorized and directed to issue to him a certificate of discharge as a second lieutenant of said regiment, to date from the 16th day of September, 1864: *Provided*, That nothing in this act shall be so construed as to entitle the said Stradling to receive any pay, allowances, or pension.

The amendment recommended was read, as follows:

In line 3 strike out the letter "L" and insert the letter "M."

Mr. SLAYDEN. Mr. Speaker, reserving the right to object, I would like to have the report read in that case.

Mr. GARDNER of New Jersey. Possibly I can save time by stating the case in a few sentences.

James M. Stradling enlisted in the First New Jersey Cavalry Volunteers as a private in 1861, and served until 1864. He was promoted to corporal, sergeant, and finally quartermaster-sergeant. On the 19th day of July, 1864, he was recommended for promotion to a second lieutenancy, to fill a vacancy then existing, and the company contained 102 members, or above the number of men required.

The commission was issued as of the date of July 19, 1864. For a reason that has never been explained it never reached him. He was mustered out September 16, 1864, without having been mustered in as a lieutenant. This bill simply requires the Secretary of War to issue to him a discharge as second lieutenant instead of quartermaster-sergeant.

Mr. SLAYDEN. Do I understand the gentleman to say that the company had a sufficient number of men?

Mr. GARDNER of New Jersey. It had 102 men—2 more than necessary.

Mr. SLAYDEN. How do the War Department explain the failure of this commission to reach him?

Mr. GARDNER of New Jersey. The War Department had nothing to do with it. Volunteer commissions were issued by the governors of the States; they were sent by mail to the commandants of the regiments.

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

The amendment was agreed to.

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

On motion of Mr. GARDNER of New Jersey, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE OVER THE NIAGARA RIVER.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent for the present consideration of House bill 13973, to amend section 14 of the act approved June 29, 1898, entitled "An act to provide for the construction of a bridge across the Niagara River."

The SPEAKER. This is the bill that has been already once read this morning?

Mr. ALEXANDER. Yes.

The SPEAKER. The Clerk will read the bill again by its title.

The Clerk again read the title of the bill.

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

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

On motion of Mr. ALEXANDER, a motion to reconsider the last vote was laid on the table.

LIEUT. ROBERT PLATT.

Mr. MEYER of Louisiana. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3077) authorizing the President to appoint Lieut. Robert Platt to the rank of commander.

The bill was read at length.

Mr. UNDERWOOD. Mr. Speaker, I think I shall have to object. I understand this is taking a civilian and putting him on the retired list.

Mr. MEYER of Louisiana. My friend from Alabama is in error. Lieutenant Platt is now an officer of the Navy and has been in service since the civil war. He was made a lieutenant in the Navy a generation ago for gallant services in that war. For certain reasons which I do not know, perhaps because of prejudice against civilian officers then existing, a limitation to the act appointing him barred him from promotion. Under existing law a naval officer can not be retired for age unless he has reached the rank of commander.

Hence he is still on the active list, although 67 years of age. He has served faithfully in the low grade of junior lieutenant for over thirty years. This bill proposes to retire him with rank of commander, but to meet the objections of certain members I have sent to the desk an amendment providing that he shall be retired with the rank of lieutenant, which is the next higher grade to the one he now occupies. The Senate has several times passed an act authorizing him to be retired to a higher grade. The bill is unanimously approved by the Committee on Naval Affairs, and I urge it as an exceedingly worthy one. Lieutenant Platt is old, infirm, and deserves this consideration.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. I regret, Mr. Speaker, to object, but, as I understand it, it is to put a man on the retired list, and I renew my objection.

AMERICAN REGISTER FOR THE BARKENTINE J. C. PFLUGER.

Mr. KAHN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5331) to provide an American register for the barkentine *J. C. Pfluger*, of San Francisco, Cal.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built barkentine *J. C. Pfluger*, of San Francisco, Cal., purchased and wholly owned by a citizen of the United States and repaired by him, to be registered as a vessel of the United States.

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

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

On motion of Mr. KAHN, a motion to reconsider the last vote was laid on the table.

FRANK B. CASE.

Mr. METCALF. Mr. Speaker, I desire to present a conference report on the bill (H. R. 11598) for the relief of Frank B. Case, and I ask unanimous consent that the reading of the report be dispensed with and that the statement only be read.

Mr. UNDERWOOD. I desire, Mr. Speaker, to reserve all points of order to the report.

The SPEAKER. Points of order are reserved to the report, but no objection is made to the request.

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. 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.

V. H. METCALF,
JAMES E. WATSON,
ADOLPH MEYER,
Managers on the part of the House.
EUGENE HALE,
WILLIAM E. CHANDLER,
B. R. TILLMAN,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The House bill authorizes the President to appoint Frank B. Case a line officer in the Navy, with the proviso that when appointed "he shall perform shore duty, or such duty at sea as the physical disability for which he was retired will permit."

The amendment of the Senate authorizes the President to nominate and, by and with the advice and consent of the Senate, to appoint said Case upon the retired list of the Navy, with the rank of ensign.

In view of the fact that the disability of said Frank B. Case applies only to the question of his vision, and that under the statute the Secretary of the Navy is empowered to assign him to shore duty in any branch of the naval service for which he may be qualified, your conferees recommend that the House recede and concur in the Senate amendment.

Mr. UNDERWOOD. I understand this is a private bill?

Mr. METCALF. It is a private bill.

Mr. UNDERWOOD. I desire to oppose the conference report and I ask the gentleman to yield me sufficient time to be heard.

Mr. METCALF. How much time does the gentleman desire?

Mr. UNDERWOOD. Ten minutes, although I may not use all of it.

Mr. METCALF. Very well; I will yield to the gentleman ten minutes.

Mr. UNDERWOOD. Mr. Speaker, this is a similar case to the bill that has just been before the House. The House bill, it seems, was passed providing that this officer might be once more enlisted in the Navy. As I recollect the bill when it came before the House, it was shown that he was retired on account of color-blindness, anp the board retired him permanently from the Navy. It was afterwards discovered that he could do duty on shore.

A bill was brought in here placing him back in the Navy, where he could serve the Government and could be of service to the Government, giving the Government the benefit of his time for the money that was paid. He is a young man, if I recollect the report right. His services can be used; he is healthy; there is no objection to him in the world, except he is color-blind and could not recognize the signals on board of ships at sea.

Mr. SOUTHARD. I would like to ask the gentleman what is to prevent his being detailed if put on the retired list?

Mr. UNDERWOOD. I do not want him put where he does not have to work. When the Government of the United States employs a man and pays him a salary it should be his duty to work.

Mr. SOUTHARD. Is it not a fact that he would have to work if detailed?

Mr. UNDERWOOD. I do not think the details are ever made except in time of war. If you expect him to be detailed and sent back to work, why not insist on the House bill and put him on the retired list of the Navy, where he can work? It has been repeatedly said in this House within the last few days that they wanted to place men on the naval list because the Navy needed the men, that it needed trained men, and there is but one reason that can be assigned for this why he should not be placed on the regular list as provided by the House bill, and that is that a little clique of naval officers want to have their sea service cut down and be able to stay at home in fat positions as long as possible.

If this man was put on duty he would have to be assigned to shore duty, and it would possibly, for a few days or a few weeks, prevent some able-bodied naval officer from occupying that position.

Mr. METCALF. Will the gentleman allow me an interruption?

Mr. UNDERWOOD. Yes.

Mr. METCALF. Under the House bill he would be named as a line officer to perform practically shore duty, and as such officer perform shore duty, and for shore duty he would receive $2,500 a year, and when performing duty at sea, $3,000 a year. Under the act of June, 1900, if he is placed upon the retired list, the Secretary of the Navy can order him to active duty, and if ordered to active duty on shore he would draw $1,480. He is now drawing $1,800 in the Judge-Advocate-General's department.

Mr. UNDERWOOD. If he is color-blind and is only performing shore duty he ought not to be sent to sea. If he can perform shore duty, there is no reason why he should not be assigned to a

position down at Indian Head, where color-blindness would not interfere with him.

There is no reason why he can not go out to one of these shipyards to superintend work done for the Government. There is no reason why he can not be sent to Bethlehem to inspect armor plate. There are thousands of positions in which this man's services could be used. If it is true, as high naval officers have asserted, that the Navy is in need of officers, it would be very proper to put him on the active list and let him engage in some work for the Government. But that is not what is wanted. The object is to put him on the retired list. I know there is a provision of law that a retired naval officer may be assigned to active duty. But I ask gentleman to tell me a case where any naval officer is so assigned.

Mr. METCALF. There are such assignments in the Judge-Advocate-General's Department. I made inquiry at the Navy Department and learned that in every instance the Secretary of the Navy orders retired officers to active duty, if they are competent to perform it. This man is forty-two years old. Under the act of 1900 he would have to serve for twelve years, when he would reach the age of fifty-four. If placed on the retired list he would have to be placed there as an ensign, drawing half pay.

Mr. UNDERWOOD. If he is to be assigned to duty, why can we not fix that now and let him be retired at a proper age? But if he is placed on the retired list, he can bring his political influence to work, can avoid any assignment to active duty, can go on and attend to his private business. While on the retired list, unless the Secretary of the Navy should assign him to active duty, he will draw three-fourths pay.

Mr. Speaker, we have reached the point where officers of the Army or Navy, after resigning in order to engage in civil business—after getting tired of the Army and Navy and seeking to launch their fortunes on the sea of commerce—come back to Congress, after making a failure in civil life, and, upon some excuse, want to be put on the retired list, where they may live upon the bounty of the Government for the balance of their lives. I say it is time to call a halt upon this practice.

Mr. SOUTHARD. Mr. Case never resigned from the Navy. He was wholly retired.

Mr. UNDERWOOD. I am not speaking particularly of this case. I am speaking of the practice of putting men on the retired list. We have a pension list. If an officer has been injured in the service, we provide that he shall receive a pension.

But as for this practice of men getting bills through here by means of political influence, to put them on the retired list for the rest of their lives, drawing pay from the Federal Treasury, it is time this practice should be stopped. I hope the House will vote down the conference report.

Mr. METCALF. I yield five minutes to the gentleman from Ohio [Mr. SOUTHARD].

Mr. SOUTHARD. Mr. Speaker, I wish to say that there is no case similar to this. There never has been a retirement in the naval service from which this case is not easily distinguishable. I wish to occupy only a moment in stating the circumstances under which this retirement was brought about.

Mr. Case entered the Naval Academy, I think, in 1873. He was wholly retired some time in the eighties, just after a long cruise in the Arctic regions. His incapacity for active service developed on an examination for promotion. It was discovered that he was either permanently or temporarily color-blind. At that time the medical officers of the Department were insisting that color-blindness was congenital—that it could never be acquired. Mr. Case was retired under a different rule from that under which anybody else has been retired for color-blindness since we have had a Navy.

This was the first retirement in that service for color-blindness. Three or four or five officers have been retired since that time for color-blindness; and a different rule has been followed in their cases from the rule which was applied in this case. All the others have been retired either on half pay or three-fourths pay.

We doubt, of course, whether this is a genuine case of color-blindness. Prior to the Spanish war Mr. Case was examined for the railroad service and passed. During the Spanish war he came down here to be examined for the naval service. The medical board at the navy-yard here examined him. He was passed by that board as not being incapacitated because of color-blindness. He then disclosed, as he ought to have done, the fact that he had been retired from the Navy because of color-blindness.

The board examined him again, and then two out of the three members of the board were in favor of passing him. Some dispute arose, and they finally concluded to reject him. Out of some two or three hundred tests in distinguishing different shades of color he made only two or three mistakes. I believe that his color vision is to-day as correct as that of most men.

But he was retired under a different rule from that which has been applied in the case of any other retirement in the naval service. No one who has examined this case has failed to concede readily that a great injustice was done Mr. Case.

The bill to restore him to the active list passed this House and went to the Senate. The Senate for some reason or another would not agree to it.

Now, something ought to be done. This injustice ought to be remedied. For fourteen or fifteen years he has been kept out of what is his just due. Let the same rule be applied to him as has been applied to every other officer in the Navy similarly situated. There is no one who has examined this case who does not agree that a great injustice has been done.

Mr. UNDERWOOD. I hope the gentleman will understand that I have no objection to this man being restored to the service and being put to work. It is admitted that he is competent for some classes of work in the Department. He ought to be assigned to such duty as he is qualified for. But because the United States Senate insists on his retirement why should we, as we too often do, lie down before that body?

Mr. SOUTHARD. I agree with the gentleman that the other bill—the bill introduced in the House—provided what ought to be done. But the Senate will not agree to it. If this bill passes, what will be the result? This man will be detailed for service at an annual salary of $300 less than he is now receiving. That will be the result of retirement. It will do him something of an injustice. But the two Houses ought to agree on something. There is no denial of the fact that we ought to do something for Mr. Case.

[Here the hammer fell.]

Mr. METCALF. I yield five minutes to the gentleman from Missouri [Mr. COWHERD].

Mr. COWHERD. Mr. Speaker, I freely admit that I have a good deal of sympathy with the argument which has been made by the gentleman from Alabama [Mr. UNDERWOOD]. I agree with him that the House bill was better; but the question before the House now is whether we shall remedy an injustice to this man or perpetuate an injustice.

Now, if the gentleman from Alabama will bring a bill in doing away with the retired list entirely and pass such a bill, then his argument would be proper upon this measure; but when we come here with a measure which proposes to remedy an absolute injustice, that every man who ever examined this record admits has been done against this man, and every officer of the Navy admits has been done, that every medical board of examiners to-day in the United States admits has been done; and then you object to it because you do not want to increase the retired list, I submit that an argument of that sort should not receive serious consideration. Now, here are six of these bills that the House has agreed to for putting men back on the retired list.

Mr. TALBERT. Will the gentleman permit me to ask him a question?

Mr. COWHERD. I will.

Mr. TALBERT. Does this bill seek to remove a charge of desertion?

Mr. COWHERD. Oh, no.

Mr. TALBERT. Does it vacate a sentence of a court-martial?

Mr. COWHERD. Not at all.

Mr. TALBERT. Simply to put him on the retired list?

Mr. COWHERD. Simply to put him on the retired list. The gentleman certainly did not hear the gentleman from Ohio make the explanation. This was a young man who entered the Navy, graduated, made one cruise at sea, and then made another cruise at sea in the Jeannette relief expedition. He was ordered for examination immediately after this cruise, and it then was found that he was color-blind, and he was wholly retired from the Navy on account of color-blindness. The doctors then thought that color-blindness was congenital, and could not be acquired.

The most learned doctors now coincide in the opinion that color-blindness may be acquired and is most frequently acquired where a man is exposed to the glare of the sun upon ice or snow fields. This man had been in that service in Alaska. Upon a similar case a man was placed on the retired list because the House thought color-blindness could be acquired and his eyes were injured in the service, and they give him three-fourths pay.

From every aspect of this case I think this man ought to receive consideration. I agree with the gentleman from Ohio. I challenge the records of the Navy to show where there has been any man wholly discharged from the Navy for a physical disability whether it was incident to the service or not. As a matter of fact there have been very few discharges in the Navy, except in a case where there was something against the man's character.

I know that. I went to see the Judge-Advocate, and stated the case to him, and he laughed at me, and said, "You will find the fellow was drunk or did something." I took the records and ran them down with the Judge-Advocate from the beginning to the end, and there is not a blot upon it anywhere. And I appeal to this House to pass this bill, or agree to the conference report, as it is the only way that this wrong can be remedied. [Cries of "Vote!"]

The SPEAKER pro tempore. The question is on the adoption of the conference report.

The question was taken, and the conference report was agreed to.

On motion of Mr. METCALF, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

CALENDAR AS A HOUSE DOCUMENT.

Mr. HEATWOLE. Mr. Speaker, the Committee on Printing asks consideration of the resolution which I send to the desk.

The Clerk read as follows:

House resolution No. 436:

Resolved, That the last issue of the House Calendar for this Congress be printed as a document of the House.

Mr. UNDERWOOD. I ask the gentleman to yield to me two minutes, in order that I may yield to the gentleman from Oklahoma.

Mr. FLYNN. Mr. Speaker, some time since, upon what at the time appeared to me to be good authority, I made some remarks in reference to the gentleman from Texas [Mr. STEPHENS]. Since that time I have taken great pains to investigate the matter, and while I find that he did send a telegram, it was in reply to a letter from a party in Oklahoma requesting him to notify him when a certain bill was passed and when it was signed by the President.

If I had had all the facts at the time I made the remarks I do not suppose that I should have made them. I am the last man in the world who would do an injustice to anybody, much less a member of this House, and I want to make this statement to the House as a matter of justice to myself and to the gentleman from Texas. [Applause.]

The resolution was agreed to.

MOUNTING MAPS.

Mr. HEATWOLE. I ask for the consideration of the resolution which I send to the desk.

The Clerk read as follows:

House resolution 413.

Resolved, That the superintendent of the folding room of the House of Representatives is hereby directed to mount with rollers and hangers all United States maps hereafter printed and placed to the credit of members of the House of Representatives.

With the following amendment:

After the word "Representatives," in line 5, add: "the cost of mounting each map not to exceed 30 cents."

The amendment was agreed to.

The resolution as amended was agreed to.

MILITARY LAWS OF THE UNITED STATES.

Mr. HEATWOLE. I ask unanimous consent for the consideration of the Senate concurrent resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, etc., That there be printed for the use of the Senate and House of Representatives 2,000 copies of the military laws of the United States, to include all legislation in respect to military affairs of the Fifty-sixth Congress, of which 650 copies shall be for the use of the Senate and 1,350 copies shall be for the use of the House of Representatives.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The resolution was agreed to.

REPORT OF DR. V. K. CHESTNUT AND DR. E. V. WILCOX ON POISONOUS PLANTS IN MONTANA.

Mr. HEATWOLE. I ask unanimous consent for the consideration of Senate concurrent resolution 92.

The Clerk read as follows:

Resolved, etc., That there be printed 10,000 copies additional to the usual number of the report of Dr. V. K. Chestnut and Dr. E. V. Wilcox of their investigation of plants poisonous to stock in Montana, of which 1,000 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 6,000 copies for the use of the Department of Agriculture.

The SPEAKER pro tempore. Is there objection to the present consideration of this resolution? [After a pause.] The Chair hears none.

The resolution was agreed to.

AMENDMENT OF PUBLIC PRINTING ACT.

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

The Clerk read as follows:

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.

Be it enacted, etc., That 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, be, and the same is hereby, amended by striking out of said section the words "said Congressman to deposit with his order the extra expense involved in printing these additional words."

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

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

HISTORY OF GENERAL STAFF OF THE ARMY.

Mr. HEATWOLE. Mr. Speaker, I am also directed to ask unanimous consent for the present consideration of the Senate concurrent resolution No. 113.

The Clerk read as follows:

Resolved, etc., 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.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The resolution was agreed to.

PRINTING FOR A COMMITTEE.

Mr. HEATWOLE. There is another resolution.

The Clerk read as follows:

House resolution 419.

Resolved, That the Committee on Irrigation of Arid Lands be, and hereby is, authorized to have printed such papers, documents, and testimony taken at meetings had before that committee, and such as may be necessary for the business of said committee.

The amendment recommended by the committee was read as follows:

Strike out all after the word "Committee" in line 4, and insert in lieu thereof "during the second session of the Fifty-sixth Congress."

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

On motion of Mr. HEATWOLE, a motion to reconsider the several votes by which the various resolutions were agreed to was laid on the table.

DISPOSITION OF LAND.

Mr. LACEY. Mr. Speaker, I call up a conference report.

The SPEAKER. The gentleman from Iowa calls up a conference report.

The Clerk read as follows:

A bill (H. R. 12901) to supplement existing laws relating to the disposition of lands, etc.

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 amendment of the House to the amendment of the Senate numbered 2 to the bill (H. R. 12901) to supplement existing laws relating to the disposition of lands, etc., 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 to amendment No. 2 of the Senate, and agree to the same.

JOHN F. LACEY,
F. W. MONDELL,
JOHN F. SHAFROTH,
Managers on the part of the House.

H. C. HANSBROUGH,
THOS. H. CARTER,
HENRY HEITFELD,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The effect of the agreement is to adopt the amendment of the House to the Senate amendment authorizing the President to avoid the contest and conflicting claims heretofore resulting from a rush upon a newly opened reservation, by prescribing the manner in which the land may be settled, occupied, and entered, which regulation shall be embraced in the proclamation.

JOHN F. LACEY,
F. W. MONDELL,
JOHN F. SHAFROTH,
Managers on the part of the House.

Mr. LACEY. The gentleman from Texas would like to have a few minutes, and I yield to the gentleman two minutes.

Mr. STEPHENS of Texas. Mr. Speaker, this bill is not as I would like to have it. I think some means should be adopted in opening this reservation whereby we could avoid the horse race, or run, that has heretofore taken place.

It might be done by adopting a plan of drawing similar to that that we have adopted in this House. It would be very easy for everyone who is interested in settling on these lands to file their affidavits showing that they have a right to the land and then draw for it. There will probably be 50,000 people asking for these 10,000 homes, because this is the last reservation of good lands to be opened in the United States.

It is very necessary, in my judgment, that the Interior Department should have some plan other than running for it, as has been heretofore indulged in in Oklahoma. I hope, under the amendment offered by the gentleman from Iowa [Mr. LACEY], that the Secretary of the Interior will see proper to open this reservation by some scheme similar to the one devised by this legislative body for selecting their seats.

Mr. LACEY. Mr. Speaker, what means will be adopted by the Secretary or President it is impossible to say, but I am satisfied that he could not possibly do worse than to continue the present system of racing for the possession. I have no doubt by giving the authority that we do give in this amendment a scheme will be devised to avoid that, and probably something in the line suggested by the gentleman from Texas [Mr. STEPHENS].

Mr. DE ARMOND. I would like to ask the gentleman if this enlarges the power of the Secretary of the Interior?

Mr. LACEY. At present all the power the Secretary has is to throw open the reservation for a race. There is no authority for

making any rules or regulations that will prevent five or six different men from getting onto the same quarter section or having the multitudinous and expensive contests that have ensued from the races in the past.

This law giving the President, by proclamation, power to provide some system of avoiding this will be equitable to all persons. Bloodshed often ensues in contests of this kind, and it takes an army to protect the settlers during the race. I have no doubt some method can be devised that will prevent it. We did not have time in the closing hours of the session to put in perfect shape a plan such as would obviate this difficulty. Therefore I think it is perfectly safe to allow this regulation to be promulgated by the Department of the Interior, under the direction of the President, included in the proclamation.

Mr. DE ARMOND. Are there any limits as to when the proclamation shall issue? Is there any time fixed for issuing the proclamation?

Mr. LACEY. This does not attempt to handle the question in detail. I apprehend the proper way would be to make the applicants file their applications and have some system by lot. There will be 50,000 applicants probably, and of course there will not be a quarter section for all. There will be many more applicants than can possibly obtain land.

Mr. DE ARMOND. Is there anything to determine where this shall be done?

Mr. LACEY. It would have to be done at the land office in the district. We have not attempted to go into these details on account of the lack of time and the rush of business in the closing hours of the session.

Mr. SHAFROTH. If the gentleman will pardon me I will state that unless this bill passes practically in its present form this reservation will not be open for settlement for one year after the 6th day of August. It is true it would be better, and I should prefer it, if we could prescribe exactly what the settler should be entitled to and how he should make his selection, but it is impossible to formulate anything but what would be open to serions objection at this late hour of the session, and I therefore concurred in the conference report.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken and the conference report was agreed to.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

MEDALS OF HONOR FOR ENLISTED MEN OF NAVY OR MARINE CORPS.

Mr. BUTLER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14309) for the reward of enlisted men of the Navy or Marine Corps.

The Clerk read the bill, as follows:

Be it enacted, etc., That any enlisted man of the Navy or Marine Corps who shall have distinguished himself in battle or displayed extraordinary heroism in the line of his profession shall, upon the recommendation of his commanding officer, approved by the flag-officer and the Secretary of the Navy, receive a gratuity and medal of honor as provided for seamen in section 1407 of the Revised Statutes.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I would like to have some explanation of this bill.

Mr. BUTLER. Mr. Speaker, perhaps the best explanation I can make will come from a letter addressed to the House Naval Affairs Committee by the Assistant Secretary of the Navy. It is as follows:

NAVY DEPARTMENT,
Washington, February 18, 1901.

To the CHAIRMAN OF THE COMMITTEE ON NAVAL AFFAIRS,
House of Representatives.

SIR: I have the honor to invite your attention to an omission in the law providing for the recognition of distinguished services on the part of enlisted men of the Navy. The only clause of the Revised Statutes that applies is section 1407, which is fully set out in the accompanying letter. You will observe that this does not include marines, nor does it include firemen or others than seamen on board ship.

A board is now sitting at the Department to consider the subject of rewards to officers and men in China and the Philippines. This board has addressed the Department a communication calling attention to the omission just referred to, which letter is inclosed herewith.

I have the honor to recommend that this obvious defect in the law be cured by legislation.

Inclosed is a draft of a few words which, if added to section 1407, will, in the opinion of the Department, secure the end desired.

The language of the draft is: "*Provided*, That any enlisted man of the Navy or Marine Corps so recommended may receive a like medal and gratuity."

Respectfully,

F. W. HACKETT, *Acting Secretary.*

Now, let me read a letter from the chairman of the board for the bestowal of awards:

NAVY DEPARTMENT,
Washington, February 18, 1901.

To the honorable the SECRETARY OF THE NAVY.

SIR: Section 1407 of the Revised Statutes provides as follows:

"Seamen distinguishing themselves in battle, or by extraordinary heroism in the line of their profession, may be promoted to forward warrant officers upon the recommendation of their commanding officer, approved by the flag officer and Secretary of the Navy. And upon such recommendation they shall receive a gratuity of $100 and a medal of honor, to be prepared under the direction of the Navy Department."

The board, of which I am chairman, ordered to consider the subject of the bestowal of awards upon officers and enlisted men of the Navy and Marine Corps for distinguished services in China and the Philippines and to make recommendations in regard thereto to the Secretary of the Navy, is unable to act upon the numerous cases of enlisted men of the Marine Corps before it.

The board have, therefore, to recommend that the necessary steps be taken at as early date as possible to secure such action by Congress as will enable the board to carry out its instructions regarding the enlisted men of the Marine Corps.

Respectfully,

F. W. HACKETT, *Chairman.*

I would like to read the last clause of the report which is unanimously made by the Committee on Naval Affairs:

Under the term "seamen" there has been a construction excluding enlisted men of the Navy and Marine Corps from the benefits and reward of the aforesaid statute. This bill is simply declaratory of an evident intention to provide for all the enlisted men of the Navy and Marine Corps, and will enable the Secretary of the Navy to amply reward the gallant conduct of our Marine Corps in China and elsewhere.

Does the gentleman from Tennessee desire to ask any further questions?

Mr. RICHARDSON of Tennessee. Will the gentleman state what this bill does?

Mr. BUTLER. The bill was just read.

Mr. MADDOX. Will the gentleman yield to me?

Mr. BUTLER. I shall be delighted to yield to the gentleman.

Mr. MADDOX. What was the bill passed this morning, presented by the gentleman from Louisiana [Mr. MEYER], appropriating $25,000 to give medals for sailors or seamen?

Mr. BUTLER. That bill provided a reward for seamen and marines of the Spanish-American war for gallant services rendered by them on the shores of the Caribbean Sea. This bill is to provide rewards for enlisted men who rendered gallant and distinguished services in the Philippines and China.

I will say for the information of the gentleman from Georgia that the section referred to in the bill was passed in 1877 and has been in operation from that time to the present. This is simply declaratory of what was supposed to be the intention of Congress at the time that bill was passed. It was understood that bill contained sufficient language to enable the Department to confer medals of honor upon the marines as well as upon the seamen. The section has been construed so as to prohibit or exclude the marines from receiving the same reward of merit or the same recognition for conspicuous services that has been since 1877 conferred upon seamen upon shipboard.

Mr. MADDOX. Your bill does not cover the same ground that is covered by the bill offered by the gentleman from Louisiana [Mr. MEYER]?

Mr. BUTLER. No, sir; it provides for separate and distinct services.

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

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

On motion of Mr. BUTLER, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also informed the House that the President had approved and signed bills of the following titles:

On March 1, 1901:

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. 9140. An act providing that entrymen under the homestead laws, who have served in the United States Army, Navy, or Marine Corps during the Spanish war or the Philippine insurrection, shall have certain service deducted from the time required to perfect title under homestead laws, and for other purposes;

H. R. 11821. An act to ratify and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other purposes;

H. R. 11820. An act to ratify and confirm an agreement with the Cherokee tribe of Indians, and for other purposes;

H. R. 13951. An act authorizing Calhoun County, State of Texas, to construct and maintain a free bridge across Lavaca Bay;

H. R. 1845. An act granting a pension to William Allen;

H. R. 13049. An act granting a pension to Elizabeth Fury;

H. R. 13118. An act granting a pension to Rebecca J. Gray;

H. R. 13154. An act granting a pension to Ernestine Lavigne;

H. R. 13569. An act granting a pension to the minor children of Henry R. Hinkle;

H. R. 3861. An act granting an increase of pension to Jesse Millard;

H. R. 3784. An act granting an increase of pension to Linsay C. Jones;

H. R. 8650. An act granting an increase of pension to William C. Whitney;

H. R. 12442. An act granting an increase of pension to Mary E. Starr; and

H. R. 13086. An act granting an increase of pension to Eunice Henry.

The President, on March 2, 1901, approved the following bills:

H. R. 6204. An act for the relief of Olivia M. Clifford; and

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.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 5573) to amend section 203 of title 3 of the act entitled "An act making further provisions for a civil government for Alaska, and for other purposes," asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHOUP, Mr. CARTER, and Mr. BATE as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 425) for the relief of John M. Davis.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution No. 92.

Resolved by the House of Representatives (the Senate concurring), That the Secretary of War is hereby instructed to send to the House of Representatives information as to the information and recommendations contained in the supplemental report of the Missouri River Commission as to river improvements at St. Joseph, Mo.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 12665. An act supplementary to an act entitled "An act to prohibit the coming of Chinese persons into the United States," approved May 5, 1892, and fixing the compensation of commissioners in such cases.

HARRISON CLARK.

Mr. GLYNN. Mr. Speaker, I ask unanimous consent for the consideration of the bill (H. R. 12175) to correct the military record of Harrison Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized to correct the military record of Harrison Clark by dating his commission as second lieutenant, One hundred and twenty-fifth Regiment New York Volunteers (civil war), as of the date of May 6, 1864.

The amendment reported by the Committee on Military Affairs was read, as follows:

At the end of line 7 add the following: "The date of his commission as amended by the governor of the State of New York."

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

Mr. SHACKLEFORD. I believe that we have pending in this House a number of bills of this kind which are meritorious; but I am opposed to selecting one out of the number for special consideration. I think they all ought to take their places on the Calendar and have an equal chance. Therefore I must object.

Mr. GLYNN. I hope the gentleman will withdraw his objection for a moment, while I make an explanation.

Mr. SHACKLEFORD. I will withhold the objection till I can hear the explanation.

Mr. GLYNN. Mr. Speaker, this bill simply seeks to correct the military record of this man in the national archives here as it has been corrected in the New York State archives by order of Governor Roosevelt. Harrison Clark was severely wounded in the battle of the Wilderness. For exceptional bravery in that engagement he was recommended for promotion.

Mr. SHACKLEFORD. I withdraw my objection.

There being no further objection, the House proceeded to the consideration of the bill.

The amendment reported by the Committee on Military Affairs was agreed to.

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

On motion of Mr. GLYNN, a motion to reconsider the last vote was laid on the table.

LEGAL REPRESENTATIVE OF SAMUEL TEWKSBURY, DECEASED.

The SPEAKER laid before the House the following veto message of the President of the United States, which was read:

To the House of Representatives:

I return herewith, without approval, House bill No. 321, entitled "An act for the relief of legal representative of Samuel Tewksbury, deceased."

This bill provides for the payment to the legal representative of Samuel Tewksbury, late of Scranton, Lackawanna County, Pa., the sum of $5,697, in full compensation for the use and occupation by the United States Government of a brick building and premises owned by him in the city of Scranton, Pa., as a depot or barracks for United States troops by the Provost-Marshal of the United States, from June, 1862, to June, 1865, inclusive.

The records of the War Department show that under date of April 26, 1865 Col. J. G. Johnson, chief quartermaster, forwarded to the office of the Quartermaster-General a claim of Samuel Tewksbury for use of a building at Scranton, Pa., from February 24, 1864, to February 3, 1865, stated at $1,133.33, and damage to said building at $1,400; total, $2,533.33.

In forwarding these papers Colonel Johnson remarked as follows:

"In the spring of 1864, Mr. Samuel Tewksbury presented to me, through his agents, a claim against the United States Government for use of the premises mentioned in the inclosed account and accompanying papers.

"I learned from Capt. S. N. Bradford; provost-marshal, Twelfth district, Pennsylvania, at Scranton, that lodgings were furnished to persons in the military service at that place by Gardner & Atkinson, under a contract with the provost-marshal; also that the contractors rented the building used for the above purpose from Mr. Tewksbury.

"Considering it a matter entirely between that gentleman and his tenants, Messrs. Gardner & Atkinson, I at that time refused to take any action in the matter whatever."

The claim was again submitted to the office of the Quartermaster-General on September 30, 1865, by Maj. W. B. Lane, and was returned on May 1, 1866, with the information that the United States had already paid for lodging all the troops under the control of the provost-marshal at Scranton, Pa., during the time for which charge for rent is made.

The claimant was referred to the officer or person by whom the building was taken for compensation for its use.

No other record of this case is found in the War Department, although it will be observed that the bill covers a period from June, 1862, to June, 1865, inclusive while the claim as originally presented to the War Department was for occupancy of a building at Scranton, Pa., from February 24, 1864, to February 3, 1865.

It thus appears that when this claim was originally presented it was examined by the proper representative of the Government, and was rejected; that such use and occupation as the United States Government had of claimant's building was under a contract between the Government and the tenants of claimant, and that payment therefor was duly made by the Government. Now, after a lapse of some thirty-seven years, the period of use and occupation covered by the claim has increased threefold, and the compensation asked therefor has more than doubled.

Under the circumstances of this case I do not feel at liberty to approve the bill.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, *March 2, 1901.*

Mr. GIBSON. I move that this message, with the accompanying bill, be referred to the Committee on War Claims and be ordered to be printed.

The motion was agreed to.

NATIONAL BUREAU OF STANDARDS.

Mr. SOUTHARD. I move to suspend the rules and pass the bill H. R. 11350 with the amendments as sent to the desk.

The Clerk read as follows:

A bill (H. R. 11350) to establish the national bureau of standards.

Be it enacted, etc., That the Office of Standard Weights and Measures shall hereafter be known as the national bureau of standards.

SEC. 2. That the functions of the bureau shall consist in the custody of the standards; the comparison of the standards used in scientific investigations, engineering, manufacturing, commerce, and educational institutions with the standards adopted or recognized by the Government; the construction, when necessary, of standards, their multiples and subdivisions; the testing and calibration of standard-measuring apparatus; the solution of problems which arise in connection with standards; the determination of physical constants and the properties of materials, when such data are of great importance to scientific or manufacturing interests and are not to be obtained of sufficient accuracy elsewhere.

SEC. 3. That the bureau shall exercise its functions for the Government of the United States; for any State or municipal government within the United States; or for any scientific society, educational institution, firm, corporation, or individual within the United States engaged in manufacturing or other pursuits requiring the use of standards or standard measuring instruments. All requests for the services of the bureau shall be made in accordance with the rules and regulations herein established.

SEC. 4. That the officers and employees of the bureau shall consist of a director, at an annual salary of $5,000; 1 physicist, at an annual salary of $3,500; 1 chemist, at an annual salary of $3,500; 2 assistant physicists or chemists, each at an annual salary of $2,200; 1 laboratory assistant, at an annual salary of $1,400; 1 laboratory assistant, at an annual salary of $1,200; 1 secretary, at an annual salary of $2,000; 1 clerk, at an annual salary of $1,200; 1 messenger, at an annual salary of $720; 1 engineer, at an annual salary of $1,500; 1 mechanician, at an annual salary of $1,400; 1 watchman, at an annual salary of $720, and 1 laborer, at an annual salary of $600.

SEC. 5. That the director shall be appointed by the President, by and with the advice and consent of the Senate. He shall have the general supervision of the bureau, its equipment, and the exercise of its functions. He shall make an annual report to the Secretary of the Treasury, including an abstract of the work done during the year and a financial statement. He may issue, when necessary, bulletins for public distribution, containing such information as may be of value to the public or facilitate the bureau in the exercise of its functions.

SEC. 6. That the officers and employees provided for by this act, except the director, shall be appointed by the Secretary of the Treasury, at such time as their respective services may become necessary.

SEC. 7. That the following sums of money are hereby appropriated: For the payment of salaries provided for by this act, the sum of $27,140, or so much thereof as may be necessary; toward the erection of a suitable laboratory, of fireproof construction, for the use and occupation of said bureau, including all permanent fixtures, such as plumbing, piping, wiring, heating, lighting, and ventilation, the entire cost of which shall not exceed the sum of $250,000, $100,000; for equipment of said laboratory, the sum of $10,000; for a site for said laboratory, to be approved by the visiting committee hereinafter provided for and purchased by the Secretary of the Treasury, the sum of $25,000, or so much thereof as may be necessary; for the payment of the general expenses of said bureau, including books and periodicals, furniture, office expenses, stationery and printing, heating and lighting, expenses of the visiting committee, and contingencies of all kinds, the sum of $5,000, or so much thereof as may be necessary, to be expended under the supervision of the Secretary of the Treasury.

SEC. 8. That for all comparisons, calibrations, tests, or investigations, except those performed for the Government of the United States or State governments within the United States, a reasonable fee shall be charged, according to a schedule submitted by the director and approved by the Secretary of the Treasury.

SEC. 9. That the Secretary of the Treasury shall, from time to time, make regulations regarding the payment of fees, the limits of tolerance to be attained in standards submitted for verification, the sealing of standards, the disbursement and receipt of moneys, and such other matters as he may deem necessary for carrying this act into effect.

SEC. 10. That there shall be a visiting committee of five members, to be appointed by the Secretary of the Treasury, to consist of men prominent in the various interests involved, and not in the employ of the Government. This

committee shall visit the bureau at least once a year, and report to the Secretary of the Treasury upon the efficiency of its scientific work and the condition of its equipment. The members of this committee shall serve without compensation, but shall be paid the actual expenses incurred in attending its meetings. The period of service of the members of the original committee shall be so arranged that one member shall retire each year, and the appointments thereafter to be for a period of five years. Appointments made to fill vacancies occurring other than in the regular manner are to be made for the remainder of the period in which the vacancy exists.

Mr. RICHARDSON of Tennessee. I demand a second on the motion to suspend the rules.

Mr. SOUTHARD. I ask unanimous consent that a second may be considered as ordered.

Mr. GILBERT. I object.

The SPEAKER appointed as tellers Mr. SOUTHARD and Mr. GILBERT.

The House divided; and the tellers reported—ayes 78, noes 11.

So the motion to suspend the rules was seconded.

The SPEAKER. The gentleman from Ohio [Mr. SOUTHARD] is recognized as entitled to twenty minutes.

Mr. SOUTHARD. Mr. Speaker, I hope we can have good order while this discussion is going on, for this is a very important measure, and I feel certain that it will be opposed by no one if it is fully and fairly understood.

It provides really for an enlargement of the existing Office of Weights and Measures under the Treasury Department. It, however, creates a separate bureau. The suggestion of this bill came from the Secretary of the Treasury himself. The bill was considered fully in committee, extensive hearings were had upon it; and it afterwards received the unanimous report of the Committee on Coinage, Weights, and Measures.

A similar bill was introduced in the Senate and referred to the Committee on Commerce. A subcommittee, consisting of Senators NELSON, GALLINGER, and TURNER, was appointed, and this subcommittee, after extensive hearings, reported unanimously to the full committee in favor of the bill. It has been indorsed more numerously than any bill we have had before the committee. It has been indorsed by practically all the heads of the Departments of the General Government. It has been indorsed very generally by the heads of the departments in the State governments. It has been indorsed by nearly all the scientific men of the country and nearly all the scientific associations. It has been indorsed by colleges and universities, whose officers have sent us their opinions in the shape of resolutions. It has been indorsed by the great manufacturing and commercial concerns of the country.

It has been especially indorsed by the railroads of the country, many of which maintain separate physical and chemical laboratories in connection with the running of the railroads. It has been indorsed by the great iron and steel manufacturing associations of the country. It has been indorsed by the manufacturers of locomotives, and indorsed especially by the manufacturers of electrical appliances and apparatus. I have to-day received a telegram which I will stop to read. It is signed "Carl Hering, President American Institute Electrical Engineers."

PHILADELPHIA, PA., *March 2, 1901.*

Hon. DAVID B. HENDERSON,
House of Representatives, Washington, D. C.

Consideration and passage standardizing bureau bill to-day extremely important to electrical industry, representing over two thousand millions of dollars. National humiliation not to have own standards. People, manufacturers, and Government all alike interested together; no opposition. Appropriation small. Bill probably pass both Houses if brought up.

CARL HERING,
President American Institute Electrical Engineers.

We have had an office of weights and measures for a great many years, almost since the beginning of the Government, but for a very long time it has been ridiculously inadequate to meet the requirements of modern conditions.

Mr. HOPKINS. Mr. Speaker, I trust we may have better order. This is a very important measure, and every member of the House should have the information which the chairman of the committee is now giving.

Mr. SOUTHARD. Mr. Speaker, the functions of the present office of weights and measures are confined to the ordinary measurements of mass, length, and capacity. That was sufficient, perhaps, when that office was established. In the early days the standards in question were the pound, the yard, the bushel, and the gallon. Now, however, the progress of science and the complexity of industrial processes resulting from it require derived standards of a thousand and one kinds—all kinds of measuring apparatus—volumetric apparatus used in the chemical laboratories of the Government and similar laboratories all over the country—standards of measurement for high and low degrees of temperature, etc.

I must stop here to indicate some of the different kinds of measuring apparatus. They are barometers, thermometers, pressure gauges, polariscopes, instruments of navigation, steam-engine indicators, and instruments of a thousand different varieties. That the graduations and indications of these instruments should agree with the fundamental standards is a question of most vital importance, and without the facilities for such tests and comparisons the public is deprived of the greatest benefits to be derived from the standards recognized by the Government. We have in this country to-day no means of testing these different instruments of precision. The result is, we have to send them to Germany or France or England or somewhere else to have them tested and calibrated.

Mr. Speaker, only last year some of the incandescent lights designed for use in some of our naval vessels were sent to Germany to be standardized to determine whether they came up to the requirements. That means a consumption of time. It means also a matter of expense to our people, and it results in a loss of prestige to this country which is incalculable. Nearly all of the instruments used in our scientific investigations are sent abroad for calibrating and standardizing. This ought not to be so. We are simply providing in this bill for what every large and progressive nation on this earth now has or is making haste to obtain. I think I am not stating that too strongly.

Germany has recently established a very important physical technical laboratory. England has followed suit. Germany appropriates something like $100,000 annually to maintain her institution; England, something like $62,000; Austria, $45,000; Russia, something like $45,000. France appropriates, I think, a larger amount than either of the latter two. This bill carries an annual appropriation for salaries of $27,140. The bill as originally introduced carried an appropriation, for building and all, of something like $314,000. The bill as amended provides for a building of a hundred thousand dollars. It cuts down the appropriation for the force from $34,900 to $27,140. We appropriate annually for standard weights and measures, of which I have just spoken, about $10,000. This, of course, is to be taken from the $27,000, which will make an increase in the actual annual expenditures of something like $17,000.

I want to call the attention of the committee for just two or three minutes to what is provided by other governments in the matter of institutions of like character.

England has a standardizing department of the board of trade, the Electrical Standardizing Laboratory, the Kew Obseratory, and the National Physical Laboratory, but recently established. Germany has what they call Die Normal Aichungs Commission, for which a $250,000 building has just been provided; Die Physikalische-Technische Reichsanstalt, the building and grounds for which cost approximately $1,000,000, and is maintained by an annual appropriation of about $80,000. The number of people employed in the Reichsanstalt last year was 87.

As this subject is somewhat technical in character, I would like to call attention very briefly to some of the statements of witnesses who appeared before the committee. I first call attention to the statement of Dr. A. E. Kennelly, president of the American Institute of Electrical Engineers, who appeared before the committee. He says:

This matter is one of vital importance from a utilitarian standpoint alone, and I heartily indorse the remarks of the gentlemen who have preceded me. This is primarily a question of dollars and cents. The cost of the disputes which arise in the electrical business every year would several times cover the annual cost of the institution which you propose to found.

Such a standardizing bureau as it is proposed to create would have such importance and character that everybody would recognize its statements as authoritative, and its determinations should settle disputes which are constantly arising from that one thing alone.

The matter is also important in another direction. When a standardizing laboratory is established in any country there goes with it a certain prestige, a certain technological importance which reacts and ramifies in all the affairs of life. You can not create an establishment which shall declare what is the true measure of anything without creating at the same time the means of settling the numerous questions which come up in connection with such standards, and establishing thereby a focus of knowledge and intelligence. That knowledge and intelligence you can not measure in dollars and cents, but it is, nevertheless, a great power to the nation in the distribution of its labor and its wealth.

Dr. Pritchett, until recently the superintendent of the Coast and Geodetic Survey, has been and is one of the strongest advocates of this measure. He says:

There is no reason why our manufacturers of scientific apparatus should not compete with Germany and England for the trade of Japan, South America, and other foreign countries. But if an American maker at present desires to sell his thermometers or other instruments of precision at home or abroad, the first questions asked will be, What assurance is offered that the instruments have been properly tested; that they are what they pretend to be; that they measure with the correct units? At present no such assurance can be given. The result is that American manufacturers of scientific apparatus are seriously handicapped in their competition with the makers of Germany, France, and England. The encouragement the proposed bureau would afford to American manufacturers of this class would alone warrant its establishment.

An interesting factor in the commercial development of Germany has been the establishment of a similar institution, known as the "Physikalische-Technische-Reichsanstalt." Immediately after the Franco-Prussian war the Germans began a study of the means of extending their commerce, one of the results of which was to provide German manufacturers with the above institution. It has now been in existence thirteen years, and the results obtained by this institution are far beyond those anticipated by its most earnest supporters. To-day German standards and standard measuring apparatus are used the world over. You will find them in every department of our Government doing scientific work.

The fact that Germany can furnish instruments of precision and guarantee them serves not only to introduce that apparatus but other products to the world, and the commercial development which has grown out of the establishment of this institution in Germany has been one of the most interesting things to follow. It has created not only the demand for the instruments of the more accurate sort,

but, having introduced those, the less accurate and the more common instruments of commerce followed.

Therefore I come before the committee, without discussing any of the details, simply to say in a few words that I consider this measure exceedingly important from the standpoint of scientific men who are concerned, scientific institutions, the great branches of the Government which need this work; and from the standpoint of the commercial enterprises which would make use of such a standardizing laboratory I consider this the most important measure which could come before you. The establishment of such an institution would not only enormously advance scientific interest, but in a still greater measure advance the manufacture of precise and delicate measuring apparatus of all kinds, and, through that, a great extension of our commerce in all directions. I consider this the most important measure you could pass relating to weights and measures.

Dr. McMurtrie is the president of the American Chemical Society, or was when he appeared before the committee. He is said to be one of the ablest chemists in the country. He not only stands high professionally, but is in direct touch with the practical side of the question involved in the proposed legislation, and this may be said of almost every man who appeared before the committee. I read a part of Dr. McMurtrie's statement.

I can say for myself and for the organization which I represent here that we fully indorse this measure. It is of the utmost importance to everybody who is engaged in scientific work, because work of the research laboratories furnishes the basis of all the work that is done on practical lines. My personal experience has been not only in the work in the research laboratory, but in later years largely in the practical lines, and I know perfectly well how important a bearing this matter of having accurate standards is to those who are engaged in technical work. It used to be said, speaking of methods which were used in the industries, for analytical work or in various measurements, that, after all, those methods were technical, and if they were approximately accurate it was all right. Now, as a fact, at the present time we find that the practical men of this country are great sticklers for accuracy, and even more so than are the men who are working in the research laboratories.

I have had charge of a laboratory in works in which there were nine chemists employed. Those men were kept busy all the time. They began early in the morning and they kept at work until late in the evening. In making their analyses and the various determinations which they had to make it was not possible for them to duplicate their work—it was not possible to make six or eight determinations and accept the average of those determinations as an accurate result, as a standard of their work, but they must get the average with one determination.

In the research laboratories it is common to follow the methods that I have referred to; that is, to make a series of determinations and accept the average as the final result, but in these technical laboratories that is not possible. There are too many measurements to be made in chemical work, particularly in which I am interested. The accuracy of the work therefore depends very largely and almost entirely upon the instruments with which one has to work. I will illustrate in our own laboratory. An invoice of material was received which was bought upon its purity.

The young men who are employed to determine what that purity is, as I stated before, have to make a great many tests during the day; they have not time to duplicate their work. There was one case which came within our experience, and which after the result was readily found and compared with the result obtained in the laboratory in France there was a very wide difference in the two, and the people whom we represented had a balance against them of about $8,000. I sat down beside the young man who made the test and I found he had followed the methods perfectly; he had done everything that was required of him so far as the method of work was concerned, and it was only for us to determine where his mistake lay. His work was duplicated by one of his associates, and those two men were not able to get improved results. It was difficult to find where the mistake lay.

I found that this young man, who had a series of flasks in which to make his measurements, had an accident and dropped one of the flasks off the table, and it was necessary to substitute another. He did not have the time to standardize this flask, and we found, upon a careful standardization, that it was incorrect; that it varied enough to make the difference in the commercial results I have described. Now, it seems to me that we have no better illustration of the value of reliable standards. If we had had in that laboratory a set of instruments which had been properly calibrated by a person in authority, such as this bill provides for, it would have been an easy matter in the case cited to standardize the flask in question, and this difficulty would not have arisen. It required some three or four months of correspondence back and forth before that matter could be properly settled.

This happens in many laboratories. Constant disputes are occurring, and I think there is no place where there is a better illustration than in the custom-house and the relations between the United States custom-house and importers. I know something about that, because I have had occasion to go before the appraisers in some cases of disputes of tests of materials in which the collection of customs depended upon those tests. We have this illustrated in a most important way in connection with the collection of duties upon sugars. The very large amount of sugar which is imported into this country would make a very great difference in the money value if there should be a variation of even so much as two-tenths of 1 per cent.

Now, such differences are common and may result simply from the differences in the standardization of the instrument of two operators. The tests of the custom-house in regard to sugar particularly are made altogether by polariscope. Now, the use of the polariscope depends not only upon the length of the tubes which are used, but the temperature at which those tubes are used, and any variation of that kind may make a different result in two observers. The observer in the custom-house may get one result and the observer in the refinery would get another. There would be a dispute at once between the manufacturer and the custom-house. Disputes of that kind are always expensive.

Now, if the instruments used in both places are carefully calibrated and are carefully tested all of these disputes will be removed and a great deal of time and worry and expense would be obviated. There is another case which came under my observation very lately—a case which was carried into court. Some very carefully conducted experiments were thrown out entirely and completely because the observed temperatures were not measured with a thermometer calibrated in the German national testing laboratory.

If we had had such a laboratory in this country, then the instruments made in this country could have been used in the observations and the results of those observations would have been accepted by the court. The courts are demanding that kind of work. The courts demand it because commerce demands it and commerce demands it because the people demand it, and it seems to me that in the consideration of this matter you have the people of this whole country behind you, and it seems to me that it ought to influence you very strongly in the consideration of this matter.

These are the principal points I have in mind. Of course in connection with chemical work we have all kind of instruments, and use not only instruments of glass, but instruments of metal construction for making electric measurements. In fact, the whole range of physical tests is followed in the work of chemical laboratories. I am sure that people who have to do with iron and steel will appreciate enormously the work that is proposed here. A slight variation in the composition of steel makes a very decided difference in the strength of that steel, and the railroads of this country are all establishing physical and chemical testing laboratories.

None of the important roads are now without them. The Pennsylvania Railroad during the last twenty-five years, under the direction of Dr. C. B. Dudley, has done an enormous work in the improvement of the manufacture of steel for railroad work and for all kinds of construction. There has been no greater work done in this country than that of Dr. P. H. Dudley, of the New York Central Railroad. We see how all the great industries and enterprises are dependent upon the accuracy of the instruments with which we have to perform the researches required in these various industries and enterprises, and I earnestly hope that the matter will receive favorable consideration of the committee and of Congress generally.

Mr. JONES of Washington. Will the gentleman permit me to ask him a question?

Mr. SOUTHARD. Certainly.

Mr. JONES of Washington. Is this a step toward the adoption of the metric system in this country?

Mr. SOUTHARD. It has nothing whatever to do with establishing the metric system of or any other system of weights and measures. The bill provides that one of the functions of the bureau shall be "the construction, when necessary, of standards, their multiples, and subdivisions;" it in nowise adopts a standard for the Government or anybody else. At present, we are told, there is no reliable photometric standard in this country. If a reliable photometric standard should be constructed by this institution when established, it would be a matter for sincere congratulation, but this bill would not compel anyone to adopt it or use it.

This bill proposes the standardizing of the instruments we possess for the General Government, for the States and municipalities, and for anyone else who may see fit to employ its services. It has nothing whatever to do with the metric system. I made that statement in the start. I wish to read just a paragraph from the statement of Dr. C. B. Dudley, chemist for the Pennsylvania Railroad Company.

You are doubtless quite well aware that where it is essential to have standard apparatus at the present time we are compelled to send abroad for it. There is no reason in the world why this work can not equally well be done in this country, and I am sure I voice the sentiment of everyone who is at all conversant with the facts in the case, and especially those who, like myself, have had endless disputes and conflicts during the years which have passed, some of which would have been avoided if we had had in this country a means of having the apparatus which we use in this country standardized.

The importance of this bureau in scientific investigation I leave to others, confining myself to the actual practical daily use of apparatus in commercial work. I have been connected with the Pennsylvania Railroad Company, I may say, for nearly twenty-five years, and the value of material alone which has been examined in our laboratory during that time can safely be said to be not less than $50,000,000.

I most sincerely hope that your committee will see their way clear to make a favorable recommendation in regard to the establishment of this bureau, and that satisfactory legislation will follow that recommendation.

Captain Sigsbee, United States Navy, made a very interesting and valuable contribution to the information of the committee. I wish I could read all of it, but for want of time I shall read but a small part of what he says:

It seems to me very important that the Navy, when inviting bids, should be able to say that the standards offered should be those of a national bureau of standards. Doubtless bids would then be made by a greater number of competitors, and this would be very advantageous to the Navy. The Bureau of Equipment uses delicate instruments.

At the Observatory, which comes under that Bureau, they make magnetic and astronomical observations, which requires instruments of precision. Surveying and navigation come largely under that Bureau, and also meteorological observations at sea. The Hydrographic Office under that Bureau has between 1,500 and 2,000 voluntary observers of the weather at sea, all of whom use delicate instruments, which must be compared with standards for which again there ought to be an ultimate standard.

The Bureau of Equipment also, I might say, is charged by the Navy with matters pertaining to electricity, and makes many observations accordingly.

The Bureau of Steam Engineering gave me yesterday a list occupying a whole page of foolscap naming tests and observations required in that Bureau, all of which had some relation to the necessity for ultimate standards.

The Bureau of Construction makes tests in many directions which require ultimate standards.

The Bureau of Ordnance, as we all know, deals with questions of ballistics, and of measurements in the manufacture of guns, shells, and powder, and in many other ways the Bureau of Ordnance is interested in the establishment of ultimate standards.

In order to draw a parallel to what we desire to effect, I might invite attention to the fact that our National Observatory gives daily the standard of time for a vast region of country. We set our watches by the standard Observatory time, whereby we know that they are correct with respect to each other. This, in brief, in respect to all measurements, is what we want. I do not see any way of attaining authorized standards for ultimate application except by means of a national bureau; therefore I favor such an establishment.

The present state of the art of steel manufacture in this country is largely due to the high standard of tests persistently demanded by the Navy at the outset and against all opposition. A similar improvement may be expected in other arts from the maintenance of exalted standards. A bureau of standards under Government control would give universal encouragement to this end.

The bill has been enthusiastically indorsed by all the heads of Departments of the General Government having scientific bureaus, as well as by all the chiefs of such bureaus.

As furnishing an illustration of the necessity and value of this proposed bureau to the General Government, I will quote from the statement of the Secretary of Agriculture:

I have the honor to acknowledge the receipt of your letter of April 24, and beg to assure you that the establishment of a national standardizing bureau, having

the function outlined by you, will be of the highest value and importance, not only to the scientific bureaus, offices, and divisions of this Department, but to the country at large. Its influence will be felt wherever the quality and value of substances are fixed by chemical and physical tests, whether this be in connection with scientific investigations, in connection with manufacturing and other industrial processes, or in connection with commercial transactions.

Speaking for this Department alone, I wish to say that it has been our policy to patronize the American manufacturers of scientific apparatus whenever practicable without hampering our investigators by compelling them to use apparatus of an inferior grade. The art of the construction of scientific apparatus has been brought to such a high degree of perfection under the fostering care of European governments—notably Germany—that we have been compelled to send abroad a large proportion of our orders, either directly or indirectly, through importers. The greatest disadvantage resulting from this state of affairs is not the delay, inconvenience, and expense connected with making purchases abroad; nor is it to be found in the danger of injury to delicate and expensive apparatus during transportation across the sea.

It is the necessity of importing the certificate of a foreign government whenever an official certificate of accuracy is desired with apparatus. In Germany an order can be issued for apparatus with the specification that the goods delivered must be of the quality and accuracy recognized by the regulations established by the standardizing bureaus of the Imperial Government. Apparatus made in accordance with these regulations are regular commodities, and are described in the catalogues of all the apparatus makers and dealers. When the goods are received the purchaser is able to send a proper proportion of the shipment to the government standardizing bureaus and base his acceptance or refusal of the goods upon the results of the official tests. For the accommodation of customers who need certified apparatus for immediate use most of the dealers keep in stock apparatus bearing the official stamp.

The disadvantage under which American scientific workers—notably chemists—labor is evidenced by a recent experience of the Division of Chemistry of this Department. The confusion of standards and carelessness which has characterized the manufacture of graduated chemical glassware in the past is notorious. Some months ago the Division of Chemistry issued to an American dealer and importer an order for graduated glassware, to be made in accordance with the regulations of the German Imperial Testing Commission (Kaiserliche Normal Aichungs Kommission).

While all of this apparatus was to fulfill the requirements in point of construction and limits of error in graduation of the regulations named, certain pieces were to bear the official stamp of the Imperial commission. At the special request of the American dealer to whom the order was sent permission was granted to import only the pieces of apparatus requiring the official stamp and to supply for the remainder of the order apparatus of American manufacture, but made in accordance with the regulations named. After considerable delay the goods were delivered. The certified pieces were eminently satisfactory; the uncertified ones were quite the opposite. They were unsatisfactory both in the form of construction and in regard to accuracy.

As an example of the degree of inaccuracy, it may be stated that a flask marked to contain 100 cubic centimeters was found to contain 100.3 cubic centimeters. I do not believe that this experience was due to unworthy motives on the part of either the manufacturer or dealer. This experience is simply the result of the absence in this country of any well-established and authoritative standards governing the forms of construction, the system of graduation, and the allowable limits of error for apparatus of this kind. The mere adoption of regulations relative to the character of apparatus admissible for stamping by a national standardizing bureau will cause a revolution in the apparatus manufactured and give to it that highly important quality, uniformity.

As a further illustration of the great desirability of such an establishment, I may call your attention to the contention which has arisen in the courts in the United States in the last few years concerning the regulations prescribed by the Treasury Department governing the polarization of imported sugars. These regulations were prepared by a joint commission consisting of the Chemist of the Department of Agriculture as chairman, a representative of the Coast and Geodetic Survey, Office of Weights and Measures, and the Chemist of the Bureau of Internal Revenue.

The regulations were based upon the most careful scientific determinations and the apparatus and utensils employed by the customs-house officers standardized by the Office of Weights and Measures of the Coast and Geodetic Survey. Nevertheless, the accuracy of these officials has been called into question by the importers, and the question is now the subject of expensive and tedious litigation. The existence of such an office of your Department as you propose to establish would have avoided all such trouble by the weight of its authority. This is only one of the many instances where the utility of such a bureau would prove of practical advantage to official operations.

The above examples merely serve to illustrate the numerous ways in which the establishment of a national standardizing bureau will directly facilitate and increase the value of the scientific work of this Department. While it is a proper part of every scientific worker's training to be able to assure himself of the accuracy of his instruments and of their suitability for the work in hand, in these days of the division of labor the testing of apparatus has very properly become a well-defined specialty, requiring a special training, in order that the various operations connected with it may be performed with rapidity, with the greatest economy of time and apparatus, and with the highest degree of skill.

Our investigations need, first of all, clearly defined authoritative standards for many forms of apparatus, including volumetric apparatus, thermometers, etc., second, they need the assistance of a readily accessible and properly equipped bureau charged with testing and official certification of apparatus; third, they need from time to time the cooperation of just such an institution as you describe in aiding them in devising and perfecting new apparatus for special purposes, as the progress of discovery in various branches of agricultural science makes them possible and useful.

I am sure that the close of this century of most brilliant scientific discoveries can not be given a more enduring monument in this country than the establishment of just such an institution as you describe under the head of a national standardizing bureau.

It would take much more time than we have at our disposal to refer even briefly to the many splendid indorsements received in support of the pending bill. The hearings had before the Committee on Coinage, Weights, and Measures, and also those had before the subcommittee of the Committee on Commerce in the Senate, have been printed, those in the Senate as a Senate document. No one can read these hearings without wondering why this country has waited so long to take the first step toward the establishment of a national bureau of standards.

We sincerely hope that the bureau of standards, when established, as it certainly must be, will become an aid to scientific and industrial progress in this country, such as the Reichsantalt has been in Germany. Germany for several years has been rapidly advancing toward industrial supremacy in Europe. One of the potent factors in this notable advance is the perfected alliance between science and commerce existing there, and the Reichsanstalt is universally regarded as the crowning glory of her scientific advancement.

Professor Carhart, of Ann Arbor University, in a paper presented at the one hundred and forty-sixth meeting of the American Institute of Electrical Engineers in New York City, in September last, refers to the necessity of an institution in this country similar to the Reichsanstalt in the following language:

If Germany has found it to her scientific and industrial advantage to *maintain* the Reichsanstalt and is proud of what it accomplishes, and if Great Britain is so impressed with the success of the institution that she has decided to imitate it, it is surely the part of wisdom for the United States to move in the same direction. It is therefore very gratifying that at the suggestion of Secretary Gage a bill was introduced in the last Congress to establish a national standardizing bureau, and that the Committee on Coinage, Weights, and Measures reported unanimously and strongly in favor of its passage. So great is the importance of this movement from the point of view of science, of national pride, and of the higher interests of industrial pursuits that the effort, so happily begun, to secure suitable legislation should be repeated with redoubled force and enthusiasm. Some of the reasons for making this effort one does not need to go far to seek.

In the first place, the scientific interests to be served are certainly as great as in any other country in the world. Science is cultivated here with increasing assiduity and success. We are no longer content to follow in the footsteps of European savants and modestly repeat their investigations. Original work of a high order is now done in many American universities; but the difficulties under which university instructors prosecute research are even greater here than in Germany, and we are still compelled to go to Europe for most of our standards.

As a result, inventions of an almost purely scientific character originating here have been carried to perfection in the Reichsanstalt, and Germany gets the larger part of the credit. I need only instance the Weston standard cell, which has been so fully investigated at the Reichsanstalt, and the alloy "manganin," which the same institution employs for its standard resistances after a searching inquiry into its properties. Both of these are the invention of Mr. Edward Weston, one of the past presidents of this institute. So long as there is no authoritative bureau in the United States under Federal control and presided over by men commanding respect and confidence, we must continue "to utilize the far superior standardizing facilities of other governments."

It is true that science knows no nationality, but the scientific workers of any nation can serve their own country better if they are not compelled to obtain their standards and their best instruments from distant parts of the globe. America has the cultivation in physical science, the ability on the part of her investigators, and the inventive faculty to do work in a national institution that we shall not be ashamed to place by the side of Germany's best products. The establishment of a national institution for physical and technical purposes can not fail to foster a vigorous and healthy growth in science, to which we already owe so much of our national prosperity and renown.

In the manufacture of optical and scientific instruments Germany is leading the world, and we can not expect to compete with her in this line of manufacture unless we offer our own people equal facilities for standardization and calibration. If we have been successful in impressing the House with the real value and importance of the measure, we have no fear that it will not receive favorable consideration.

Some objection has been made to the salaries carried in the bill. In the bill as reported by the committee the salary of the director was fixed at $6,000 per annum. In the judgment of the committee this is not too large, but to meet all possible objection in the amended bill the salary is fixed at $5,000, with the hope that Congress may see fit to increase it at some future time. The officers of the bureau of standards will be called upon to determine the most important as well as the most difficult problems.

These decisions must be such as to command the respect of the world. The salaries proposed for the director and others in the scientific class are no higher than the corresponding positions in our leading educational institutions, and it should be kept in mind that the latter positions are to be preferred on account of the general impression which prevails that Government positions are subject to political changes, and the fact that the scientific men of educational institutions receive from three to four months' vacation annually, in which they may travel or study.

When men of the ability required for this position are willing to give up the many advantages they possess at educational institutions, there is open to them the position of scientific expert in the large industrial corporations—positions which frequently pay as much as $10,000 per year. Moreover, a physicist or chemist of repute who holds a responsible position in an educational institution or industrial corporation in one of the large cities is frequently consulted and called upon for expert testimony, thus providing him with a source of income not available to the scientific men of the proposed bureau.

Some have thought the amount authorized for the building too large. The building must be solidly built.

It must be very solidly built, with heavy walls and floors. Many of the walls must be double, on account of temperature changes. The material in the building would be at least 50 per cent more than in an ordinary building of the same size.

The heating of the building is much more complicated and expensive than in ordinary cases. The heating plant must be of the most improved form, and capable of perfect regulation. It will cost twice as much as the usual heating plant.

In addition to the gas and water pipes of an ordinary building every room in the building must be provided with water and gas for laboratory purposes. There is also a system of compressed air and vacuum pipes which extend throughout the building. The

plumbing and piping of a laboratory is a very considerable item of its entire cost.

In addition to the usual electric-light wires there are several systems of wires and switchboards used in the distribution of electricity for experimental purposes to the various rooms. This item would be four or five times that in an ordinary building.

The windows are to be provided with light-proof shutters or blinds, in order that the rooms may be absolutely dark or flooded with light, as the work may require. Many of the windows should be double.

The heating plant, engines, dynamos, motors, pumps, and heavy machines or apparatus would be placed in a small building, detached from the laboratory proper, which must be free from vibration or disturbances of all kinds. The instrument shops would also be in the small building.

It will be understood that owing to the requirements of such a building, the appropriation, rather the authorization, is not too large. The building should be built in an isolated place.

It should be far enough from the city to insure freedom from the disturbances caused by traffic or electric street-car lines, but not too far from the Departments and shipping facilities. The site should be large enough to prevent the construction of buildings, street-car lines, or streets near the laboratory.

Mr. Speaker, as I said in the beginning, the bill should pass without a dissenting vote. A summary of the whole situation could not be made in better terms than those used by the honorable Secretary of the Treasury in his statement before the subcommittee in the Senate. He there said:

In a most general way I may state that it is open to our observation that a new country is raw in its methods. It does not work by close rule. There is often a large margin for waste. The technical and scientific side of affairs comes later on, when by the development of society the relation of things will become more complex. The law of competition becomes more closely applied, and we learn by slow and painful steps that accuracy and closeness and scientific skill are required to supplement what went on in a tolerably skillful way before.

This country has advanced now to a point where in all the great things of life it is in competition with the older and more thoroughly established nations of the world, and by more thoroughly I mean in the experience of trade, in the scientific application of ideas, and in all the economies which save waste and aid efficiency.

In this particular of standardizing weights and measures and testing apparatus of every kind the older countries are far ahead of us; in fact, it may be said that there is no comparison between us. We are dependent utterly upon Germany, perhaps France to some extent, and England for our measurements and those standards which we are obliged to resort to in testing and comparing when we enter into competitive work against them. The application of a standardizing bureau, if established, will be very wide. It touches the manufacturing arts and commerce and all scientific efforts, and it will be most important in the general work of education. We have come to a period where guesswork will not do and, to use an old familiar phrase, "pretty near" does not count. Exactness and absolute conformity to standards and uniformity are the essentials.

There is another side to that which occurs to me. It may appear to many to have a more sentimental than practical value, but it gives the proposition, to my mind, great force, and that is what might be called the moral aspect of this question, the recognition by the Government of an absolute standard, to which fidelity in all the relations of life affected by that standard is required. We are the victim of looseness in our methods; of too much looseness in our ideas; of too much of that sort of spirit, born out of our rapid development, perhaps, of a disregard or a lack of comprehension of the binding sanction of accuracy in every relation of life.

Now, the establishment of a bureau like this, where the Government is the custodian and the originator of these standards of weights and measures as applied to all the higher scientific aspects of life which we are so rapidly developing in, has, to my mind, a value far and above the mere physical considerations which affect it, although those physical considerations are fundamental and most important. Nothing can dignify this Government more than to be the patron of, and the establisher of, absolutely correct scientific standards and such legislation as will hold our people to faithfully regard and absolutely obey the requirements of law in adhesion to those true and correct standards.

Mr. Speaker, I ask for a vote.

The SPEAKER pro tempore. The gentleman has five minutes remaining.

Mr. RICHARDSON of Tennessee. I yield five minutes to the gentleman from Georgia [Mr. MADDOX].

Mr. MADDOX. Mr. Speaker, I agree with the gentleman; this is a very important bill—too much so, in my judgment, to be taken up here and passed in forty minutes, without the right of amendment anywhere under the rules of this House.

Now, I should like to ask the gentleman, if he will give me his attention, for information. I do not know anything about the bill. If I understood it, or if it was possible for me to understand it in the time we have to consider it, I might be in favor of it. I want to know what it will cost; how many dollars it will take for this new bureau, and how many officers will be required to run this business.

Mr. SOUTHARD. There is a force of 14 employees provided for in the bill; and I want to say this to the gentleman: I was talking with Mr. Colby, chief chemist of the Bethlehem Iron and Steel Company, and he told me the physical and chemical laboratory of that institution has continuously 36 employees. This bill provides a less force than is usual in the laboratories of the railroads and other business institutions of the country.

Mr. MADDOX. If I understood you just now, this will affect this country very greatly.

Mr. SOUTHARD. No question about it.

Mr. MADDOX. The various instruments that you mention—it will be necessary for the people of this country to buy new ones, will it not?

Mr. SOUTHARD. Oh, no; nothing of that kind.

Mr. MADDOX. Would they not have to have new books on this matter?

Mr. SOUTHARD. Nothing of that kind.

Mr. MADDOX. Now, I say I do not understand the bill. I started out on that idea.

Mr. SOUTHARD. The bill is one which can not be thoroughly understood without some study. It has been very carefully studied by the committees of both Houses, and the original bill was recommended by both Houses.

Mr. MADDOX. It seems to be unfortunate that you brought it up at this time.

Mr. SOUTHARD. It is a very important matter, and some start ought to be made during this session. It ought to have been done twenty years ago.

Mr. MADDOX. Has it passed the Senate?

Mr. SOUTHARD. It will.

Mr. MADDOX. Do you suppose it can possibly become a law at this session?

Mr. SOUTHARD. I have been assured that if it passes the House there will be no objection to it in the Senate.

Mr. MADDOX. What is the cost of this?

Mr. SOUTHARD. This bill carries an appropriation of $167,140. That includes $100,000 toward the building, which is authorized and not to cost to exceed $250,000.

Mr. MADDOX. That includes the buildings and all?

Mr. SOUTHARD. The total cost of the buildings, including one annual appropriation for the force when the building is completed and the full force has been employed, will be $314,000, and the bill carried this appropriation before it was amended.

Mr. MADDOX. What will it all cost? What will be the annual cost?

Mr. SOUTHARD. I am going to state. It is proposed when this is all completed to employ an annual force of 21 persons. When that is done and the buildings completed the total expenditure will be $314,000. Understand, the annual appropriation for the full force would be $34,900. I have already stated that Germany appropriates every year $100,000 for the maintenance of a similar institution; England, $62,000; Austria, $45,000; and Russia, $46,000. Now, I want to say this to the gentleman.

Mr. CANNON. One moment. I think the gentleman from Georgia is getting a misapprehension of the bill, not the fault of either gentleman. This begins with 14 employees. Now, you appropriate $100,000 toward the erection of a building and then fix the limit of cost at $250,000, and then provide for a laboratory besides.

Mr. SOUTHARD. Oh, no.

Mr. CANNON. Yes.

The SPEAKER pro tempore (Mr. HULL). The time of the gentleman has expired.

Mr. RICHARDSON of Tennessee. I yield to the gentleman from Illinois five minutes.

Mr. CANNON. Now, section 7 reads as follows:

SEC. 7. That the following sums of money are hereby appropriated: For the payment of salaries provided for by this act, the sum of $34,900, or so much thereof as may be necessary; for the erection of a suitable laboratory, of fireproof construction, for the use and occupation of said bureau, including all permanent fixtures, such as plumbing, piping, wiring, heating, lighting, and ventilation, the sum of $250,000; for equipment of said laboratory, the sum of $25,000.

So that for a bureau of fourteen persons you start out with over $300,000 worth of buildings. I will ask the gentleman if he does not think that he ought to modify this measure for buildings not to exceed $100,000?

Mr. SOUTHARD. I want to say to the gentleman that if he had been present at the hearings before the committee in this case he would readily conclude that these appropriations, or this authorization, is not excessive.

Mr. CANNON. I don't think there ought to be any bureau organized. He starts out and comes full armed, like Minerva from the brain of Jove. He says the scientists come and want it, but there is no use in housing them in $300,000 worth of buildings. I believe it ought to be restricted to $100,000.

Mr. HOPKINS. I ask unanimous consent that it be limited to $100,000. I am greatly in favor of the passage of the bill, and I think we ought to conform to the wishes of gentlemen who are not in full accord with it.

Mr. SOUTHARD. I believe the gentleman from Illinois underestimates the importance of this bureau.

Mr. CANNON. This is a new service, and in my judgment it ought to be a division in the Coast and Geodetic Survey. If it needs some building, I think there is vacant ground on the other side of the Coast Survey building quite large enough for this building. Weights and Measures is now a division of the Coast Survey.

I think it would be better to authorize the standardizing division and let it go under the Coast Survey with a moderate salary to begin with until it justifies itself. But the gentleman thinks differently, and I have great regard for his committee, but I have not so much regard that I want to spend more than $100,000 to house 14 people.

Mr. SHAFROTH. I would like to say that the Superintendent of the Coast and Geodetic Survey, who was before the committee, indorsed the bill heartily, and said that it ought not to be under the Coast and Geodetic Survey.

Mr. CANNON. I understand the gentleman is content to modify his measure so as to read: "For the erection of a suitable laboratory of fireproof construction for the use and occupation of said bureau, including all permanent fixtures, such as plumbing, piping, wiring, heating, lighting, and ventilation, $100,000, which shall cover the entire cost of the same."

Mr. THROPP. Does that include the site?

Mr. CANNON. Oh, you have got $25,000 for a site besides.

The SPEAKER pro tempore (Mr. HULL). The time of the gentleman from Illinois has expired.

Mr. RICHARDSON of Tennessee. I now yield five minutes to the gentleman from Colorado [Mr. SHAFROTH].

Mr. SHAFROTH. Mr. Speaker, when this measure was first presented to the committee, I thought the proposition was not a wise one. As a general thing I look upon the creation of offices as something that ought to be very carefully considered. But I have considered the question with great care, have talked with a good many people who know the practical workings of laboratories of the kind that is to be created under this bill, and I must say that in my judgment it is a measure which this Government should have passed long ago.

There is a new creation, as it were, of measures and of standards in the world. The development in electricity, in the great powers of heat, also in the great liquid-air field, have caused the creation of new units of measurements. It is now necessary to the manufacturers of instruments of precision that they should be gauged and calibrated here in the United States.

In the first place, it makes a fixed place to which reference can be made as to what is the standard. The difficulty to-day in the electrical field is that one manufacturer has one standard and another manufacturer a different one, and the result is it is all chaos; whereas if the Government establishes a standardizing bureau it fixes standards which all manufacturers must acknowledge, and thereby conduces to uniformity in measurements. Such a bureau will be of great service in compelling manufacturers to produce perfect work. When their product can be easily tested, self-interest will compel the highest order of work and will prevent the falsification of measures.

Such a bureau will add great reputation to the instruments of precision manufactured in this country, and by reason thereof extend the sales of the same throughout the world. There are contests arising, disputes arising, every day as to whether a certain meter is of the proper kind and measures properly. The Government itself ought to be the arbiter as to whether the meter is properly calibrated.

Now, Mr. Speaker, we find that inasmuch as the Government itself has to send many instruments to Europe for calibration that it would be a saving to the Government itself to some extent. But even if it would not we are hampering our manufacturers in not providing a place where they can have their instruments tested.

On account of the German bureau manufacturers of that country are gaining such reputation and such precedence for their goods that the American producers of the same goods are at a disadvantage in competing with them.

Unless we have some means of giving assurance that the instruments manufactured by Americans are of absolute certainty, they can never be brought up to equal in reputation those of Germany. Within the last ten years Germany has made great advances over England in this matter, although previous to that time England had the greater reputation.

But Germany, on account of the establishment of a bureau there and on account of the careful manner in which they have done their work, has established a reputation which gives to the German instruments calibrated by that Government a reputation all over the world as the most perfect of any. Our own manufacturers in order to sell are often obliged to have the goods sent to Germany to get there the certificate that their instruments are of equal character with those manufactured in Germany. This is a disadvantage which we should not any longer suffer to exist.

The report on this bill was unanimous and I hope the bill will pass.

Mr. RICHARDSON of Tennessee. One criticism, though it is somewhat technical, is suggested by the language of this bill. In providing for the appointment of a director of this bureau the language is that the President "shall appoint" that officer. It is true that the language is added, "with the advice and consent of the Senate;" but the phraseology ought to be that the President "shall nominate and, by and with the advice and consent of the Senate, shall appoint." That is the language of the Constitution. I do not know that there was any object in varying from that language, but it seems to me the wording of the bill should be in accordance with the Constitution.

I yield two minutes to the gentleman from Connecticut [Mr. HILL], after which I will yield two minutes to the gentleman from Illinois [Mr. HOPKINS].

Mr. HILL. Mr. Speaker, this is the unanimous report of the Committee on Coinage, Weights, and Measures. There is no political question whatever involved in it. If this country is going to "keep up with the procession" in our foreign trade as well as in our home trade we must have the same accuracy of measurements and the same methods of standardizing our various forms of weights and measures that other nations have.

Last year Germany spent $116,000 in this direction, and in four establishments made 28,000 tests of various kinds. England spent $62,000 and had 29,869 tests. Now compare that with the United States. Our Coast Survey in its Bureau of Weights and Measures spent $10,400 and had only 1,333 tests.

If we are going to keep in line with the other nations of the world we must have some improvement in this system, which is a part of our Coast and Geodetic Survey. I believe that in one single thing in the measurement of electric arc street lights by means of a uniform standard, and thus enabling municipalities to know that they are getting the candle power in their arc lights which they are paying for—in this respect alone the establishment which this bill proposes to create will more than pay the people of this country the entire cost of maintaining the bureau. I sincerely hope that there will be in this House, as there was in the Committee on Coinage, Weights, and Measures, a unanimous vote in favor of this proposition.

I do not believe in extravagance. I have voted almost steadily at this and former sessions of Congress against the establishment of new bureaus. But I shall vote for this with pleasure. I hope, however, that the chairman of the committee will accept the suggestion that the appropriation now made be limited to $100,000 instead of $250,000 as proposed in the original bill. Let us establish the bureau, and then let it depend upon its own merits for any further development or enlargement in the future.

Mr. HOPKINS. Mr. Speaker, I do not desire to delay the House by occupying even the two minutes which the gentleman from Tennessee [Mr. RICHARDSON] has kindly yielded me. I regard this as one of the most important measures——

Mr. KNOX. Will not the gentleman occupy a part of his two minutes in explaining how this measure will affect the standardizing systems of the various States? Will it supersede them?

Mr. SOUTHARD. It has nothing to do with those. The bill provides that this bureau shall do its work free for the Government and for the different States, while it is to make a charge for such work as it may do for private individuals or corporations.

Mr. KNOX. Then this bureau will not supersede the similar establishments in the States.

Mr. SOUTHARD. It does not propose to supersede or interfere with anything. It does not determine the standards. It simply provides an institution where the standards can be tested.

Mr. HOPKINS. Mr. Speaker, this measure has been called for by all classes of American citizens, including those manufacturing fine machinery, scientific apparatus, electrical appliances, etc. It has been called for by colleges and by railroads, by cities and States.

As there appears to be no division of sentiment in regard to the adoption of the bill, the only question is as to the expense which ought now to be incurred in the establishment of this bureau. The bill calls for an appropriation of $250,000. I agree with my colleague [Mr. CANNON] that it would be best to amend the bill and make the appropriation $100,000. Let the future take care of the question as to whether we shall increase the expenditures upon this bureau.

[Here the hammer fell.]

Mr. SOUTHARD. Mr. Speaker, how much time have I remaining?

The SPEAKER. Five minutes.

Mr. OTJEN. Is it not true that this bill provides a system of fees which will largely pay the expense of running the bureau?

Mr. SOUTHARD. It will be largely self-supporting. Last September Prof. Henry S. Pritchett, of Ann Arbor University, read a paper before the American Institute of Electrical Engineers in New York City, portions of which I shall take the liberty of including in my remarks.

Mr. Speaker, I now ask unanimous consent that the bill may be amended in accordance with the suggestions of the gentleman from Illinois, striking out $250,000 as the amount of the appropriation and substituting $100,000.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the amendment which he has just indicated be incorporated in the bill. Is there objection?

Mr. GILBERT. I object.

The SPEAKER. The question now is on suspending the rules and passing the bill, with the amendment.

The question was taken; and, in the opinion of the Chair, two-thirds having voted in favor thereof, the bill was passed.

GOVERNMENT OF ALASKA.

The SPEAKER laid before the House the following Senate bill, with House amendment disagreed to by the Senate.

The Clerk read as follows:

A bill (S. 5573) to amend section 203 of Title III of the act entitled "An act making further provisions for a civil government for Alaska, and for other purposes."

The amendment of the House was read.

Mr. WARNER. Mr. Speaker, I move that the House still insist on its amendment, and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER. The Chair announces as managers on the part of the House Mr. WARNER, Mr. GIBSON, and Mr. LLOYD.

CHARGES AGAINST ROBERT W. WILCOX.

Mr. TAYLER of Ohio. Mr. Speaker, I present a privileged report. I ask unanimous consent that the reading of the report be dispensed with. The Committee on Elections No. 1 merely presents it to the House.

The SPEAKER. The gentleman asks unanimous consent to dispense with the reading of the report. There is no action to be taken. The report will be read by its title.

The Clerk read as follows:

In the case of the charges against ROBERT W. WILCOX, a Delegate from Hawaii.

The SPEAKER. This will be printed and referred to the House Calendar.

GEORGE M. DAVIDSON AGAINST G. G. GILBERT.

Mr. TAYLER of Ohio. Mr. Speaker, I present another privileged report in the contested-election case of George M. Davidson against G. G. Gilbert.

The Clerk read as follows:

Contested-election case of George M. Davidson against G. G. Gilbert.

The SPEAKER. This report will be printed and referred to the House Calendar.

E. D. SCOTT.

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

The Clerk read as follows:

A bill (H. R. 12005) to correct the military record of the late E. D. Scott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of E. D. Scott, late first lieutenant of Company E, Fourth Regiment Kentucky Volunteers, in the war with Spain, by erasing from the records any words which reflect in any way upon the military service and character of E. D. Scott, and that such officer be granted an honorable discharge as first lieutenant of said company and regiment, to date February 11, 1899.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, I think there ought to be some explanation.

Mr. HAY. I will ask the Clerk to read the report.

The SPEAKER. The report is a very lengthy one.

Mr. BOREING. I suggest that the reading of the report be dispensed with.

Mr. SLAYDEN. Perhaps the gentleman will make a statement.

Mr. HAY. I will make a statement. I will read the report. It appears that when Lieutenant Scott was discharged from the Army that his colonel placed upon his record these words: "Service not honest or faithful, and character bad." Now the committee report that these words placed by his colonel on Lieutenant Scott's record were not justified according to the evidence, and that these words should be erased from the discharge of Lieutenant Scott. This does not carry any pension——

Mr. PAYNE. I have no objecton, Mr. Speaker.

Mr. WHEELER. Mr. Speaker, I dislike to object; but this is not just to Colonel Colson.

Mr. HAY. There is nothing in the report reflecting on Colonel Colson in any way whatever.

Mr. WHEELER. I would like to inquire if Colonel Colson has been heard?

Mr. HAY. I have not heard from him. The bill was introduced by the gentleman from Kentucky [Mr. BOREING], was referred to the Committee on Military Affairs, and was referred to me to draw the report. There is no purpose in it except to gratify the feelings of the father, who himself is about to die. I do not see how it can reflect upon Colonel Colson, and there is no disposition or purpose to reflect upon him.

Mr. WHEELER. Mr. Speaker, I would like the Chair to allow me to speak to my colleague. [After a pause.] Mr. Speaker, I object.

The SPEAKER. Objection is made.

JOHN C. WECKLER.

Mr. BOUTELL of Illinois. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill.

The Clerk read as follows:

A bill (H. R. 1452) to remove the charge of desertion and grant an honorable discharge to John C. Weckler.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the record of John C. Weckler, who enlisted as John C. Brown, late private in Company C, Thirteenth United States Infantry, and to grant him an honorable discharge from said service.

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

Add after the word "service," at the end of line 7, the following: "as of date June 21, 1865: *Provided*, That no pay, bounty, or emoluments shall become due or payable by virtue of the passage of this act."

The SPEAKER. Is there objection?

Mr. SHACKLEFORD. I object.

Subsequently

Mr. SHACKLEFORD. Mr. Speaker, under a misapprehension a moment ago I made objection to the bill H. R. 1452. I desire to withdraw my objection.

The SPEAKER. The gentleman withdraws his objection. Is there further objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendment.

The amendment was agreed to.

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

On motion of Mr. BOUTELL of Illinois, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CUNNINGHAM, one of its clerks, announced that the Senate had passed without amendment bill of the following title; in which the concurrence of the House was requested:

H. R. 13947. An act increasing the limit of cost of certain public buildings, and for other purposes.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Senate concurrent resolution 115.

Resolved by the Senate (the House of Representatives concurring), That there be printed 30,000 copies of the hearings, including the majority report and views of the minority thereon, before the Senate Committee on Agriculture and Forestry and the House Committee on Agriculture, together with the briefs submitted relating to House bill No. 3717, 20,000 copies of which shall be for the use of the House of Representatives and 10,000 copies for the use of the Senate. The usual number shall not be printed.

KATE KING.

Mr. BULL. Mr. Speaker, I call up privileged resolutions from the Committee on Accounts.

The Clerk read as follows:

Resolved, That the Clerk of the House of Representatives is hereby directed to pay, out of the contingent fund, to Kate King, widow of Mark King, late an employee of the House, a sum equal to six months of his salary, and funeral expenses not to exceed $250.

The resolution was agreed to.

J. R. WHITACRE.

Mr. BULL. Also the following.

The Clerk read as follows:

House resolution No. 353.

Resolved, That the Clerk of the House of Representatives is hereby authorized to pay to the widow of J. R. Whitacre, late a messenger on the soldiers' roll of the House of Representatives, a sum equal to six months' salary, and funeral expenses not to exceed $250, the same to be immediately available.

The resolution was agreed to.

VIRGINIA P. WISE.

Mr. BULL. Also the following.

The Clerk read as follows:

Resolved, That the Clerk of the House be, and he is hereby, authorized to pay, out of the contingent fund of the House, to Virginia P. Wise the sum of $67.72, being the amount due her as clerk to the late Representative Richard A. Wise from December 1 to December 21, 1900.

The resolution was agreed to.

FANNIE A. CLARKE.

Mr. BULL. Also the following.

The Clerk read as follows:

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized to pay, out of the contingent fund of the House, to Fannie A. Clarke the sum of $32.25, being the amount due her as clerk to the late Representative Frank G. Clarke from January 1, 1901, to January 10, 1901, inclusive.

The resolution was agreed to.

RICHARD H. TOWNLEY.

Mr. RIXEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4687) for the relief of Richard H. Townley, a lieutenant (junior grade) on the retired list of the United States Navy.

The bill was read, as follows:

Whereas Lieut. Richard H. Townley, United States Navy, after seventeen years of active service, was placed upon the retired list of the Navy by reason of disability incurred through arduous service and excessive and prolonged exposure in the line of duty; and

Whereas the said Richard H. Townley has entirely recovered from the said disability which caused his retirement, and is able to perform active duty; and

Whereas the said Richard H. Townley volunteered for active duty, and served continuously and creditably during the war with Spain; and

Whereas several other officers who have been retired have been restored to and are now on the active list: Therefore, that justice may be done the said Richard H. Townley, and that the Navy Department may be enabled to command his services for all and any duty to which he may be assigned,

Be it enacted, etc., That the President be, and hereby is, authorized to appoint Richard H. Townley, now a lieutenant (junior grade) on the retired list of the Navy of the United States, to the grade and rank of lieutenant-commander on the active list, as of the date March 3, 1899, and next after his classmate, Moses L. Wood; and the provisions of law regulating appointments in the Navy by promotion and limiting the number of lieutenant-commanders on the active list are hereby suspended for the purposes of this act: *Provided*, That the said Richard H. Townley shall establish to the satisfaction of the Secretary of the Navy, by examination pursuant to law, his physical, mental, moral, and professional fitness to perform the duties of that grade: *And provided further*, That he shall be additional to the number of officers prescribed by law for the grade of lieutenant-commander, and in any grade to which he may hereafter be advanced.

The amendments recommended by the committee were read, as follows:

Strike out line 4 after the word "rank."

Strike out lines 5, 6, 7, 8, and 9 to and including the word "act."

Insert in lieu thereof, after the word "rank," in line 4, "of lieutenant (junior grade) on the foot of the active list."

Strike out, in line 13, the word "and."

Strike out lines 14, 15, 16, and 17.

The SPEAKER. Is there objection?

Mr. HOPKINS. Reserving the right to object, I would like to hear a little explanation of this bill.

Mr. RIXEY. Mr. Speaker, I will say to the gentleman from Illinois that this lieutenant is not a resident of my district.

Mr. HOPKINS. Mr. Speaker, I can not hear what the gentleman says.

Mr. RIXEY. I am not responsible for that.

The SPEAKER. The House will be in order.

Mr. DAYTON. Mr. Speaker, let me say to the gentleman that this is exactly opposite to retiring a man. It is where a man has been retired and wants to return to the service.

Mr. HOPKINS. I do not withdraw my objection. I want to know something about it.

Mr. DAYTON. This man was retired; he is on the retired list, and was retired because of disability. He has recovered from the disability incurred during the service, is now a well man, and it is proposed to restore him to the rank right where he left off—not in advance, but right where he left off. The Navy is needing just such officers. He is a brave, manly fellow; he is now in the Philippines in the service, and he wants to get back into the service.

Mr. HOPKINS. Does it advance him over other officers?

Mr. DAYTON. Not at all. It puts him at the foot of the grade that he was in when he had to be retired.

Mr. HOPKINS. I withdraw my objection.

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

The amendments recommended by the committee were agreed to.

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

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

WORLD'S COLUMBIAN EXPOSITION.

Mr. HEATWOLE. Mr. Speaker, I present for consideration the following.

The Clerk read as follows:

Senate concurrent resolution 72.

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 copies of the Special Expert Reports as prepared under the direction of the committee of awards of the Columbian Exposition, held in Chicago in 1893, of which 1,000 shall be for the use of the Senate and 2,000 for the use of the House of Representatives.

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

Strike out all after the resolving clause and insert in lieu thereof:

"That there be printed 3,500 copies of so much of the report of the committee on awards of the World's Columbian Commission as is contained in the special reports upon special subjects or groups as were prepared by expert judges authorized to act by the World's Columbian Commission, its executive committee on awards, the committee on final report, or the board of reference and control, of which 1,000 shall be for the use of the Senate, 2,000 for the use of the House of Representatives, and 500 for distribution by the Department of State."

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

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

On motion of Mr. HEATWOLE, a motion to reconsider the vote by which the concurrent resolution was agreed to was laid on the table.

SHIP BALCLUTHA.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13530) to provide an American register for the steamship *Manauense* and the ships *Antiope* and *Balclutha*.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioner of Navigation be, and he is hereby, authorized and directed to cause the foreign-built steamship *Manauense* and the foreign-built ships *Antiope* and *Balclutha*, owned by citizens of the United States, to be registered as vessels of the United States.

With the following amendments, recommended by the committee:

In line 5, before the word "*Balclutha*," insert the word "ship."

In line 7 strike out the word "vessels" and insert "vessel."

Strike out the words "steamship *Manauense* and the foreign-built ships *Antiope* and."

The SPEAKER. Is there objection?

Mr. UNDERWOOD. I would like to hear some explanation from the gentleman.

Mr. GROSVENOR. At the time of the annexation of Hawaii there were certain merchant vessels bearing the flag and register of Hawaii. By act of Congress about a year ago in the long session we adopted an American register for all of these vessels excepting this one. The provision originally of this bill was to admit three, but on an investigation there appeared to be some question about the origin of two of them, and the committee reported only in favor of the one that is now submitted.

That one belonged regularly to Hawaiian citizens and was registered under the Hawaiian flag, and was in all respects upon all fours with those admitted heretofore. I will say to the House that it is the last one of the merchant marine of Hawaii that is not already registered under the American flag.

Mr. UNDERWOOD. Who are the present owners?

Mr. GROSVENOR. J. J. Moore, an American citizen.

Mr. UNDERWOOD. And it belonged to a Hawaiian citizen at the time of annexation?

Mr. GROSVENOR. At the time Hawaii came into our country, and it would have been included in the former bill had we known of the exact conditions existing at that time.

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

The amendments were considered and agreed to.

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

On motion of Mr. GROSVENOR, a motion to reconsider the last vote was laid on the table.

LOAN OF NAVAL EQUIPMENT TO MILITARY SCHOOL.

Mr. ZENOR. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3003) to authorize the Secretary of the Navy to loan naval equipment to certain military schools.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized, upon the application of the governor of any State having seacoast line or bordering on one or more of the Great Lakes, to direct the Secretary of the Navy to furnish to one well-established military school in that State, desiring to afford its cadets instruction in elementary seamanship, one fully equipped man-of-war's cutter for every 20 cadets in actual attendance, and such other equipment as may be spared and be deemed adequate for instruction in elementary seamanship: *Provided*, That the said school shall have adequate facilities for cutter drill, and shall have in actual attendance at least 140 cadets in uniform receiving military instruction and quartered in barracks under military regulation, and shall have the capacity to quarter and educate at the same time 150 cadets: *And provided further*, That the Secretary of the Navy shall require a bond in each case in double the value of the property, for the care and safe-keeping thereof, and for the return of the same when required.

Mr. ZENOR. Mr. Speaker, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

In line 9 strike out the word "twenty" and insert "fifty."

The amendment was agreed to.

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

On motion of Mr. ZENOR, a motion to reconsider the last vote was laid on the table.

IMMEDIATE TRANSPORTATION PRIVILEGES, EVERETT, WASH.

Mr. CUSHMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4509) extending to the city of Everett, Wash., a subport of entry, the privileges of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise.

The Clerk read the bill, as follows:

Be it enacted, etc., That the privileges of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to Everett, a subport of entry in the customs collection district of Puget Sound.

The SPEAKER. Is there objection?

Mr. GROSVENOR. I would like to hear from the gentleman what committee reported this bill.

The SPEAKER. The Ways and Means Committee.

Mr. RICHARDSON of Tennessee. I understand the bill has been reported favorably by the Ways and Means Committee:

Mr. CUSHMAN. Yes; and passed the Senate.

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

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

On motion of Mr. CUSHMAN, a motion to reconsider the last vote was laid on the table.

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. 11881. An act to amend the acts for the protection of birds, game, and fish in the District of Columbia;

H. R. 13067. An act to enlarge the powers of the courts of the District of Columbia in cases involving delinquent taxes;

H. R. 12904. An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1902, and for other purposes; and

H. R. 8068. An act authorizing the board of supervisors of Pima County, Ariz., to issue fifty-year 4 per cent bonds of Pima County, Ariz., to redeem certain bonded indebtedness of said county.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 437. An act for the relief of Isaac McConnaughay, private, Company H, Fortieth Iowa Infantry Volunteers;

S. 5698. An act to extend the time for the completion of a bridge across the Missouri River;

S. R. 158. Joint resolution ratifying agreement between Tennessee and Virginia with reference to the boundary line of said States; and

S. R. 115. Joint resolution authorizing the Secretary of the Navy to cause bronze medals to be struck and distributed to certain officers and men who participated in the war with Spain, and for other purposes.

COMMITTEE ON BANKING AND CURRENCY.

The SPEAKER. The Chair lays before the House the following request:

The Clerk read as follows:

Mr. BROSIUS requests that the Committee on Banking and Currency be authorized to be have printed and bound such matter for the use of said committee as it may deem necessary in connection with the subject considered or to be considered by said committee.

The SPEAKER. Without objection, this request will be granted.

There was no objection.

RECESS.

Mr. PAYNE. Mr. Speaker, I am informed that the deficiency appropriation bill will not be here from the Senate before 10 o'clock this evening, and it is necessary to get it into conference to-night. I therefore move that the House take a recess until 9.30.

The motion was agreed to.

Accordingly (at 5 o'clock and 5 minutes), the House was in recess until 9.30 this evening.

At 9.30 o'clock p. m. the House resumed its session.

The SPEAKER. The Clerk will read the Journal of the proceedings from the last approval up to date.

The Clerk thereupon read the Journal.

The SPEAKER. Without objection, the Journal will stand approved as far as read.

There was no objection.

J. W. PEGLOW.

Mr. VREELAND. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14269) concerning a lease between J. W. Peglow and the Seneca Nation of New York Indians.

The Clerk read the bill, as follows:

Be it enacted, etc., That the agreement of lease dated October 11, 1900, entered into between the Seneca Nation of Indians, in council assembled, and J. W. Peglow, of Silver Creek, N. Y., on October 11, 1900, granting to said Peglow the right of excavating and removing sand from the premises described in said agreement, be, and the same is hereby, ratified and confirmed.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I would be glad to have some explanation, reserving the right to object.

Mr. SHERMAN. I will be glad to explain it. It came from the Committee on Indian Affairs. They have considered that carefully. It is simply a proposition to confirm a lease made by the Seneca Nation of Indians in open council and for a piece of property owned by the tribe and not by any individual Indian.

Mr. RICHARDSON of Tennessee. Has the Commissioner of Indian Affairs recommended the passage of this bill?

Mr. SHERMAN. He has not recommended it, because he has not been asked to. It was sent to the Secretary of the Interior, and the only reason it was not confirmed there was because of the opinion of the Attorney-General that they had no right under the law to confirm the lease. Otherwise it would have been confirmed by the Department and Congress would not have been asked to act in the matter. It was a unanimous report from the Committee on Indian Affairs.

Mr. RICHARDSON of Tennessee. Mr. Speaker, it seems to me that a lease of this kind ought at least to have been submitted to the Department or the Indian Bureau and been acted on by them.

Mr. SHERMAN. It was submitted to the Department, though not by the committee; but it was not approved by the Department, because, as I have stated, the Attorney-General held that the Department had no right under existing law to approve the lease.

Mr. BAILEY of Texas. Has the gentleman personally examined the lease?

Mr. SHERMAN. I have.

Mr. BAILEY of Texas. And the gentleman thinks it fair to the Indians?

Mr. SHERMAN. I do.

Mr. BAILEY of Texas. Was this lease before the Committee on Indian Affairs?

Mr. SHERMAN. It was—the original lease.

Mr. BAILEY of Texas. And the committee has unanimously recommended this bill?

Mr. SHERMAN. Yes, sir.

There was no objection; and the House proceeded to the consideration of the bill, which was ordered to a third reading, read the third time, and passed.

On motion of Mr. VREELAND, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS NEHALEM BAY AND RIVER, OREGON.

Mr. MOODY of Oregon. I ask unanimous consent for the present consideration of the bill (H. R. 14163) to authorize the Portland, Nehalem and Tillamook Railway Company to construct a bridge across Nehalem Bay and River, in the State of Oregon.

The bill, with the amendment reported by the Committee on Interstate and Foreign Commerce, was read.

There being no objection, the House proceeded to the consideration of the bill.

The amendment was agreed to.

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

On motion of Mr. MOODY of Oregon, a motion to reconsider the last vote was laid on the table.

SUBPORTS OF ENTRY AND DELIVERY IN HAWAII.

Mr. KNOX. I ask unanimous consent to take from the Speaker's desk for immediate consideration the bill (S. 5484) to provide for subports of entry and delivery in the Territory of Hawaii.

The bill was read, as follows:

Be it enacted, etc., That such places in the customs district of the Territory of Hawaii as the Secretary of the Treasury may from time to time designate shall be subports of entry and delivery, and customs officers shall be stationed at such subports with authority to enter and clear vessels, receive duties, fees, and other moneys, and perform such other services and receive such compensation as in the judgment of the Secretary of the Treasury the exigencies of commerce may require.

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

Mr. PAYNE. Mr. Speaker, a House bill substantially like this bill of the Senate was referred for some reason or another to the Committee on Territories. The Committee of Ways and Means considered the subject, and I was authorized and directed at a meeting a week or two ago to take steps to get the bill into the hands of the Committee of Ways and Means.

But the bill was overlooked until the last meeting of the committee. I have no doubt in my own mind that this Senate bill ought to pass. I believe that if it were considered by the Committee of Ways and Means they would recommend it. I therefore make no objection to the bill.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. KNOX, a motion to reconsider the last vote was laid on the table.

The SPEAKER. Without objection, House bill No. 13372, similar in its provisions to the Senate bill just passed, will be laid on the table.

There was no objection.

NATIONAL BANKS.

Mr. LANE. Mr. Speaker, I move to suspend the rules and put upon its passage the bill (H. R. 10454) to amend section 1 of an act entitled "An act to amend sections 5191 and 5192 of the Revised Statutes of the United States, and for other purposes."

The bill was read, as follows:

Be it enacted, etc., That section 1 of an act entitled "An act to amend sections 5191 and 5192 of the Revised Statutes of the United States, and for other purposes," approved March 3, 1887, be, and the same is hereby, amended to read as follows:

"That whenever three-fourths in number of the national banks located in

any city of the United States having a population of 25,000 people shall make application to the Comptroller of the Currency, in writing, asking that the name of the city in which such banks are located shall be added to the cities named in sections 5191 and 5192 of the Revised Statutes, the Comptroller, with the approval of the Secretary of the Treasury, shall have authority to grant such request, and every bank located in such city so designated shall at all times thereafter have on hand, in lawful money of the United States, an amount equal to at least 25 per cent of its deposits, as provided in sections 5191 and 5195 of the Revised Statutes: *Provided*, That no bank with a capital of less than $100,000 shall be thus designated."

Mr. BAILEY of Texas. I demand a second on the motion to suspend the rules.

Mr. LANE. I ask unanimous consent that a second may be considered as ordered.

Mr. BAILEY of Texas. Pending that, I desire to ask a question, after which I may not object to this request.

Owing to the confusion in the Hall during the reading of the bill, I do not feel certain as to its provisions. Is it a bill to reduce the lawful reserve of these banks?

Mr. LANE. It proposes to amend the present requirement as to population, substituting 25,000 for 50,000, and also to reduce the requirement as to capital from $200,000 to $100,000 in reserve cities.

Mr. BAILEY of Texas. It does not touch the amount of the reserve which the banks will be required to carry?

Mr. LANE. Not at all. The requirement in that respect will be the same as now—25 per cent. It simply reduces by 50 per cent the population and the capital required.

Mr. BAILEY of Texas. If that is all there is in the bill, I have no objection.

The SPEAKER. In the absence of objection, the motion to suspend the rules is seconded. The Chair recognizes the gentleman from Iowa [Mr. LANE] for twenty minutes. [Cries of "Vote!" "Vote!"]

The SPEAKER. The question is on the motion to suspend the rules——

Mr. BAILEY of Texas. Mr. Speaker, I must have some further explanation of the bill before the vote is taken.

The SPEAKER. Does the gentleman from Iowa desire to be heard?

Mr. LANE. If the gentleman wishes an explanation, I am willing to make one.

The present law requires that the capital of these banks shall be at least $200,000 and the population of the cities in which they are located not less than 50,000. The result of this is that at present, under the existing law, there are in the United States, outside of the 3 special reserve cities, only 28 reserve cities.

Mr. BAILEY of Texas. The effect of the bill, as I understand, would be to increase the number of reserve cities, and thus more evenly distribute the bank reserve throughout the country.

Mr. LANE. That is the object of the bill, and that will be its effect.

Mr. BAILEY of Texas. That being so, I have no objection to an immediate vote.

The question being taken, the motion to suspend the rules and pass the bill was agreed to, two-thirds voting in favor thereof.

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. 14236. An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for prior years, and for other purposes.

KNOXVILLE POWER COMPANY.

Mr. GIBSON. I ask unanimous consent for the present consideration of the bill (S. 4956) to grant the Knoxville Power Company the right to dam the Tennessee River at or near Knoxville, Tenn.

The SPEAKER. The bill will be read.

Mr. GIBSON. The bill has already been twice read in extenso in the hearing of the House. I ask that the reading now be dispensed with.

Mr. PAYNE. I think the bill ought to be read at the present time.

The bill was read, as follows:

Be it enacted, etc., That the Knoxville Power Company, of Knoxville, Tenn., be, and is hereby, authorized to construct a lock and dam across the Tennessee River at or near Knoxville, for the purpose of furnishing power for lighting, manufacturing, and other purposes: *Provided*, That the maximum charges for light, power, and other purposes, provided by the said Knoxville Power Company, shall be at all times subject to the regulation and control of the Secretary of War; but the Secretary of War shall not increase the rates fixed by the city of Knoxville.

SEC. 2. That said company, in the construction and operation of said lock and dam, shall conform to all the conditions and requirements that may be made by the Secretary of War.

SEC. 3. That before beginning the work the Knoxville Power Company shall file with the Secretary of War the plans, drawings, specifications, etc., to be used in connection with the construction of said lock and dam, and shall have his approval thereof, and until such approval is given the structure shall not be commenced.

SEC. 4. That the work of construction of said lock and dam shall be carried on in such a manner as not to unnecessarily interrupt or impede navigation while it is in progress; and when constructed the lock and dam shall be operated free of cost and charge to all vessels passing through the same, and at the cost and expense of the said Knoxville Power Company: *Provided*, That the works shall be so constructed and operated as not to interfere in any way with the regular flow of water in the river, and any ponding up or storing the water during certain periods so as to use it more rapidly during other periods is hereby prohibited: *Provided further*, That the said company shall be responsible for any damage or injury inflicted upon navigation interests by said works or by reason of the failure of the said company to comply with any conditions or requirements made by the Secretary of War in respect thereto, and the said company shall also be responsible for any damage to private property resulting from overflow, and any litigation arising from any of these causes may be tried in the courts of the United States for the district in which the said works are situated: *Provided further*, That should the works at any time and for any cause whatever become an unreasonable obstruction to navigation, the Secretary of War shall have authority to direct and compel the Knoxville Power Company to make such changes as may be necessary to obviate such obstruction at the expense of the said Knoxville Power Company.

SEC. 5. That this act shall be null and void if actual construction of the works be not commenced within two years and completed within five years from the date hereof.

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved.

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

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

TIMBER-CULTURE LAWS.

Mr. JONES of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 2866.

The Clerk read as follows:

A bill (S. 2866) to extend the provisions of section 8 of the act entitled "An act to repeal timber-culture laws, and for other purposes," approved March 3, 1891, concerning prosecutions for cutting timber on public lands, to California, Oregon, and Washington.

Be it enacted, etc., That section 8 of the act entitled "An act to repeal timber-culture laws, and for other purposes," approved March 3, 1891, as amended by an act approved March 3, 1891, chapter 559, page 1093, volume 26, United States Statutes at Large, be, and the same is hereby, amended as follows: After the word "Nevada," in said amended act, insert the words "California, Oregon, and Washington."

Mr. SULZER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman for a brief explanation in regard to this bill.

Mr. JONES of Washington. Mr. Speaker, under the act of 1878 the citizens of the States of Colorado, Montana, Idaho, North Dakota, South Dakota, Wyoming, and the district of Alaska and the gold and silver regions of Nevada and the Territory of Utah were given the right to cut timber for mining, agricultural, and domestic purposes under such rules and regulations as the Secretary of the Interior might make; and under those regulations also, and under this act, it was provided that in all other mining districts they could do the same thing.

The Secretary of the Interior has held that these terms, general in their nature, do not apply to California, Oregon, and Washington. This bill only proposes to extend the same privilege to the States of California, Oregon, and Washington as are given to other mining States. There can be no question that they are mining States; and the only object, as I say, is to extend the same privilege to the citizens of those States.

Mr. SULZER. Well, I understand that this bill will permit the cutting of timber upon Government reservations.

Mr. JONES of Washington. It allows the cutting of timber on mining lands for domestic and mining purposes. For instance, a man is mining a claim and has not sufficient timber on that land, and he can go into another mining district and take enough for domestic purposes, under such regulations as the Secretary of the Interior may prescribe. If he does that under the law as it now is in those States, he would be liable to punishment.

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

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. JONES of Washington, a motion to reconsider the vote by which the bill was passed was laid on the table.

THIRTEENTH ANNUAL REPORT OF THE COMMISSIONER OF LABOR.

Mr. HEATWOLE. Mr. Speaker, I am directed by the Committee on Printing to ask unanimous consent for the present consideration of Senate concurrent resolution No. 52.

The Clerk read as follows:

Senate concurrent resolution 52.

Resolved, That there be printed and bound in cloth 8,000 copies of the report of the Commissioner of Labor on hand and machine labor, known as his thirteenth annual report, of which 5,000 shall be for the use of the Department of Labor, 1,000 for the use of the Senate, and 2,000 copies for the use of the House of Representatives.

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

The resolution was agreed to.

On motion of Mr. HEATWOLE, a motion to reconsider the vote by which the concurrent resolution was agreed to was laid on the table.

MEMORIAL VOLUME TO THE LATE HON. JOHN SHERMAN.

Mr. KERR of Ohio. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 314.

The Clerk read as follows:

Joint resolution (H. J. Res. 314) to receive and deposit in the Library of Congress a memorial volume to the memory of the late Hon. John Sherman.

Resolved, etc., That the Librarian of the Library of Congress be, and he is hereby, authorized and directed to receive and deposit in the Library of Congress a memorial volume to the memory of the late Hon. John Sherman; the said volume to be prepared by the executors of the will of decedent, and the same to be done without expense to the United States.

The SPEAKER. Is there objection? The Chair hears none.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I was about to ask the gentleman a question. Is this a usual course? Has this ever been done before?

Mr. KERR of Ohio. I never knew it to be done. It could have been.

Mr. WILLIAMS of Mississippi. I dislike to appear ungracious; but I think we had better not establish this precedent, and I shall object, Mr. Speaker.

The SPEAKER. Does the gentleman from Mississippi object?

Mr. WILLIAMS of Mississippi. Yes, sir.

The SPEAKER. Objection is made.

WILLIAM H. HUGO.

Mr. PEREA. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 792.

The Clerk read as follows:

A bill (S. 792) for the relief of William H. Hugo.

Be it enacted, etc., That the laws regulating appointments in the Army of the United States be, and they are hereby, suspended for the purpose of this bill, and that in view of his services to his country the President is hereby authorized to nominate and, by and with the advice and consent of the Senate, to appoint William H. Hugo, now of Fort Bayard, N. Mex., a first lieutenant of cavalry in the Army of the United States, and thereupon to place him on the retired list of the Army, with the pay and emoluments of a retired officer, with the rank of a first lieutenant, without regard and in addition to the retired list now authorized by law.

Mr. UNDERWOOD. Mr. Speaker, I think it will save time. I object to the bill. This is similar to other bills that have been objected to.

The SPEAKER. Objection is made.

JAMESTOWN AND NORTHERN RAILROAD.

Mr. SPALDING. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 11900) granting a right of way to the Jamestown and Northern Railway through the Devils Lake Indian Reservation, in the State of North Dakota.

The bill was read, as follows:

Be it enacted, etc., That a right of way through the Devils Lake Indian Reservation, in the State of North Dakota, not exceeding 200 feet in width, with grounds for station and depot purposes, according to the map and plat thereof, respectively, now on file in the office of the Secretary of the Interior, be, and is hereby, granted to the Jamestown and Northern Railway Company, a corporation duly organized under the laws of the then Territory and now State of North Dakota, upon the terms and conditions mentioned and set forth in a certain proposition in writing, dated July 28, 1883, made and submitted to the United States Indian agent at Devils Lake Agency by F. R. Delano on behalf of the Northern Pacific Railway Company, as the same is modified by a memorandum of consent in writing thereto appended, signed by the majority of the chiefs and headmen of the Indians occupying the Devils Lake Reservation, now on file in the office of the Secretary of the Interior; which said terms and conditions, so modified, have been accepted by the said Jamestown and Northern Railway Company, by a resolution of the board of directors of said company adopted October 5, 1883, a certified copy whereof is also on file in the said office: *Provided*, That the amount of compensation hereby agreed to be paid to said Indians shall be deposited by the said Jamestown and Northern Railway Company in the Treasury of the United States to the credit of the Sisseton, Wahpeton, and Cut-head Sioux Indians, occupying the Devils Lake Reservation, within sixty days after the passage of this act, to be expended for the benefit of said Indians in such manner as the Secretary of the Interior may direct: *Provided further*, That whenever said right of way and station and depot grounds shall cease to be used for railroad purposes the same shall revert to the United States; and that the right to repeal, alter, or amend this act is reserved to Congress.

Mr. RICHARDSON of Tennessee. Reserving the right to object, I want some explanation of the bill.

The SPEAKER. The gentleman from North Dakota is asked to give an explanation of his bill.

Mr. SPALDING. Mr. Speaker, this is a bill which is desired to pass by the Indians that are affected, by the railroad company, and by the Department of the Interior.

This is a bill which provides for the payment by the Northern Pacific Railway Company to these Indians for the right of way which has been occupied by the railroad company through the Indian reservation since 1883, and by reason of the failure of this bill to pass this body, where it has been constantly since that time, although twice passed by the Senate, the Indians have been deprived of their pay for the right of way through the reservation in accordance with the agreement made in writing between the Department and this railroad company in 1883.

Mr. RICHARDSON of Tennessee. Will the gentleman tell us why the railroad has not the right to make that payment without coming to Congress?

Mr. SPALDING. Because of the treaty made between the United States and these Indians in 1867, and because the general law passed since that date on the subject is not applicable to this particular location.

Mr. RICHARDSON of Tennessee. How is the value of this right of way to be ascertained under this bill?

Mr. SPALDING. The value has already been agreed upon by the Indians and the railroad company at $10 an acre, which, in my judgment, having full knowledge of the location of the road and the character and value of the land of that vicinity, is more than the land is worth.

Mr. RICHARDSON of Tennessee. Does the Secretary of the Interior recommend them to sell for $10 an acre?

Mr. SPALDING. He does earnestly recommend the passage of this bill; and it has been the subject of a message of the President of the United States to Congress recommending its passage.

Mr. RICHARDSON of Tennessee. Has the bill been considered by the Committee on Indian Affairs?

Mr. SPALDING. It is unanimously reported favorably.

Mr. RICHARDSON of Tennessee. If the value of the land has been agreed upon between the parties—that is, the Indians and the railroad company—and the Secretary of the Interior approves the bargain, is there no authority to make it without coming to Congress?

Mr. SPALDING. This is the judgment of the Indian Department and the Interior Department.

Mr. RICHARDSON of Tennessee. I do not want to make any objection, if it is necessary to pass the bill; but I ask the gentlemen would it not be wiser legislation, instead of asking Congress to authorize this bargain, to authorize the Secretary of the Interior to make the bargain, if he deems it a proper one for the Indians?

Mr. SPALDING. The bargain, I will say to the gentleman, has already been made and approved by the Indian Department; and all that is lacking to enable them to get the price of the land is the passage of this bill. The money has been held for them since 1883, and caused great dissatisfaction on the part of the Indians because they have not had it before now.

Mr. RICHARDSON of Tennessee. Is this a Senate bill?

Mr. SPALDING. It is not.

Mr. RICHARDSON of Tennessee. Instead of this appeal for Congress to close this deal or contract, I think it certainly would be better legislation for Congress to enact a bill to authorize the Secretary of the Interior, if in his judgment it is proper, to make this contract, and give him authority to do so. I think the gentleman ought to accept an amendment to that effect.

Mr. SPALDING. I will say that several Secretaries of the Interior have already given their judgment in writing to this effect, and have recommended the passage of this bill.

Mr. RICHARDSON of Tennessee. Is that letter on file here?

Mr. SPALDING. I have an executive document which contains several letters from that Department.

Mr. RICHARDSON of Tennessee. I understand the gentleman to say that an executive document contains a letter from the Secretary of the Interior.

Mr. SPALDING. It does; and the Indian Committee of this House have a letter, and also the Indian Committee of the Senate.

Mr. RICHARDSON of Tennessee. Will not the gentleman publish as a part of his remarks the letter from the Secretary of the Interior recommending this bargain?

Mr. SPALDING. I will be very glad to do so. The letters are as follows:

DEPARTMENT OF THE INTERIOR, *Washington, June 5, 1900.*

SIR: In response to your letter of the 31st ultimo, with which you forwarded H. R. 10228 and H. R. 11900 for report, I have the honor to state in reference to the latter, being "A bill granting right of way to the Jamestown and Northern Railway through the Devils Lake Indian Reservation, in the State of North Dakota," that the Department, on April 20 last, recommended favorable legislation on S. 3145, a bill similar in its purposes, and renews, in behalf of the above-named H. R. 11900, the recommendation then made for the passage of the said Senate bill.

I transmit for your information copies of letters from the Indian Office, dated April 18 and the 4th instant, on the said Senate and House bills, which meet with my approval.

Separate report of even date has been made on H. R. 10228, herein referred to.

Very respectfully, E. A. HITCHCOCK, *Secretary.*

Hon. JAMES S. SHERMAN,
Chairman Committee on Indian Affairs, House of Representatives.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, June 4, 1900.

SIR: The office acknowledges receipt, by Department reference of the 1st instant, for immediate report, of a communication from Hon. JAMES S. SHERMAN, chairman of the Committee on Indian Affairs, House of Representatives, submitting for the report of this Department H. R. 10228 and H. R. 11900, "A bill granting a right of way to the Jamestown and Northern Railway through the Devils Lake Indian Reservation, in the State of North Dakota." Mr. SHERMAN requests a report upon said bill by this Department.

Separate report has been made upon said H. R. 10228.

Reporting upon said H. R. 11900, the office has the honor to state that on April 18, 1900, it made report to the Department upon Senate bill 3145, bearing the same title as said H. R. 11900. By comparison it is found that the

two bills are identical. The office therefore incloses a copy of its said report of April 18, 1900, on Senate bill 3145, as its report upon the bill in question.

Mr. SHERMAN's letter and the bill are returned herewith. A copy of this report is also inclosed.

Very respectfully, your obedient servant,

A. C. TONNER,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 18, 1900.

SIR: The office acknowledges receipt, by Department reference of the 9th instant for consideration and report, of a communication from Hon. JOHN M. THURSTON, chairman of the Senate Committee on Indian Affairs, submitting Senate bill 3145, "A bill granting a right of way to the Jamestown and Northern Railway through the Devils Lake Indian Reservation, in the State of North Dakota." Senator THURSTON requests a report upon said bill for the information of his committee.

The bill provides:

Be it enacted, etc., That a right of way through the Devils Lake Indian Reservation, in the State of North Dakota, not exceeding 200 feet in width, with grounds for station and depot purposes, according to the map and plat thereof, respectively, now on file in the office of the Secretary of the Interior, be, and is hereby, granted to the Jamestown and Northern Railway Company, a corporation duly organized under the laws of the then Territory and now State of North Dakota, upon the terms and conditions mentioned and set forth in a certain proposition in writing, dated July 28, 1883, made and submitted to the United States Indian agent at Devils Lake Agency, by F. R. Delano, on behalf of the Northern Pacific Railway Company, as the same is modified by a memorandum of consent in writing, thereto appended, signed by the majority of the chiefs and headmen of the Indians occupying the Devils Lake Reservation, now on file in the office of the Secretary of the Interior, which said terms and conditions, so modified, have been accepted by the said Jamestown and Northern Railway Company by a resolution of the board of directors of said company, adopted October 5, 1883, a certified copy whereof is also on file in the said office: *Provided*, That the amount of compensation hereby agreed to be paid to said Indians shall be deposited by the said Jamestown and Northern Railway Company in the Treasury of the United States to the credit of the Sisseton, Wahpeton, and Cuthead Sioux Indians occupying the Devils Lake Reservation within sixty days after the passage of this act, to be expended for the benefit of said Indians in such manner as the Secretary of the Interior may direct: *Provided further*, That whenever said right of way and station and depot grounds shall cease to be used for railroad purposes, the same shall revert to the United States, and that the right to repeal, alter, or amend this act is reserved to Congress.

In reporting upon the matter, the office has the honor to state that a full history of this case will be found in office report to the Department dated December 11, 1884, printed with accompanying papers containing the negotiations with the Indians in House Ex. Doc. No. 31, Forty-eighth Congress, second session, to which your attention is respectfully invited. A further report was made to the Department under date of December 12, 1885, also printed with accompanying papers in Senate Ex. Doc. No. 16, Forty-ninth Congress, first session, to which your attention is also respectfully invited.

Under date of September 4, 1890, in reporting on Senate bill No. 1810, Fifty-first Congress, first session, this office made a further report to the Department on this same subject-matter, to which your attention is also respectfully invited. Said executive documents and the above-mentioned communication present a full history of this case. For your further information in the premises there is transmitted herewith a copy of said office letter of September 4, 1890.

A further report concerning the construction of said railroad through the Devils Lake Reservation was made to the Department on Senate bill No. 175, under date of October 30, 1893. Said report, however, contains no information not found in the said executive documents and the report of this office of September 4, 1890, above referred to.

As will be seen from the correspondence above cited, a number of different bills have been introduced in Congress granting the Jamestown and Northern Railway Company a right of way through the Devils Lake Reservation without definite action having been reached upon any of them. In addition to the bills above referred to, Senate bill No. 839 and House bill No. 316 (substantially identical with previous bills) were introduced during the first session of the Fifty-second Congress, without final action being reached thereon, so far as this office is advised.

The bill submitted by Senator THURSTON for report is substantially identical with the draft of the bill prepared by this office and submitted with said office report of December 11, 1884, and this office has repeatedly urged the importance of securing the legislation proposed thereby. The railroad has been constructed through the reservation and in operation since the spring of 1885, and the Indians are greatly dissatisfied because they have not been paid for right of way of the road through their lands, and they have repeatedly called upon this office for an explanation as to why the amount agreed upon between them and the company has so long been withheld from them.

The "proposition in writing" between the Indians and the railroad company referred to in the bill will be found printed in said House Ex. Doc. No. 31, Forty-eighth Congress, second session. The object and purpose of the bill is merely to ratify or confirm said agreement or "proposition in writing" and to fix a basis for settlement by the company with the Indians.

As heretofore, this office now expresses an earnest desire that the present bill speedily be enacted into law. The bill and Senator THURSTON's communication are returned herewith; a copy of this report is also inclosed.

Very respectfully, your obedient servant,

A. C. TONNER,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

The SPEAKER. The Chair hears no objection.

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

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

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. 12665. An act supplementary to an act entitled "An act to prohibit the coming of Chinese persons into the United States," approved May 5, 1892, and fixing the compensation of commissioners in such case;

H. R. 13947. An act increasing the limit of cost of certain public buildings, and for other purposes; and

H. R. 11598. An act for the relief of Frank B. Case.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3283. An act for the relief of Isaac R. Dunkelberger;

S. 4171. An act to amend an act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service, approved February 15, 1893;

S. 5022. An act to extend the privileges of the seventh section of the immediate transportation act to Fall River, Mass.;

S. 425. An act for the relief of John M. Davis;

S. 1632. An act to amend an act authorizing certain officers of the Navy and Marine Corps to administer oaths, approved January 25, 1895;

S. 3489. An act authorizing and empowering the Secretary of War to grant the right of way for and the right to operate and maintain a line of railroad through the Fort Ontario Military Reservation, in the State of New York, to the Oswego and Rome Railroad Company;

S. 4787. An act to authorize the appointment of Thomas Lutz Stitt as an officer in the Navy;

S. 5331. An act to provide an American register for the barkentine *J. C. Pfluger*, of San Francisco, Cal.; and

S. 2936. An act authorizing the appointment of James A. Hutton to a captaincy of infantry in the United States Army.

GENERAL DEFICIENCY BILL.

The SPEAKER. The Chair lays before the House the general deficiency bill.

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the House nonconcur in all the Senate amendments to the deficiency appropriation bill and ask for a conference.

The SPEAKER. The gentleman from Illinois, chairman of the Committee on Appropriations, asks unanimous consent that the House nonconcur in all the Senate amendments to the general deficiency bill and ask for conference. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The SPEAKER appointed as managers on the part of the House Mr. CANNON, Mr. BARNEY, and Mr. LIVINGSTON.

CIVIL GOVERNMENT FOR ALASKA.

Mr. WARNER. Mr. Speaker, I present a conference report on the bill (S. 5573) to amend section 203 of Title III of the act entitled "An act making further provisions for a civil government for Alaska, and for other purposes."

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5573) to amend section 203 of Title III of the act entitled "An act making further provisions for the civil government for Alaska, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House and agree to the same.

V. WARNER,
HENRY R. GIBSON,
JAMES T. LLOYD,
Managers on the part of the House.

THOMAS H. CARTER,
WILLIAM B. BATE,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

Statement of the House conferees on S. 5573, a bill to amend section 203 of Title III of the act entitled "An act making further provisions for a civil government for Alaska, and for other purposes."

The House amended the Senate bill by striking out the word "licensed," in line 10, on page 2, and inserting in lieu thereof the word "license," and by inserting, immediately after the word "chapter," in line 9 of page 2, the following:

"Fifty per cent of all license moneys provided for by said act of Congress approved March 3, 1899, and any amendments made thereto, that may hereafter be paid for business carried on outside incorporated towns in the district of Alaska, and covered into the Treasury of the United States, shall be set aside to be expended, so far as may be deemed necessary, by the Secretary of the Interior, within his discretion and under his direction, for school purposes outside incorporated towns in said district of Alaska."

The Senate disagreed to the two amendments and asked a conference, which was granted, and the committee of conference having met, after full and free conference agreed to recommend to their respective Houses that the Senate recede from its disagreement to the amendments of the House, and to agree to the same.

V. WARNER,
HENRY R. GIBSON,
Managers on the part of the House.

The conference report was agreed to.

On motion of Mr. WARNER, a motion to reconsider the last vote was laid on the table.

PERSONAL REQUEST.

The SPEAKER. The Chair lays before the House the following personal request.

The Clerk read as follows:

Mr. SOUTHARD asks unanimous consent to extend his remarks in relation to the national bureau of standards bill in the RECORD—his remarks to be confined to said bill.

The SPEAKER. Without objection, the request will be granted. [After a pause.] The Chair hears none.

Mr. PAYNE. Mr. Speaker, I move that the House take a recess until to-morrow afternoon at 2 o'clock.

The motion was agreed to; and accordingly (at 10 o'clock and 33 minutes p. m.) the House was in recess until 2 o'clock to-morrow afternoon.

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 War, transmitting a report of the board of officers on claims for property taken for military purposes within the United States during the war with Spain—to the Committee on War Claims, and ordered to be printed.

A letter from the president of the Board of Commissioners of the District of Columbia, transmitting a report of the operations of the excise board of the District for the license year ended October 31, 1900—to the Committee on the District of Columbia, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. KING, from the Committee on Irrigation of Arid Lands, to which was referred the bill of the House (H. R. 14241), submitted his views thereon (Report No. 2927, part 6); which was referred to the Committee of the Whole House on the state of the Union.

Mr. NEEDHAM, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 12552) providing for the purchase and making free of certain toll roads leading into and passing over the Yosemite National Park, reported the same with amendment, accompanied by a report (No. 2989); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ROBERTS, from the Select Committee on the Examination and Disposition of Documents, to which was referred the resolution H. Res. 168, reported in lieu thereof a resolution (H. Res. 442), accompanied by a report (No. 2990); which said resolution and report were referred to the House Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. PARKER of New Jersey, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 10983) to restore Charles H. Campbell to the Army and transfer him to the retired list, reported the same adversely, accompanied by a report (No. 2987); which said bill and report were ordered to lie on the table.

Mr. JETT, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 13587) for the relief of Col. Azor H. Nickerson, reported the same adversely, accompanied by a report (No. 2988); which said bill and report were ordered to lie on the table.

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. JETT (by request): A bill (H. R. 14325) relating to the care of the remains of all officers, soldiers, sailors, or other persons connected with the Army, Navy, or transport service, who lose their lives while in the service of their country—to the Committee on Military Affairs.

By Mr. NEWLANDS: A bill (H. R. 14326) to provide for the disposal of the arid public lands and to authorize the construction of reservoirs for the storage of water and other necessary irrigation works for arid-land reclamation, and for other purposes—to the Committee on Irrigation of Arid Lands.

By Mr. BARTHOLDT: A joint resolution (H. J. Res. 315) tendering the thanks of Congress to Rear-Admiral Louis Kempff, United States Navy, for meritorious conduct at Taku, China—to the Committee on Foreign Affairs.

By Mr. BROMWELL: A joint resolution (H. J. Res. 316) concerning improvements in the free-delivery service in the city of Washington, D. C.—to the Committee on the Post-Office and Post-Roads.

By Mr. STEPHENS of Texas (by request): A joint resolution (H. J. Res. 317) transmitting the claim of Turtle Mountain Indians to the Court of Claims for adjudication and settlement—to the Committee on Indian Affairs.

By Mr. ROBERTS, from the Select Committee on the Examination and Disposition of Documents: A resolution (H. Res. 442) authorizing the Librarian of Congress to take certain reports and documents for use of Library of Congress—to the House Calendar.

By Mr. LONG: A resolution of the legislature of Kansas, favoring the establishment of a Federal court at Kansas City, Kans.—to the Committee on the Judiciary.

By Mr. BARNEY: A memorial of the legislature of Wisconsin, relative to certain war-revenue taxes—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. LITTLE: A bill (H. R. 14327) for the relief of Ella Willburn—to the Committee on Claims.

By Mr. LONG: A bill (H. R. 14328) granting a pension to George Baker—to the Committee on Invalid Pensions.

By Mr. WM. ALDEN SMITH: A bill (H. R. 14329) granting a pension to John C. Bishop—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14330) granting a pension to Mary B. Jennings—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14331) granting a pension to Electa McLean French—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14332) granting a pension to Adelaide C. Morse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14333) granting a pension to Frank Hiler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14334) for the relief of James K. Davie—to the Committee on Military Affairs.

Also, a bill (H. R. 14335) granting an increase of pension to Theodore C. Putnam—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14336) granting an increase of pension to Thomas Wilkinson—to the Committee on Invalid Pensions.

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. BINGHAM: Petition of citizens of Philadelphia, Pa., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, petition of 68 citizens of Philadelphia, 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. BUTLER: Petition of voters of the Sixth Congressional district of Pennsylvania, in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. ESCH: Resolutions of the American Paper and Pulp Association, in favor of the Overstreet bill relating to the exchangeability of metallic currencies—to the Committee on Banking and Currency.

By Mr. FITZGERALD of New York: Resolutions of the Paint, Oil, and Varnish Club of New York, advocating the erection of a new post-office in the city of New York—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Association of Official Agricultural Chemists, favoring the passage of House bill No. 11350, to establish the national standardizing bureau—to the Committee on Coinage, Weights, and Measures.

Also, resolutions of the American Paper and Pulp Association, for the passage of the Overstreet bill relating to the exchangeability of metallic currencies—to the Committee on Banking and Currency.

Also, resolutions of the National Business League, National Association of Agricultural Implement and Vehicle Manufacturers, and of the National Board of Trade, opposing the cession of the lands of the States and recommending the Government building of irrigation works—to the Committee on Irrigation of Arid Lands.

By Mr. GAMBLE: Petition of Harney Post, No. 28, Grand Army of the Republic, of Rapid City, S. Dak., favoring the publication of the Records of the Rebellion for distribution to Grand Army of the Republic posts, etc.—to the Committee on Printing.

By Mr. GILLETT of Massachusetts: Petitions of 30 citizens of the Second Congressional district of Massachusetts; Young People's Society of the Fourth United Presbyterian Church of Allegheny, Pa.; Baptist Ministers' Conference at Chicago; executive board of Kings County, N. Y., and Greenpoint Sunday School

Association of Brooklyn, N. Y., 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.

Also, petition of 16 citizens of Independence, Iowa; Hope Baptist Church and Riverside Baptist Church, of New York City, for the prohibition of 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.

By Mr. GLYNN: Petitions of the Fourth Presbyterian Church of Albany, N. Y., and 84 citizens of Albany County, N. Y., 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. GRAHAM: Resolutions of the American Paper and Pulp Association, in favor of the passage of a bill relating to the exchangeability of metallic currencies—to the Committee on Banking and Currency.

Also, resolutions of the National Board of Trade and National Business League, for the reclamation and settlement of arid lands—to the Committee on Irrigation of Arid Lands.

By Mr. JONES of Washington: Petition of Women's Christian Temperance Union of West Washington, D. C., against the sale of intoxicating liquors to the inhabitants of the New Hebrides and other islands—to the Committee on Alcoholic Liquor Traffic.

By Mr. MANN: Petitions of Chase & Sanborn, of Chicago, Ill.: Brotherhood of Locomotive Firemen; Chicago Federation of Labor, and National Association of Agricultural Implement and Vehicle Manufacturers, for irrigation and reclamation of arid lands, etc.—to the Committee on Irrigation of Arid Lands.

By Mr. McALEER: Resolutions of American Paper and Pulp Association, favoring the exchangeability of metallic currencies at the Treasury at the option of the holder—to the Committee on Banking and Currency.

Also, resolutions of the National Board of Trade, Washington, D. C., favoring the reclamation of arid lands—to the Committee on Irrigation of Arid Lands.

By Mr. MERCER: Resolution of the American Paper and Pulp Association, favoring the passage of the Overstreet currency bill—to the Committee on Banking and Currency.

By Mr. MORRELL: 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 Irrigation of Arid Lands.

By Mr. NAPHEN: Resolutions of the American Paper and Pulp Association of New York, favoring the Overstreet currency bill—to the Committee on Banking and Currency.

Also, resolutions of the National Business League, National Board of Trade, New York, and Carpenters and Joiners of Boston, Mass., for the reclamation of arid lands—to the Committee on Irrigation of Arid Lands.

Also, resolutions of W. S. Hancock Command, No. 1, Chelsea, Mass., favoring Senate bill No. 5055, known as the prisoners-of-war bill—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petition of Liberty Assembly, No. 2315, Knights of Labor, of Fort Wayne, Ind., in favor of Charles Morgan's advancement in the Navy—to the Committee on Naval Affairs.

By Mr. RUPPERT: Resolutions of the Paint, Oil, and Varnish Club of New York, favoring the pneumatic-tube service in large cities and the proposed new post-office building in New York City—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the National Board of Trade in relation to the reclamation and settlement of arid lands—to the Committee on Irrigation of Arid Lands.

Also, resolutions of the American Paper and Pulp Association, recommending action in establishing our currency on a sound basis—to the Committee on Banking and Currency.

By Mr. RYAN of New York: Petition of the American Paper and Pulp Association for the passage of the Overstreet bill, relating to the exchangeability of metallic currencies, etc.—to the Committee on Banking and Currency.

Also, petition of the Paint, Oil, and Varnish Club of New York, favoring extension of the pneumatic-tube service in large cities—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Paint, Oil, and Varnish Club for new post-office building in New York City—to the Committee on Public Buildings and Grounds.

Also petition of the National Board of Trade, Washington, D. C., for irrigation and reclamation of arid lands—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.

Also, petition of citizens of Beaver, 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. SULZER: Resolutions of the National Board of Trade for the reclamation of the arid lands in the Western States—to the Committee on Irrigation of Arid Lands.

Also, resolutions of the Paint, Oil, and Varnish Club, of New York, in favor of the extension of the pneumatic-tube postal service in the larger cities, and for the erection of a new post-office building in New York—to the Committee on the Post-Office and Post-Roads.

By Mr. SUTHERLAND: Resolutions of the National Board of Trade, favoring the reclamation and settlement of arid lands—to the Committee on Irrigation of Arid Lands.

By Mr. THAYER: Petition of Young People's Society of Christian Endeavor of Worcester, Mass., favoring the exclusion of alcoholic liquor from countries inhabited chiefly by native races—to the Committee on Alcoholic Liquor Traffic.

By Mr. YOUNG: Resolutions of American Paper and Pulp Association favoring the Overstreet bill, providing for the exchangeability of metallic currencies—to the Committee on Banking and Currency.

Also, resolutions of the National Board of Trade, recommending the reclamation and settlement of arid lands—to the Committee on Irrigation of Arid Lands.

SENATE.

[*Continuation of proceedings of legislative day, Saturday, March 2, 1901.*]

The Senate reassembled at the expiration of the recess, at 3 o'clock p. m., Sunday, March 3, 1901.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House has passed the following bills:

A bill (S. 2866) to extend the provisions of section 8 of the act entitled "An act to repeal timber-culture laws, and for other purposes," approved March 3, 1891, concerning prosecutions for cutting timber on public lands, to California, Oregon, and Washington;

A bill (S. 4956) to grant the Knoxville Power Company the right to dam the Tennessee River at or near Knoxville, Tenn.; and

A bill (S. 5484) to provide for subports of entry and delivery in the Territory of Hawaii.

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 amendment of the House to the bill (S. 5573) to amend section 202, of title 3, of the act entitled "An act making further provisions for a civil government for Alaska, and for other purposes."

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. 12291) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 14236) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for prior years, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. BURTON, and Mr. LIVINGSTON managers at the conference on the part of the House.

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

A bill (H. R. 11900) granting a right of way to the Jamestown and Northern Railway through the Devils Lake Indian Reservation, in the State of North Dakota;

A bill (H. R. 14163) to authorize the Portland, Nehalem and Tillamook Railway Company to construct a bridge across Nehalem Bay and River, in the State of Oregon;

A bill (H. R. 14269) to confirm a lease between J. W. Peglow and the Seneca Nation of New York Indians;

A bill (H. R. 10454) to amend section 1 of an act entitled "An act to amend sections 5191 and 5192 of the Revised Statutes of the United States, and for other purposes;" and

A bill (H. R. 11350) to establish the National Bureau of Standards.

The message further announced that the House had agreed to the concurrent resolution of the Senate to print 8,000 extra copies of the report of the Commissioner of Labor on Hand and Machine Labor.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House has signed the enrolled bill (H. R. 12291) making appropriations for