Also, resolutions of Multnomah Typographical Union, No. 58, of Portland, Oreg., against the passage of House bill 5777, amending the copyright laws—to the Committee on Patents.

Also, petition of the Board of Trade of Kalispell, Mont., in opposition to a proposed bill affecting the present timber laws—to the Committee on the Public Lands.

By Mr. RICHARDSON of Alabama: Petition of Mahala H. Portlock, asking that her claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. RUPPERT: Petitions of George Kirkland, Arnold Simons, and other citizens of New York City, asking that the duty on beef, veal, mutton, and pork be repealed—to the Committee on Ways and Means.

Also, resolutions of the Republican Club of the Thirty-third assembly district of New York, and Bricklayers' general executive board of Greater New York, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Plumbers and Gas Fitters' Union of New York City, protesting against the immigration of illiterate persons—to the Committee on Immigration and Naturalization.

Also, resolutions of the Maritime Association of the Port of New York, in relation to the ship-subsidy bills—to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Texas: Resolution of Division No. 69, Order of Railroad Conductors, El Paso, Tex., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. WACHTER: Petition of Catherine Fritz for a pension—to the Committee on Invalid Pensions.

By Mr. WARNOCK: Petition of Ransom Reed Post, No. 113, of Marysville, Grand Army of the Republic, Department of Ohio, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Paper to accompany House bill granting an increase of pension to Samuel M. Ellis—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of Benjamin F. Brockett—to the Committee on Invalid Pensions.

By Mr. YOUNG: Resolution of the Commercial Exchange of Philadelphia, for legislation for the establishment of uniform inland freight rates to shippers of like commodities—to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany House bill granting an increase of pension to Henry Hunterson—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *May 1, 1902.*

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. CULLOM, and by unanimous consent, the further reading was dispensed with.

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

PETITIONS AND MEMORIALS.

Mr. HARRIS presented a petition of Local Division No. 336, Brotherhood of Locomotive Engineers, of Osawatomie, Kans., praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

Mr. QUARLES presented a petition of the Wisconsin Conference of the Evangelical Association, of Milwaukee, Wis., praying for the enactment of legislation authorizing the extension and improvement of the "post exchange;" which was referred to the Committee on Military Affairs.

He also presented petitions of Lodge No. 191, Brotherhood of Railroad Trainmen, and of Local Division No. 405, Brotherhood of Locomotive Engineers, of Milwaukee, in the State of Wisconsin, praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. QUARLES. I call especial attention to a petition which I present on behalf of the Sons of the American Revolution, who are now in session in this city. It is their earnest recommendation that the population schedules of preceding censuses shall be preserved. They set forth that in their judgment these schedules will eventually become very valuable for many purposes. In a pending measure it is proposed that they shall be sold for waste paper. In view of the source from which the petition emanates, I ask that it may be printed in the RECORD and referred to the Committee on Appropriations, which has charge of the bill.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wisconsin that the petition be printed in the RECORD? The Chair hears none.

Mr. CULLOM. I will state that the Senate is now considering the bill that affects the question involved in the petition, so I think it might be printed and laid on the table rather than referred to the committee. The bill is now before the Senate and it will be under consideration from day to day until it is disposed of.

Mr. PERKINS. I will state also, for the Senator's information, that the junior Senator from Connecticut [Mr. PLATT] yesterday offered an amendment on the same line the petition proposes.

Mr. QUARLES. I am very glad to hear it.

The petition was ordered to lie on the table and to be printed in the RECORD, as follows:

Whereas in the making appropriations for sundry civil expenses of the Government which is now on its passage in the Senate a provision has been incorporated looking to the destruction of the whole or a part of the census schedules, which contain the names of the inhabitants of this country at each decennial period since the year 1790; and

Whereas there is danger that these records of inestimable value may be destroyed for want of appreciation of their importance unless expression is given to public opinion upon the subject by parties interested in their preservation; and

Whereas the society of the Sons of the American Revolution, whose fundamental principle is reverence for the patriotic deeds of our sires and pride in their achievements, is the only body now in session which can enter a timely, and, it is to be hoped, an effective protest against the proposed legislation; therefore,

Resolved, That we place upon record our sense of the inexpediency and impolicy of any disposition of the records in question other than their permanent preservation at the national capital, either in the permanent Census Office or elsewhere. They are a treasure-house of original information as to the identity of individuals and families, from the point of view of the genealogist, and not infrequently an aid to the judicial settlement of controversies as to the property rights by inheritance. They shed light which can be procured from no other source upon the social, political, and economic relations of the people of the United States during the past hundred years. Their value to the antiquarian and to students of history will continually increase in proportion to their age. The people have paid many millions of dollars for them, and if destroyed they can not be replaced; if scattered they can never be reassembled. Science and sentiment unite in the demand that this contemplated outrage on both shall not be consummated, and in their name we appeal to the patriots of Congress to prevent its consummation.

Resolved, That a copy of this action by this society be furnished to the chairman of the Senate Committee on Appropriations, Senator ALLISON, of Iowa, and Senator QUARLES, chairman of Census Committee, with a respectful request that he will call the attention of his colleagues in the Senate to our views and this expression of them.

WALTER S. LOGAN,
President-General.

Adopted May 1, 1902.

SAMUEL EBERLY GROSS,
Secretary-General of the National Society of the Sons of the American Revolution.

Mr. FOSTER of Washington presented a petition of the Chamber of Commerce of Tacoma, Wash., praying for the enactment of legislation granting pensions to certain officers and enlisted men of the Life-Saving Service; which was referred to the Committee on Pensions.

Mr. BURTON presented a petition of sundry citizens of Great Bend, Kans., praying for the adoption of certain amendments to the internal-revenue laws relating to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a petition of Local Division No. 336, Brotherhood of Locomotive Engineers, of Osawatomie, Kans., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the adoption of any substitute therefor; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Fort Scott, Kans., and a petition of sundry citizens of Beloit, Kans., 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 sundry citizens of Council Grove and Home City and of Manhattan Grange, No. 748, Patrons of Husbandry, of Riley County, all in the State of Kansas, praying for the enactment of legislation providing for the election of United States Senators by a direct vote of the people; which were referred to the Committee on Privileges and Elections.

He also presented petitions of Local Union No. 458, of Lawrence; of Machinists' Local Union No. 149, of Pittsburg; of Iron Molders' Local Union No. 332, of Pittsburg, and of Team Drivers' Local Union No. 184, of Pittsburg, all of the American Federation of Labor; of Grand Army Posts Nos. 15, 113, 384, 177, 250, and 187, of Cottonwood Falls, Concordia, Kinova, Logan, Topeka, and Madison, all of the Department of Kansas, Grand Army of the Republic, in the State of Kansas, and of Farragut Post, No. 4, Department of California, Grand Army of the Republic, of Vallejo, Cal., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented petitions of the Central Labor Union of Wichita; of United Mine Workers' Local Union No. 444, of Frontenac; of Local Union No. 915, of Mulberry; of Local Union

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

No. 421, of Parsons; of Journeymen Barbers' Local Union No. 87, of Leavenworth; of Switchmen's Local Union No. 50, of Parsons; of Tailors' Local Union No. 2, of Leavenworth; of Tailors' Local Union No. 26, of Emporia; of Bricklayers and Masons' Local Union No. 6, of Iola; of Beef Butchers' Local Union No. 4, of Kansas City; of the Retail Grocery and Provision Clerks' Local Union of Leavenworth; of Carpenters' Local Union No. 201, of Wichita; of the Carpenters' Local Union of Topeka; of Local Union No. 499, of Leavenworth; of Carpenters and Joiners' Local Union No. 458, of Lawrence; of Local Union No. 753, of Atchison; of Local Union No. 942, of Fort Scott; of Carpenters' Local Union No. 138, of Kansas City; of Local Union No. 123, of Iola; of the Boiler Makers and Iron Shipbuilders' Local Union No. 221, of Pittsburg; of Retail Clerks' Local Union No. 63, of Leavenworth; of Retail Clerks' Local Union No. 118, of Horton; of Local Union No. 469, of Fleming; of Local Union No. 1580, of Pittsburg; of the Industrial Council of Pittsburg; of the Central Labor Union of Iola; of Local Union No. 4, of Pittsburg; of Local Union No. 270, of Atchison; of Local Union No. 8460, of Stippville; of Federal Labor Union, No. 8454, of Independence; of Packers and Flour Mill Employees' Local Union No. 9501, of Leavenworth, all of the American Federation of Labor; of Local Division No. 28, Order of Railway Conductors, of Atchison; of Local Division No. 137, Order of Railway Conductors, of Osawatamie; of Local Division, Brotherhood of Locomotive Engineers, of Leavenworth; of Local Division No. 179, Brotherhood of Locomotive Engineers, of Parsons; of Lodges Nos. 205, 252, 359, 515, 376, and 374, of Topeka, Arkansas City, Wellington, Caldwell, Horton, and Herrington, all of the Brotherhood of Locomotive Firemen, in the State of Kansas, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented a memorial of the Western Retail Implement and Vehicle Dealers' Association, of Kansas City, Mo., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CLAPP presented a petition of Lodge No. 91, International Association of Machinists, of Minneapolis, Minn., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented a petition of Lodge No. 65, Brotherhood of Locomotive Firemen, of Waseca, Minn., and a petition of Local Division No. 420, Brotherhood of Locomotive Engineers, of Two Harbors, Minn., praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases and remonstrating against the adoption of any substitute therefor; which were ordered to lie on the table.

Mr. PRITCHARD presented petitions of Wood Workers' Local Union No. 93, of Winston-Salem; of Typographical Union No. 125, of Durham; of the Central Labor Union of Asheville; of Carpenters and Joiners' Local Union No. 826, of Spray; of Local Union No. 630, of Raleigh; of Boiler Makers and Iron Shipbuilders' Local Union No. 239, of Rocky Mount, and of Marine Engineers' Association No. 94, of Washington, all of the American Federation of Labor, in the State of North Carolina, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. HANNA presented petitions of Mrs. S. L. Clark and 124 other citizens of Youngstown, Ohio, 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 the petition of J. H. Beard and 80 other citizens of Middletown, Ohio, praying for the passage of a per diem service pension bill; which was referred to the Committee on Pensions.

He also presented petitions of Lemert Post, No. 71; of Mitchell Post, No. 45; of Bell Harmon Post, No. 36; of Bowers Post, No. 28; of N. L. Norris Post, No. 40; of Thoburn Post, No. 72; of Zoquett Post, No. 196, and of Robert H. Caldwell Post, No. 439, all of the Department of Ohio, Grand Army of the Republic, in the State of Ohio, praying for the enactment of legislation granting pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over, etc.; which were referred to the Committee on Pensions.

He also presented the petition of M. Stanton and 144 other citizens of Portsmouth, Ohio, and the petition of W. H. Cushman and 44 other citizens of Hillsboro, Ohio, praying for the adoption of certain amendments to the internal-revenue laws, relative to the tax on distilled spirits; which were referred to the Committee on Finance.

He also presented a petition of the Manufacturers' Club, of Cincinnati, Ohio, praying for the enactment of legislation to increase the efficiency and change the name of the United States Marine-Hospital Service; which was referred to the Committee on Public Health and National Quarantine.

He also presented memorials of the Congregational Church, of the Woman's Christian Temperance Union, and of the Baptist Church, all of New London, Ohio, remonstrating against the regulation of vice in the Philippines; which were referred to the Committee on the Philippines.

He also presented a memorial of the Lake Seamen's Union of Cleveland, Ohio, remonstrating against the enactment of legislation to amend chapter 7 of the Revised Statutes relating to the employment of seamen in the merchant marine; which was referred to the Committee on Commerce.

He also presented petitions of the Stationary Firemen's Union, of Akron; of Marine Engineers' Beneficial Association No. 2, of Cleveland; of the Central Labor Union, of Ashtabula; of Scioto Lodge, No. 77, International Machinists; of the Labor Council of Ironton; of the Central Trades' Council, of Sidney; of the Trades' Assembly, of Marietta; of Valley City Federal Union, No. 8649, of Sidney; of Friendship Lodge, No. 375, Brotherhood of Locomotive Firemen, of Dayton; of the International Association of Machinists, of Youngstown; of the Central Trades and Labor Council, of Coshocton; of the Central Labor Union, of Canton; of Quarrymen's Union No. 9156, of Cleveland; of Piqua Lodge, No. 25, of Piqua; of the Central Trades and Labor Council, of Zanesville; of Painters, Decorators, and Paper Hangers' Union No. 248, of Columbus; of Cincinnati Press Assistants' Union, No. 17, of Cincinnati; of the Retail Clerks' Union, of Hamilton; of Local Labor Union, of Cambridge; of Richland Lodge, No. 185, of Mansfield; of Scioto Valley Lodge, No. 135, of Chillicothe; of International Broommakers' Union No. 79, of Circleville; of Broommakers' Union No. 12, of Cincinnati; of the Oil Workers' Union, of Bays; of Bricklayers and Masons' Union No. 19, of Fremont; of Bricklayers' Union No. 22, of Dayton; of Bricklayers' International Union No. 26, of Marietta; of Stonemasons' Union No. 27, of Reading; of Journeymen Barbers' Union No. 5, of Toledo; of Beer Drivers' Union No. 87, of Toledo; of Stonemasons' International Union No. 15, of Cincinnati; of Bricklayers' Union No. 35, of Lima; of Buckeye Lodge, No. 116, Switchmen's Union, of Conneaut; of Watch Case International Association of Engravers of America, No. 3, of Canton; of the Oil and Gas Well Workers, of Hammansburg; of Safety Lodge, No. 142, Brotherhood of Locomotive Firemen, of Toledo; of Sherman Lodge, No. 366, of Lancaster; of Local Union No. 550, United Mine Workers of America, of Wadsworth; of Local Union No. 1181, Mine Workers, of Minerton; of Parker Union No. 1238, United Mine Workers of America, of Magnolia; of Union No. 1575, United Mine Workers of America, of Washingtonville; of Local Union No. 1614, of Birds Run; of Plumbers, Steam and Gas Fitters' Union No. 50, of Toledo; of the Journeymen Tailors' Union, of Toledo; of the Retail Clerks' Protective Association, of Cincinnati; of Pearl Lodge, of Cleveland; of Federal Labor Union No. 9604, of Fostoria; of Gill Net Fishermen's Union No. 6896, of Cleveland; of Directory Workers' Union No. 9014, of Cincinnati; of Equity Federal Union, No. 9658, of Roseville; of Coremakers' Union No. 90, of Mansfield; of Local Division No. 402, Order of Railway Conductors, of Massillon; of International Jeweler Workers' Union No. 4, of Cincinnati; of the Retail Clerks' Association, of Steubenville; of Retail Clerks' Union No. 100, of Akron; of Barbers' Union No. 255, of Marietta; of Iron Molders' Union No. 145, of Columbus; of Brewers' Union No. 22, of Steubenville; of Brewers' Union No. 60, of Findlay; of the Brewers' Local Union, of Hamilton; of Journeymen Plumbers' Local Union No. 55, of Cleveland; of Plumbers' Local Union No. 59, of Cincinnati; of Plumbers' Steam and Gas Fitters' Union No. 94, of Canton; of Plumbers' Local Union No. 162, of Dayton; of the Plumbers' Local Union No. 140, of East Liverpool; of Journeyman's Gas Fitters' Union No. 260, of Cincinnati; of the Typographical Union of Piqua; of Wood Workers' Union No. 36, of Dayton; of Wood Workers' Union No. 134, of Piqua; of Cigar Makers' Union No. 79, of Sandusky; of Cigar Makers' Union No. 123, of Hamilton; of Cigar Makers' Union No. 260, of Piqua; of the Operative Potters' Union of East Liverpool; of Operative Potters' Union No. 7, of Tiffin; of Operative Potters' Union No. 44, of Sebring; of Flint Glass Workers' Union No. 11, of Newark; of Typographical Union No. 318, of East Liverpool; of Bricklayers' Union No. 21, of Columbus; of Retail Clerks and Salesmen's Union No. 39, of Piqua; of Retail Clerks' Union No. 94, of Canton; of Flint Glass Workers' Union No. 30, of Newark; of American Flint Glass Workers' Union No. 15, of Martins Ferry; of Cigar Makers' Union No. 137, of Massillon; of Amalgamated Woodworkers' Union No. 174, of Columbus; of the Boiler Makers and Iron Ship Builders' Union of Springfield; and of Journeymen Plumbers' Union No. 208, of Lorain, all in the State of Ohio, praying

for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. SIMMONS presented a petition of the Business Men's Association, of Edenton, N. C., praying for the establishment of an inland water route from Chesapeake Bay to Beaufort Inlet; which was referred to the Committee on Commerce.

Mr. PATTERSON presented petitions of Local Division No. 375, Order of Railway Conductors, of Canon City; of Carpenters' Local Union No. 726, of Denver; of Glass Bottle Blowers' Local Union No. 30, of Denver; of Machinists' Local Union No. 44, of Denver, and of Bricklayers' Local Union No. 1, of Denver, all in the State of Colorado, praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which were ordered to lie on the table.

He also presented petitions of Bakers' Local Union No. 26, of Denver; of Miners' Local Union No. 56, of Central City; of Woodworkers' Local Union No. 99, of Colorado Springs; of Woodworkers' Local Union No. 3, of Denver; of Switchmen's Local Union No. 49, of Pueblo; of Typographical Union No. 82, of Colorado Springs; of Operative Plasterers' Local Union No. 58, of Pueblo; of Operative Plasterers' Local Union No. 149, of Colorado Springs; of Cigar Makers' Local Union No. 492, of Colorado Springs; of Operative Plasterers' Local Union No. 201, of Denver; of Cigar Makers' Local Union No. 306, of Pueblo; of Operative Plasterers' Local Union No. 180, of Canon City; of Switchmen's Local Union No. 94, of Golden; of Miners' Local Union No. 89, of Gilman; of the Painters' Local Union, of Leadville; of Bakers' Local Union No. 162, of Pueblo; of Local Division No. 81, Order of Railway Conductors, of Woodland Park; of Cigar Makers' Local Union No. 397, of Cripple Creek; of Barbers' Local Union No. 254, of Canon City, and of Local Division No. 94, Order of Railroad Telegraphers, of Swallows, all in the State of Colorado, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. FRYE presented a memorial of the board of directors of the Chamber of Commerce of Norfolk, Va., remonstrating against the adoption of the so-called London landing clause in bills of lading; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. PERKINS, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 10144) to donate to the State of Alabama the spars of the captured battle ships *Don Juan d'Austria* and *Almirante Oquendo*, reported it without amendment, and submitted a report thereon.

Mr. CULLOM, from the Committee on Foreign Relations, reported an amendment proposing to make an appropriation for salaries of diplomatic and consular representatives of the United States to the republic of Cuba, intended to be proposed by him to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

LIGHT KEEPER'S DWELLING, ECORSE STATION, MICHIGAN.

Mr. McMILLAN. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 1964) to provide for a light-house keeper's dwelling, Ecorse range-light station, Detroit River, in the State of Michigan, to report it without amendment, and I ask for its immediate consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

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

BILLS INTRODUCED.

Mr. SIMON introduced a bill (S. 5561) for the relief of S. R. Green; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. DEBOE introduced a bill (S. 5562) for the erection of a public building at Bowling Green, Ky.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. DILLINGHAM (by request) introduced a bill (S. 5563) to further protect the first day of the week as a day of rest in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HANSBROUGH introduced a bill (S. 5564) granting an increase of pension to Ahimaoz E. Wood; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

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

A bill (S. 5565) granting an increase of pension to Nathan Bigham;

A bill (S. 5566) granting an increase of pension to William W. Rollins; and

A bill (S. 5567) granting a pension to Moses Kettering.

Mr. CULLOM introduced a bill (S. 5568) granting an increase of pension to Emma R. Cropsey; which was read twice by its title, and, with the accompanying affidavit, referred to the Committee on Pensions.

Mr. HANNA introduced a bill (S. 5569) for the relief of Gustavus A. Balzer; which was read twice by its title, and referred to the Committee on Claims.

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

A bill (S. 5570) granting an increase of pension to Austin W. Scoville;

A bill (S. 5571) granting an increase of pension to John Ryan;

A bill (S. 5572) granting an increase of pension to James P. Carnes;

A bill (S. 5573) granting an increase of pension to John Day;

A bill (S. 5574) granting an increase of pension to John A. Grover;

A bill (S. 5575) granting an increase of pension to George A. James;

A bill (S. 5576) granting an increase of pension to William R. Partridge;

A bill (S. 5577) granting an increase of pension to George W. Sopher (with accompanying papers);

A bill (S. 5578) granting a pension to James M. Littrell;

A bill (S. 5579) granting a pension to Thomas Martin (with accompanying papers); and

A bill (S. 5580) granting a pension to John R. Clark.

Mr. PRITCHARD (by request) introduced a bill (S. 5581) for the relief of the estate of Joseph W. Green; which was read twice by its title, and referred to the Committee on Claims.

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

A bill (S. 5582) granting a pension to Wesley A. Hampton;

A bill (S. 5583) granting a pension to Richard Tew; and

A bill (S. 5584) granting a pension to Willis Hix.

Mr. WELLINGTON introduced a bill (S. 5585) for the relief of Francis M. Brabham; which was read twice by its title, and referred to the Committee on Claims.

Mr. HANSBROUGH introduced a bill (S. 5586) to establish a railroad commission for the District of Columbia and authorizing said commission to construct a monumental union passenger station and railroad terminals for the said District, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. KEAN introduced a bill (S. 5587) for the relief of Anna Eliza Isabella Von Hemert; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

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

A bill (S. 5588) granting an increase of pension to William M. Hardison;

A bill (S. 5589) granting an increase of pension to George Gantz;

A bill (S. 5590) granting an increase of pension to Francis S. Wolfe;

A bill (S. 5591) granting an increase of pension to John D. Priest;

A bill (S. 5592) granting an increase of pension to Watson B. Vaughn;

A bill (S. 5593) granting an increase of pension to Henry R. Wheeler;

A bill (S. 5594) granting an increase of pension to W. B. Yates; and

A bill (S. 5595) granting an increase of pension to James W. Linkin.

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

A bill (S. 5596) granting an increase of pension to Allen King;

A bill (S. 5597) granting an increase of pension to Owen Gerry; and

A bill (S. 5598) granting a pension to Albert Hempstead.

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

A bill (S. 5599) granting a pension to James A. Crank; and

A bill (S. 5600) granting a pension to I. W. Becksmith.

AMENDMENTS TO BILLS.

Mr. KEAN submitted two amendments intended to be proposed by him to the bill (H. R. 14018) to increase the limit of cost of

certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which were referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. PERKINS submitted an amendment intended to be proposed by him to the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. CLARK of Montana submitted an amendment intended to be proposed by him to the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. HANNA submitted an amendment intended to be proposed by him to the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purpose; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. SIMMONS submitted an amendment authorizing the Director of the Census, upon the request of a governor of any State or Territory, or the chief officer of any municipal government, to furnish them with copies of so much of schedules of the First, Second, and Third censuses as may be requested at the discretion of the Director of the Census, upon payment of the actual cost of making such copies, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. ALLISON submitted two amendments intended to be proposed by him to the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which were ordered to be printed, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. FOSTER of Louisiana submitted an amendment intended to be proposed by him to the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MILITARY ORDERS IN THE PHILIPPINES.

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. CULBERSON as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate the following information:

1. Whether the orders of Brig. Gen. J. F. Bell, dated Batangas, December 8, 1901, on the subject of reconcentration, addressed to all station commanders, have been officially received by the War Department, and if so, when they were received, by whom they were forwarded, whether they were issued by authority of the major-general commanding in the Philippines or were approved by him, and whether they have been approved or acquiesced in by the War Department.

2. A copy of the order or orders issued by Brig. Gen. Jacob H. Smith to Maj. L. W. T. Waller, United States Marine Corps, pleaded by the latter in defense before the recent court-martial which tried him at Manila, if the same were in writing, or the date and substance thereof if they were verbally given. Also (*a*) whether said order or orders were authorized or have been approved by the major-general commanding in the Philippines, and if so, when they were so approved; (*b*) when said order or orders were received by the War Department, if they have been received, or when it was first known to the War Department that such order or orders were issued, and (*c*) whether said order or orders have been revoked or countermanded, and if so, when and by whom, giving the terms of the order of revocation.

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

The resolution was agreed to.

MAJ. CORNELIUS GARDENER.

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. PATTERSON, as follows:

Whereas the regiment of Maj. Cornelius Gardener has been ordered to the United States, but the exact time of its return is not known, but is stated to be somewhere from May 15 to June 1 proximo; and

Whereas Major Gardener is an important witness as to conditions in the Philippine Islands and other matters connected therewith and has resigned as civil governor of the province of Tayabas, that he may return with his regiment to the United States, but he can not probably reach the United States if he awaits his regiment's return until after the adjournment of the present session of Congress; and

Whereas the Philippine Committee, by a partisan vote, has declined to request the Secretary of War to request Major Gardener by cable to return immediately to the United States to testify as a witness before the Philippine Committee: Therefore,

Resolved, That the Secretary of War be, and he hereby is, directed to immediately cable the said Major Gardener to return to the United States without delay, to give testimony before the said Philippine Committee.

Mr. PATTERSON. I ask leave to amend the resolution as follows:

In the third whereas, in the first line, strike out the word "partisan" and insert "party."

In the first line of the resolution strike out "Secretary of War" and insert the word "President."

In the second line of the resolution strike out the word "directed" and insert the word "requested;" and between the words "immediately" and "cable" insert the words "cause the Secretary of War to;" so that the resolution will read:

Resolved, That the President be, and hereby is, requested to immediately cause the Secretary of War to cable the said Major Gardener to return to the United States without delay to give testimony before the said Philippine Committee.

The PRESIDENT pro tempore. The Senator from Colorado offers an amendment to the resolution, which will be stated.

The SECRETARY. In line 1 of the resolution strike out the words "Secretary of War" and insert the word "President;" in line 2 strike out the word "directed" and insert in lieu thereof the word "requested;" after the word "immediately," in the same line, insert "cause the Secretary of War to;" so that if amended the resolution will read:

Resolved, That the President be, and hereby is, requested to immediately cause the Secretary of War to cable the said Major Gardener to return to the United States without delay to give testimony before the said Philippine Committee.

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

Mr. SPOONER. Mr. President, I presume there will be no objection to the matter being laid aside temporarily until the chairman of the committee comes into the Chamber.

Mr. PATTERSON. None at all, Mr. President.

Mr. SPOONER. I ask that it be laid aside until the chairman of the Philippine Committee comes into the Senate.

The PRESIDENT pro tempore. The resolution will be laid aside as requested.

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. 3361) providing for the removal of the port of entry in the Albemarle collection of customs district, North Carolina, from Edenton, N. C., to Elizabeth City, N. C.;

A bill (S. 4768) to authorize the United States and West Indies Railroad and Steamship Company, of the State of Florida, to construct a bridge across the Manatee River, in the State of Florida; and

A bill (S. 4932) providing for the extension of the Loudon Park National Cemetery, near Baltimore, Md.

The message also announced that the House had passed a bill (H. R. 13895) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

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

A bill (H. R. 966) for the relief of Edward R. Stackable, collector of customs for the district of Hawaii; and

A bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory, or the District of Columbia, into which they are transported, and to change the tax on oleomargarine, and to impose a tax, provide for the inspection, and regulate the manufacture and sale of certain dairy products, and to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. W. H. CROOK, one of his secretaries, announced that the President had

on the 26th ultimo approved and signed the act (S. 2877) to remove the charge of desertion standing against the record of Thomas Blackburn.

The message also announced that the President of the United States had on the 28th ultimo approved and signed the act (S. 3449) to establish an additional land office in the State of Montana.

The message further announced that the President of the United States had on the 30th ultimo approved and signed the act (S. 3663) to amend an act entitled "An act granting the right to the Omaha Northern Railway Company to construct a railway across and establish stations on the Omaha and Winnebago Reservation, in the State of Nebraska, and for other purposes," by extending the time for the construction of said railway.

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

An act (S. 1321) to restore to the active list of the Navy the name of James G. Field; and

An act (S. 2533) to remove the charge of desertion against Frederick Schulte or Schuldt.

HOUSE BILL REFERRED.

The bill (H. R. 13895) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903, was read twice by its title, and referred to the Committee on Agriculture and Forestry.

AGREEMENT WITH INDIANS OF ROSEBUD RESERVATION.

The PRESIDENT pro tempore. The Chair lays before the Senate Senate bill 2992.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2992) to ratify an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and making appropriation to carry the same into effect.

The PRESIDENT pro tempore. The question before the Senate is on the amendment offered by the Senator from Connecticut [Mr. PLATT].

Mr. PLATT of Connecticut. Mr. President, I know the Senator from Missouri [Mr. COCKRELL] desires to submit some observations upon this matter.

Mr. HANSBROUGH. Mr. President——

Mr. PLATT of Connecticut. The Senator from North Dakota, I understand, desires to address the Senate.

Mr. HANSBROUGH. Mr. President, I listened with a great deal of interest yesterday and the day before to the discussion of this measure. The debate took a very wide range, altogether too wide, I think, because some of the Senators undertook to criticise the action of the Interior Department in disposing of the lands in Oklahoma and others seemed to assume that quite all of the people who go into the Western country in search of homes are speculators and men of bad character.

I was particularly interested in what the Senator from Wisconsin [Mr. QUARLES] had to say on this latter subject. It is true, doubtless, that the great army of home seekers who have gone out on the Western plains have, from time to time, been followed by a class of people who might be denominated as speculators. The fact is that no army ever moves in any enterprise that is without its camp followers. But as to the intimation that most of these people, or any considerable number of them, are speculators, I desire here and now to make my protest.

I do not know how it was in the State of Wisconsin or in the State of Michigan or any other State where the principal interest is pine lands. I do not know if the speculator dominated the disposition of the pine lands in Wisconsin. Perhaps I ought not to refer to the methods under which those pine lands were disposed of or compare the class of men who go into the country west of the Mississippi River to seek homes upon the prairies with the class of men who have remained in the State of Wisconsin and other pine-land States and taken possession of the pine lands. But I imagine that if an investigation was had it would develop that there were quite as many speculators in the pineries as there are to be found upon the prairies of the West.

Now, a word with respect to the methods under which these Indian lands are disposed of. The Senator from South Carolina [Mr. TILLMAN] yesterday criticised the methods employed by the Interior Department in disposing of the lands in Oklahoma and found fault with the plan known as the lottery plan.

Mr. President, I do not favor lotteries as a general thing. Indeed, while I was a member of the House of Representatives I introduced and had passed in that body what is known as the anti-lottery bill. That bill became a law, and under that law the Louisiana lottery has practically gone out of business. So that I am not, generally speaking, in favor of lotteries. But I submit that under the circumstances, with the great pressure that exists on the part of the masses of the people who are seeking for homes wherever there is vacant land, it was utterly impossible for the Interior Department to dispose of the lands in Oklahoma in any other way than by the method which was adopted; in other words, by the lottery plan.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. HANSBROUGH. I yield.

Mr. TILLMAN. The point I tried to make was not so much against the lottery as against the condition which resulted from the lottery, and that was that the speculators or persons who really had no intention or purpose of settling on the lands and making homes rushed in to get advantage of the benefaction or largess of the Government in opening the land to settlement by homesteaders. If the Senator can devise any scheme by which no one but bona fide home seekers, men who have no homes and want to get homes, will be alone allowed to receive the benefits and to make application for homesteads, I can see that such a scheme, if it can be devised, would largely reduce the danger of any future lottery.

The condition which I brought up here was that we ought not to subject ourselves to the charge of injustice to the taxpayers by buying land for which we pay two, three, five, or ten dollars an acre, whatever amount it may cost, and then turn around and give it to a lot of people who do not need it and who are better off than some of us, who rush in and seize upon the opportunity to make a homestead entry. If they draw a prize, they will go and locate, and then they will hire somebody to go in and do whatever is necessary to preserve their homestead rights, and as soon as they get a chance they turn in and sell their claim and get the profit and go about their business, so that the taxpayers are fleeced and the home seekers are robbed of the opportunity to obtain homes. That is the idea which, if the Senator will elucidate, will benefit us a great deal more, I think, than to discuss the question of lotteries.

Mr. HANSBROUGH. Mr. President, I hope to reach that phase of the case before I have concluded, but I desire to say a further word with respect to the lottery system. I think it would have been utterly impossible for the Secretary of the Interior to have disposed of the lands in Oklahoma and on other reservations in any other method than by the lottery method, because there were probably 50 people on the ground for every 160 acres of land to be disposed of in that conntry. Now, I ask the Senator from South Carolina and other Senators, How are you going to select from that number of people the particular individual who shall have the right to take and occupy 160 acres, if not by the lottery system?

Mr. TILLMAN. If the Senator will permit me, I can see the difficulty of the Government officials undertaking to differentiate or to pick out from among the applicants for homesteads those who are bona fide and those who are not, but if the land has a price fixed does it not at once eliminate to a great degree the speculative applicants? Will any gambler be there seeking a homestead if he has got to pay some money? Is it not the gambler who expects to get something for nothing, who is on hand in these large numbers seeking to elbow away and to shove aside the actual bona fide applicant for a homestead, who is poor and wants to get some mother earth under his feet and get a title to it?

Mr. HANSBROUGH. Well, Mr. President, I do not believe——

Mr. TILLMAN. Will not putting a price on the land have a tendency to eliminate the speculator?

Mr. HANSBROUGH. I think not. Wherever the land is valuable there is going to be a very large number of people who are ready to buy it. Then comes the question as to who shall be entitled to make the purchase. Suppose again, that if there are fifty men on the ground——

Mr. TILLMAN rose.

Mr. HANSBROUGH. I do not want to yield just now. We will suppose that if there are fifty men on the ground to each 160 acres of land, and all of them will have to pay $2.50 or $3.50 or $5 an acre for the land, to which individual will you give the right to enter upon that land and make payment if not by the lottery system?

Mr. TILLMAN. Will the Senator allow me now?

Mr. HANSBROUGH. Certainly.

Mr. TILLMAN. In competition for any given land the easiest way and the only sure way to settle it is to put it up to the highest bidder, and if instead of a lottery to determine who shall by chance have the privilege of getting a homestead, if these lands are valuable, you simply say, "Well, here, lot No. 7 is for sale. Bid up for it." If John Smith wants it at $2 and nobody else wants to give any more, let John Smith have it; and so on through the line. You can eliminate the injustice which now obtains by the lottery system by letting the land bring what it is worth and letting the money come back to the United States which has bought it or have bought it. I do not know how to get that noun down to a singular verb, but I believe the courts have decided that the United States are to be considered as is, or in the singular.

We can determine that question very readily and easily and without any friction by simply saying that the lands on a given reservation, having been purchased by the United States and there being more applicants than there are homestead entries, we will, instead of having a fixed rate for all of it, put up each lot separately and "let the longest pole get the persimmon."

Mr. HANSBROUGH. I am afraid that under that system the Senator from South Carolina and myself would fare very poorly as against the class of gentlemen who have more money than we have. I think they would outbid us and we would come away without having procured any land, especially in the case of Oklahoma, where I understand the lands are to-day worth from $30 to $50 per acre.

I call the attention of the Senator from South Carolina to the further fact that right here in this body we decide who shall have seats, sometimes, by the lottery system.

Mr. TILLMAN. I have never known it to be done since I have been here.

Mr. HANSBROUGH. We are obliged to do it.

Mr. TILLMAN. I have never known it since I have been here.

Mr. HANSBROUGH. It has taken place.

Mr. SPOONER. That is because it has not been done since the Senator came here.

Mr. TILLMAN. Was it ever done?

Mr. SPOONER. Yes.

Mr. TILLMAN. When?

Mr. SPOONER. When two Senators——

Mr. TILLMAN. It is done in the House, but this body being a continuing body, without ever dying, and there always being old Senators here who have gotten the best seats, the new ones have to take what is left. It is "first come first served."

Mr. HANSBROUGH. When the State of North Dakota came into the Union, and two Senators were sent here, there was a question who should occupy the two years' term and who should fill the four years' term.

Mr. TILLMAN. That is the term and not the seat.

Mr. HANSBROUGH. And that was decided by lot.

Mr. TILLMAN. I say, Mr. President, if I may be permitted——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. HANSBROUGH. I shall be obliged to do so.

Mr. TILLMAN. That was a question of the tenure of the two Senators elected at the same time, as to which should have the short and which should have the long term. I thought the Senator was referring to our chairs here.

Mr. HANSBROUGH. I do not care to prolong the discussion on the lottery aspect of this case, and I will now refer to the bill under consideration.

I think that each of these cases should be allowed to stand upon its own merit. In the case of the Rosebud Reservation I understand that the lands perhaps are not worth $2.50 an acre, the price specified in the bill, and if this bill is passed with that provision in it there is grave doubt whether the lands would be in such demand by settlers as to cause them to be taken by those who are seeking homes in the Western country at the present time.

If there is any such doubt, Mr. President; if there is a probability that there would not be sufficient demand for these lands to cause their occupation by settlers for the purpose of cultivating them and making farms of them, and with the additional purpose of putting white people among the Indians, with a view to their further civilization, then I believe it would be well to eliminate the provision under which it is proposed that $2.50 an acre shall be charged, and allow them to be taken under the free-homestead clause.

I am inclined to think that the amendment offered by the Senator from Colorado [Mr. TELLER] on yesterday should be adopted, eliminating the commutation clause of the homestead act so as to require the settler who goes upon the land to live there five years, and thus eliminating the possibility, to a great extent anyway, of speculation. Of course, after a settler has lived there five years and has acquired title you can not prevent him from selling the land to some man who may want to buy a whole township, butif you have required him to live there five years, the Government has done its uttermost to prevent speculation. For that reason I think a provision should go into the bill eliminating the commutation clause of the homestead law.

I think that each one of these cases should stand upon its own merits, because in the different reservations there are no two cases alike. The land in the Rosebud Reservation is not of a quality which attracts settlers, whereas in my own State, in the Devils Lake Reservation, where we are proposing to throw open about 104,000 acres of land, the lands are worth to-day at least $15 per acre. I think it is no more than fair that the settler upon those lands should pay the price that the Government pays the Indians, and for that reason I yielded to the amendment offered by the Senator from Connecticut when that bill was up for consideration and allowed the free-homestead clause to be stricken from the bill, although the bill had been drawn by the Interior Department and the free-homestead clause inserted.

To-day, Mr. President, there are at least 1,000 people in the vicinity of that reservation anxiously awaiting the passage of the bill so that they may go upon those lands. When the time comes for them to go upon the lands it will be found that there is room for about 650 entrymen, and there are fully a thousand people on the ground now waiting to take advantage of the opportunity of securing a home there. So it would be absolutely necessary, if I may be allowed again to refer to the lottery phase of this case, for the Secretary of the Interior to provide some method whereby these people may decide by lot as to who shall take advantage of the opportunity.

Mr. President, there was a time in the history of this Government, when the homestead law was enacted, when the preemption law was enacted, and when the timber-culture law was enacted, when the Government of the United States was looking in every direction for settlers with whom to populate the public domain of the country. But that time has gone by. At the present moment the settler is soliciting the Government to secure a home for him. The arable public domain of this country is about exhausted. There is but very little of it left at the present time.

It was for that reason that the Senators and Representatives from the arid and semiarid States at the beginning of the present session of Congress got together and formulated the bill known as the irrigation bill, which passed this body some months ago unanimously and which now reposes in the sacred keeping of the leaders of the other branch of Congress. The purpose of the framers of that bill was to provide homes for the home seekers of the United States.

My attention was called recently to a most peculiar situation. Owing to the scarcity of lands in the Western States at the present time thousands of people are now going into Manitoba and the Saskatchewan country, in Canada, to secure homes—leaving the United States and going to a foreign country to secure lands. Could there be any better argument in favor of an irrigation bill, so that we might provide homes for these people and keep them here, keeping our own citizens in the United States?

A prominent official of one of the leading railroads of the country told me the other day that 7,000 people from the State of Iowa had gone to Manitoba in the past sixty days to find homes, which they could not find on this side of the line. I would be surprised if anyone should tell me that any man from the State of Iowa should stand in the way of the passage of the irrigation bill, so that the people who are now going from the State of Iowa to Manitoba and elsewhere in Canada might remain here as citizens of the United States.

So, Mr. President, without prolonging this debate, I want to say in a word that I think in the case of these Rosebud lands, if the Senators from South Dakota think the lands could not be readily sold for $2.50 an acre, perhaps an amendment might be put into the bill providing that they shall be sold for $1.25 an acre. If the Senators from South Dakota think that settlers would not be attracted by fixing the price at $1.25, then I think the land should be purchased and thrown open and settlers should be allowed to go in and live there five years, without paying anything whatever for the land.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. HANSBROUGH. I was about through, Mr. President, but I yield.

Mr. TILLMAN. I would ask the Senator, if he supposes there is any doubt about the bona fide settlers being willing to buy these lands at the upset price, what need is there to open up this reservation? Why should we be paying this million dollars, or whatever the amount is that we are going to pay to the Rosebud Indians to get land that nobody wants? Why should we pass a bill here at all? Why not let the Indians alone in the peaceful enjoyment of their reservation, and wait until the demand for homes or for more land by the Caucasians makes it desirable to open the reservation?

Mr. HANSBROUGH. Right on that point, Mr. President, I desire to say that the purpose of throwing open the Indian reservations and allowing white settlers to come in and take the lands is that the Indians may have the opportunity of mixing with the white people and learning something of our methods. I think their civilization will be thereby greatly hastened. That is the object of opening the reservation.

Mr. TILLMAN. The Senator does not, of course, expect me to believe that, though he says it undoubtedly in good faith.

Mr. HANSBROUGH. Certainly.

Mr. TILLMAN. Any man who has been in the West and who

has run up against this Indian problem and the condition of those Indians, with their gradual pauperization and the absorption of their lands by the whites, knows that love of the Indian is about the smallest quality or quantity in the minds of men in the West.

Mr. HANSBROUGH. The Senator from South Carolina is constantly looking for fraud somewhere. He has always got the tail of his eye on some one whom he regards as a suspicious character, and if we come in here with any measure, no matter what the measure may be, the Senator is going to pick flaws in it.

Mr. TILLMAN. I picked no flaws in the irrigation bill; on the contrary, I got up here and advocated the passage of the irrigation bill.

Mr. HANSBROUGH. That is true.

Mr. TILLMAN. Then the Senator ought to apologize for the accusation he has just made.

Mr. HANSBROUGH. I apologize to the Senator so far as the irrigation bill is concerned.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Connecticut [Mr. PLATT].

Mr. PLATT of Connecticut. Mr. President, I think the Senator from Missouri [Mr. COCKRELL] desires to be heard on this matter. I have sent for him, and I hope he will soon be here.

Mr. TELLER. Whilst waiting for the Senator from Missouri, I want to call attention to the amendment I proposed yesterday, which will be found by looking at page 6, beginning in line 25, striking out the words "except that homestead settlers who commute their entries under section 2301, Revised Statutes, shall pay for the land entered the price fixed therein." The price fixed is $2.50. I propose to strike that out; and, not going any further, that would undoubtedly leave the settlers entitled to enter their homesteads at a dollar and a quarter an acre.

What I desire to accomplish by this amendment is not to allow the homesteaders on this land to commute it. I want to avoid what the Senator from Wisconsin [Mr. QUARLES] and some other Senators seem to be disturbed about. I want to avoid speculators going in there and getting the land, and I think the amendment I have offered will accomplish that purpose, because no speculator will go in if he has got to live on the land for five years; but it will enable the poorer class of people to go in and make homesteads on this land.

Mr. President, I want to say a word or two about the complaint which has been made here that we are buying land from the Indians, paying money out of the Treasury to the Indians for the land, and then giving the land to settlers. The policy of the Government of the United States from its very organization has been that the Government was the trustee of the land for the benefit of the people; and when there did not appear to be in this country any speculative disposition the Government allowed, under the preemption act of 1842, entries under some limitations. Before that there had been very little limitation. The settlers had been privileged to go upon the public land, pay a dollar and a quarter an acre for the land, and obtain title to any quantity they saw fit.

After 1842, and perhaps before that time, the practice was this: The settler could go upon land, live upon it about two years and a half, and then pay for it; or if he had enough ready money he could find plenty of land that had been offered for sale. The Government having offered the land for sale and not finding a bidder, it was returned and then was opened to preemption, as we called it, without any occupation of it. The settler could go and buy 160 acres of land, or any other number of acres of land which he had the money to pay for, at $1.25 an acre. There was not under that system, which was an open system, any considerable aggregation of public land in the hands of individuals.

I have seen thousands and tens of thousands of acres of good land that could be bought for $1.25 an acre stand in the market year after year with nobody offering to purchase it. That was true in all the States of the West. That land is worth now a great deal of money, or at least some of it is. Of late years, within the last fifteen or twenty years, or probably twenty-five years, there has been a good deal of a disposition on the part of capitalists to buy lands in large quantities.

Mr. PLATT of Connecticut. Will the Senator allow me to ask him a question?

Mr. TELLER. Certainly.

Mr. PLATT of Connecticut. I understand that originally the law was that a person could go and locate land anywhere and pay $1.25 an acre for it.

Mr. TELLER. Yes.

Mr. PLATT of Connecticut. And he could also locate land under military bounty land warrants. But there came a time—and I should like the Senator to explain how it was—when large tracts of land were obtained for small sums per acre. I remember in 1863, when I was out in Omaha, I was told that a man who had been a Senator of the United States had acquired under the land laws, in some way or other, several thousand acres of land which had not cost him more than 10 cents an acre.

Mr. TELLER. Where had he bought the land?

Mr. PLATT of Connecticut. In Nebraska, which was then a Territory. There had been some law in existence under which he had been able to get that land at a low price.

Mr. TELLER. I think that is a mistake as to Nebraska; but this has been the rule for many years: After public land had been offered in the market a certain length of time, the price was changed from a dollar and a quarter an acre to something less, and so on down until the price had got as low us 12½ cents an acre.

Mr. PLATT of Connecticut. Where there was no demand for the land, and it was open for entry and not taken, was it not put up at auction and sold?

Mr. TELLER. In the first place the land was put up and offered at $1.25 an acre to the amount of many thousands of acres. After the land was put up no one would go there, because a man could go the next day and take it at $1.25 an acre, just what he would have to bid, and after the land had been returned unsold, then it was open to any person who wanted it in any quantity. The longer settlers stayed off the land the lower the price went, until sometimes good land was sold in the State of Missouri for 12½ cents an acre. That was under what was called the graduated land act.

There was another method by which land could be acquired, and that was by military bounty land warrants, representing $1.25 an acre in locating lands, which sold in the West sometimes as low as 25 cents an acre. Yet, with all these opportunities, there was no considerable amount of land taken except by actual settlers.

In 1861 the Government of the United States changed its policy by the adoption of the homestead law, and allowed public land to be taken without any payment whatever, provided the settler would go upon the land and stay there for five years. Under that law there has been an immense quantity of land taken, thousands and tens of thousands of acres, and thousands and tens of thousands of homes have been made all over the West. Of course that to some extent reduced the income of the Government. These homesteaders, after they had lived on the land for the given period of time, could go and pay $1.25 an acre and get a good title. A great many homesteaders, after they had lived the required time on the land, so that they could do so, went and paid $1.25 an acre for the sake of having an absolute title and knowing that the property was their own. I think of all the things of which the Republican party can boast the most beneficial act of civil policy they have ever performed was when they freely donated to the people the public lands. The result was an increased settlement in the West and Northwest.

Mr. President, I have seen something of the settlement of the West in at least four or five States. I have been going back and forth through them for the last thirty-odd years—now pretty nearly forty years—and I want to say to the Senator from Connecticut [Mr. PLATT], who seems to think that these people ought to pay $2.50 an acre for this land, that any man who goes upon one of those quarter-sections of land and makes a home there is entitled to the land without paying a single cent for it, and the Government of the United States ought to be delighted to have him do so. There is not an acre of public land left to the United States Government, nor is there an acre inside of any Indian reservation, that the Government ought not to be glad to buy of the Indians and see some settler go on it.

Senators who live in the Atlantic States, and who were born so late in the history of this country that they have not seen that new country developed, do not know anything about what it costs to settle up a country; they do not know what it meant for a man to pioneer in the Dakotas, or in Iowa, or in Nebraska, or in Kansas, or in Colorada, or in Montana, or in any of those Western States. It is true, Mr. President, now that the lands which early settlers got for nothing may be worth $50 or a $100 an acre, but they have made them so. But for their presence those lands would not be worth any more than they were fifty years ago.

For myself, I have not any fear of the Government of the United States being robbed by taking in all the reservations at any price that we are likely to pay for them, and shearing them of all the land which is not needed and giving it to the settlers.

Mr. President, we have some new possessions now. We have ten or twelve million people under our control, whom we declare to be under our protection, who have had no opportunity of receiving the benefit of free homes from the Government. There are supposed to be 500,000 acres of land now owned by a religious order in the Philippines called the friars. I find in a bill pending here a proposition that we shall condemn that land, make it public land, and sell it to the people. I do not know how we are going to condemn it; but, leaving that question out of view, if we condemn it we have got to pay for it, and we probably shall pay twice what that land is really worth—twice what the Government ought to pay. My own judgment is that it would be

well for us to pay almost any price that is demanded of us rather than not get the land.

Mr. PLATT of Connecticut. What is that?

Mr. TELLER. I am referring to what are called the friars' lands in the Philippines. That subject, of course, is not touched in this bill, but I was referring to the principle of this bill, which I think ought to be applied to those lands. What we shall pay for those lands I do not know, but I should think, from the information I have, that we are likely to pay twice the amount the land is worth. I would very much prefer to see the Government buy it for twice what it is worth than not buy it at all. When the Government buys the land at twice what it is worth, I do not want to see it sold to the people who are going to live on it at the price we buy it for.

On the contrary, Mr. President, I do not want to see it sold to them at all. Many of the occupants of this land are men who have lived upon it during all their lifetime and the lifetime of their parents before them. I believe it would be good policy for the Government of the United States to buy that four or five hundred thousand acres of land, divide it into holdings not to exceed 40 acres, and then give it to the people who are living on it. I think we could never invest a few million dollars with half the benefit and profit to us that that would be. I believe it would go far to compose the difficulties which exist there, and that it might create a friendship for the Government which can not be secured by all the armies that may march over that country with all the pomp of war. As it has been the policy of the Government for a good many years to make the land free, or so free that every man, no matter how poor he may be, can get a home upon it, I hope that principle will be applied when we succeed in securing that land. I have simply taken advantage of the pendency of this bill to say this because I have felt like saying it for some time.

Mr. President, I do not know how much land is involved in this bill, but the more land there is involved in it, the more anxious I am that the land shall be made free—the more anxious I am that the people who go upon it shall not be asked to pay a single dollar to the Government of the United States for the title they can get by living on it. I do not believe that the United States ever in its history invested any money that has been so valuable to it and has returned such great rewards as the money invested in these and other lands, and the money that they might have collected, but did not collect, out of settlers in the West and Northwest.

My friend from South Carolina [Mr. TILLMAN], who sits near me, says that he does not want to see the taxpayers burdened by the passage of this bill. Mr. President, I have myself some little interest in the taxpayers, but I lose some of that interest in trifling things of that character from a financial point of view when I see the Government of the United States spending two or three hundred million dollars a year—$200,000,000, at least—on the Army and the Navy, and doing so without embarrassment, when we have a great overflowing Treasury, with $180,000,000 at the command of the financial department of the Government and $150,000,000 more which is locked up in the banks of the country and might, so far as the Government is concerned, as well be in the sea, and that money being kept there for the supposed purpose of the redemption of some obligations of the Government, never to be used. The Government of the United States can not plead poverty; it can not plead distress, with all these great expenditures. I think I shall be safe in saying that there is not any country in the world where the people feel so little the burdens of taxation of a national character as in this country.

I hope, Mr. President, that we shall economize; but I hope that we shall not commence economizing with the settlers. I know that $400 may not appear to be very much to members of this body; but $400 is a great deal of money to a settler. It is more money than a great many farmers in the West ever had together at one time; and there are thousands and tens of thousands of men who have good homes and who have valuable holdings who never could have had them because they never could have raised money enough to buy them if the Government had not said, "That is free land and you may go and take it."

I do not see how anybody, when he looks over the growth of the Northwest and the character of its population, which compares most favorably with any population on the face of the earth, can think we have made a mistake in giving to these people free lands, and I can not see why anybody should be disturbed now that we are going to remit to the settler the payment of $400 if he goes upon a quarter section of land and makes his home there for five years, as he must do under the terms of my amendment if it be adopted. As suggested to me, the Government is paying less than 25 cents an acre for this land when it buys it from the Indians.

Mr. PLATT of Connecticut. What is that?

Mr. COCKRELL. The Government pays $2.50 per acre.

Mr. PLATT of Connecticut. Certainly; the Government pays $2.50 an acre for the land.

Mr. TELLER. The statement I made was based on a suggestion made to me by a Senator sitting near me.

Mr. JONES of Arkansas. More than 4,600,000 acres.

Mr. PLATT of Connecticut. Four hundred and sixteen thousand acres, I believe.

Mr. TELLER. I have not looked into the details to ascertain as to that.

Mr. GAMBLE. The number of acres purchased is 416,000.

Mr. JONES of Arkansas. I thought it was 4,600,000.

Mr. GAMBLE. No; 416,000 acres.

Mr. TELLER. Suppose it is. The property belongs to the people of the United States; they are entitled to it, and they are entitled to have it in such a way as will do the most good to all of them. Of course there are tens of thousands of people who can not go and take homesteads, but they will be benefited by every homestead that is taken. There is not a man, woman, or child in the United States who is not benefited when homesteads on those 416,000 acres are occupied by intelligent American citizens and farmers.

Senators who have lived in the West have seen communities built up there; they know what the settlers have had to do, taking the raw, uncultivated earth, with not a building of any kind in existence, but every building having to be erected, every road and every bridge to be constructed and to be paid for out of the hard earnings of that class of settlers. Mr. President, the very development of the country comes out of those people; and when you go over that country you see fine homes, fine farms, and fine roads, all of which have been built by the toil and the labor of the settlers; and inasmuch as a settled country is better than a desert, so it is better that we should let the people go there and occupy the land, and we ought to let them go upon terms that will cover the country with population as speedily as possible.

I do not know whether this land is distributed amongst the Indians or not, but I judge it is from a remark made by one of the Senators who spoke yesterday. If, however, it is not distributed around amongst them, it is the fact that the Government in giving to these Indians their allotments withholds the lands from the operation of the tax laws of the States. Within the last three years in the State of Colorado the Government has allotted lands to a large number of Indians, throwing open a portion of a reservation to settlement, which the people have taken. This land is to be reserved from the operation of the tax laws, according to my recollection of the treaty, for twenty-five years, during which time they will pay no taxes whatever upon personal property or upon the lands. That means an additional tax and an additional burden upon every settler who is upon those lands.

The intervening sections have been taken up, and a quantity of land on one side has been taken. They are all in the same municipal community or county, and the Indian who has thousands and thousands of acres contributes nothing in any shape or form to the development of the country. What he fails to contribute, or what he would have to contribute if he were a white man living on that land, must be contributed by the white man who lives on the other land.

When all these things are taken into consideration, there is absolute justification for giving these lands to the people without compensation. Nay, more than that, Mr. President, it is an absolute injustice to demand that they shall pay any price whatever for that land; it is contradictory to the policy we have been pursuing, which is to open the public lands to the settlement of an independent farming people just as rapidly as possible.

I do hope that this bill will become a law with that provision left out of it, and that settlers may be allowed to take the land, and not buy it, under the homestead law, with the exception that they shall not commute, but shall live on the land for five years.

Mr. TILLMAN. Mr. President, there is one phase of this matter to which I will briefly refer before we come to any vote, and that is to direct the attention of Senators to the fact that we have fixed charges on the Treasury amounting to some $1,800,000, or something like that, for the land-grant colleges. Under various acts of Congress the several States and Territories have had endowed, out of the fund received from the sale of public lands, experimental stations and schools of agriculture. I want to direct attention to the fact that if we continue to give away the arable land, and if we shall have the act which was passed by this body become a law by being passed by the other body, donating all the proceeds of the public lands to be sold hereafter to the irrigation scheme, unless we get some fund from the sale of the Indian reservations that are thus opened to settlement the source of endowment of the land-grant colleges will disappear, and we shall be called on to take money that will be derived from taxation to support those colleges. That is well worth the consideration of Senators whose States are not interested in this matter.

Mr. GAMBLE. Mr. President——

The PRESIDING OFFICER (Mr. BLACKBURN in the chair). Does the Senator from South Carolina yield to the Senator from South Dakota?

Mr. TILLMAN. With pleasure.

Mr. GAMBLE. It is my understanding that during the discussion of the bill passed two years ago it was directly stated that the proceeds from the sales of public lands were insufficient to support the agricultural colleges and experimental stations, and that it would come directly from the Federal Treasury; and it is my understanding that for some years it has been paid directly from the Federal Treasury without any regard to the amount received from the sale of public lands. I think it has been so returned in the estimates of the Department.

Mr. PLATT of Connecticut. There has been enough received up to this time to make it good.

Mr. TILLMAN. There has always been more than enough from the sale of public lands to furnish the source of supply to keep the obligations or the implied pledge of the Government to the land-grant schools. But the demand will come sometime or other, when the condition of the country is not so prosperous and taxation bears heavily upon the people, that we shall economize. If we now by legislation dispose of all the public domain the condition will be this: There will be nothing left of the arid region, because all the lands in that region are to go for irrigation, and the only remaining arable land will be Indian reservations; and if we give that away, after buying it at these prices, I want to know where the money is to come from to meet the obligations to the agricultural and mechanical colleges. We have to meet it after we get rid of all of the land, and we should not, like a spendthrift, inaugurate a policy which will bring us face to face with a donation from the Treasury.

Mr. STEWART. I call the attention of the Senator from South Carolina to a paper which I desire to present out of order. It is the memorial of Charles Polkinghorne and sundry other citizens of Nevada, remonstrating against the enactment of legislation to provide for the leasing for grazing purposes of vacant public lands and reserving all rights of homestead and mineral entry, the rental to be a special fund for irrigation.

I would suggest to the Senator that the proposition now before Congress will be worked up to a considerable extent to lease them all to cattlemen. That will dispose of irrigation and dispose of any proceeds to carry on these schools. My constituents all protest against it and hope no such measure will be passed.

The PRESIDING OFFICER. If there be no objection, the petition will be received and referred to the Committee on Public Lands.

Mr. TILLMAN. I merely call attention to this phase of the question. The present endowment of these land-grant colleges and experimental stations, amounting to $40,000 to each—and as there are some 48 States and Territories, I believe, making something like $2,000,000, or in the neighborhood of it—is now derived from the proceeds of the sale of public lands. As soon as we have reached that point where the few remaining patches of arable land which people are willing to purchase and undertake to use in farming operations or in any other other than grazing are disposed of, and if this irrigation scheme shall go through the House, we are going to be face to face with the loss of the endowment fund to the agricultural and mechanical colleges throughout the United States, and I am opposed to any policy which shall handicap us or handicuff us and injure those schools by destroying the fund from which they now receive their endowment and thereby jeopardize those great institutions of learning.

Mr. LODGE. I should like to ask the Senator a question before he takes his seat. He alluded, in closing, to the irrigation bill. Is it not true that the whole of that system, in the bill which we passed, rests on the proceeds of the sale of public lands?

Mr. TILLMAN. Absolutely. The proceeds of the sale of every acre of the public land in a certain list of States west of the Mississippi, and that embraces all the public land practically, will go to the irrigation scheme.

Mr. LODGE. Then the policy of this bill would, in the first place, throw the agricultural colleges and the experimental stations onto the Treasury, and then would throw onto the Treasury the entire system of irrigation that we proposed in the Senate bill; and either the irrigation system must stop or the agricultural and experimental stations must stop, or we must make fresh appropriations for them all.

Mr. TILLMAN. I do not know that I would go so far as to say that, but I will say that my understanding of the condition is this: If the irrigation bill becomes a law all lands in the semiarid region—and that will begin with the Missouri River and everything beyond—will go to irrigation. There are some reservations east of that region involved in the irrigation scheme, but unless we sell the land which we propose to buy from the Indians, in order to get some money, the agricultural and mechanical colleges will be placed under the necessity of coming here and saying to us, "Appropriate out of the money derived from taxation, for the public lands are all gone."

Mr. PLATT of Connecticut. With regard to the effect of the passage of this bill upon the scheme for irrigation, the facts are just these: The bill we passed provided that all moneys derived from the sale of public lands in certain States, among which is South Dakota, should be applied for irrigation purposes, and it was also provided in the bill that if the receipts from the sale and disposal of other lands not within the States enumerated should be insufficient to support the agricultural colleges there should be appropriations directly out of the Treasury for that purpose.

So as it stands now we appropriate for irrigation purposes the proceeds of the sales of public lands in South Dakota and the other States mentioned, and the proceeds of the sales of public lands outside of those States are applied to the support of agricultural colleges; but if there is not enough derived from the sales of land outside of those States, then appropriations are to be made from the Treasury to cover the deficiency. That is the precise statement of this matter with regard to irrigation.

With reference to the Rosebud Reservation, the Government is going to pay a million dollars to the Indians. If it gets it back by selling the land to settlers at $2.50 an acre, there will be a million dollars derived from the Rosebud Reservation to go into the irrigation fund. If the Government is going to let the settlers have the land for nothing, there will be nothing derived from this reservation to go into the irrigation fund.

Mr. TELLER. I feel a great deal of interest in the irrigation fund, but I do not want, and I know the people of my State do not want, to build an irrigation scheme in Colorado at the expense of the settlers of some other State.

Mr. SPOONER. Will the Senator permit me?

Mr. TELLER. Certainly.

Mr. SPOONER. I was not here when the irrigation bill was passed, but as I understand it the proceeds of the sales of public lands in a State are not to be devoted to irrigation in that State.

Mr. TELLER. No.

Mr. SPOONER. So the money derived from the sale of public lands in South Dakota or in any other State may be applied to irrigation in another State?

Mr. HANSBROUGH. In Colorado.

Mr. SPOONER. In Colorado.

Mr. TELLER. Under the irrigation bill, if it should become a law, which I do not think it is quite fair to hold up here now, because it is not yet a law, if this land is sold to settlers in South Dakota the money can be taken and invested in the irrigation of Colorado lands.

Mr. SPOONER. If these lands are given to the settlers—and I do not know whether that ought to be done or not—so that the irrigation fund is deprived of that amount of money, money may be taken from the proceeds of the sales of public lands in Colorado and applied to irrigation in South Dakota.

Mr. TELLER. The same thing. But the irrigation bill has not become a law. I am afraid it will not for some time. Anyhow, we ought not to be basing our legislation here upon a bill which has not yet become a law. If I knew that the million dollars to be realized from settlers in South Dakota out of this land would be used in Colorado to build reservoirs, and if by my vote I could give the settlers this land free, I would certainly give it to them. I know we in Colorado do not want anything of that kind. We will not complain if the irrigation fund is depleted to the extent of a million dollars if it is for the purpose of giving free homes to settlers.

What is more, we have one of these land-grant colleges. I guess it is about as good as any in the United States. If the Government shall feel, when the time comes when money can not be derived from the sale of land, that it does not wish to put up the money for the college, I will guarantee that the State of Colorado will take charge of her agricultural college and run it. It will not be abandoned. It will be as good under our administration as it is under that of the Government. It may be, when the revenue from the lands ceases to come in—and it must some day; everybody knows that; we must reach that point ultimately, and it is not a great while ahead either, because there will be very little land that you can ever sell for more than the cost of irrigation—when the time comes when there is no money coming in from the sale of lands and the Government is met with the question whether it will maintain these agricultural colleges, and it says "no, it can not afford it," there is not a State in the Union which is going to abandon its agricultural college. There is not a State in the Union which is not prepared to take up itself and carry on its agricultural college. There may be one or two among the new States which would be somewhat embarrassed by it, but they would do it all the same. The colleges would not be abandoned. I do not think there need be any worry about that.

The simple question is whether it is a proper and just thing to put this burden upon the settlement of that particular part of the country and upon those settlers. I do not think you could put the million dollars to any use on the face of the earth which

would justify this great rich nation of ours in taking it out of the pockets of the poor settlers.

Mr. STEWART. Mr. President, I am in favor of the free-home law, and I have been in favor of the law, but what staggers me is the high price we are compelled to pay the Indians. There is no way of reducing it. There have been one or two bills passed where the price was reasonable. With respect to Montana the evidence shows that the land was good. Most of it will be commuted, so the Government will lose very little. The land is good and there will be no great loss. In North Dakota the Senators from that State had good land and they consented to take it and pay for it.

In this case I have all the while been laboring under the doubt whether the land—after they have selected out a hundred thousand acres, the best of it, along the stream, knowing the land as I do, which is in the semiarid region and is high land—is worth $2.50 an acre. It certainly is a fancy price to pay for it. If it is worth that it has been made so entirely by settlements. Originally it was worth very little for any purpose, and if it is worth $2.50 an acre it is because settlements have crowded in.

I do not think the Government should be forced up in price by the Indians in this way. That is true not only in this case, but in other cases. If there is no way to acquire these lands for reasonable sums, if we are bound to buy them at the Indian prices and then open them to settlement, it is going to burden the Government beyond all reason, and either we must let up at one end or the other.

If we have to pay fancy prices for the lands, more than they are worth, because the Indians say so, then we can not give the lands away. If we can buy them for what they are reasonably worth, all the conditions considered, and benefit the Indians by taking them, we ought to do so. The Indians are not benefited by having a large reservation. It is better for the Indians if you can keep them in close quarters where you can see them and attend to them. If they are permitted to roam over a vast country they will remain wild. These vast regions do them no good. We are educating their children. We are doing everything we can for them. We are supplying them with rations almost everywhere. We are treating them as wards. If we have to have these vast regions tied up until we pay the prices the Indians ask (and in many cases the Indians are not on the land at all, but are living around towns, off the reservation, and the reservations do them no good unless they cultivate them), we will have to stop the whole thing, because the country ought not to be burdened to pay these prices and then give the lands away.

I suggest that as reasonable men we ought to treat our wards as a guardian would be bound to do, for their own good. We educate them and feed them, and we ought to put them where they can learn agriculture. They can not learn it in a vast region. Put them on good land—we are doing it as fast as we can—and give them allotments. When there is a piece of land which the Indians do not want, which is of no use to them, then the Government should appoint a commission, which should state what the land is worth and what ought to be given the Indians for it. We have the power. That ought to be done. If we do that, we can go on and open the country. If we do not do it, if we have to send out inspectors who must make contracts, who must get treaties, who go out and have to do what the Indians say in order to get the treaties. the same result will ensue. We have several inspectors who are good men, who would like to make reasonable bargains, but they can not make any bargain unless they do what the Indians want. Their success has all been obtained by submitting to conditions. It is not only this case, but there are others.

In this case I shall, as it came from the committee, vote to sustain the committee. I shall vote against the amendment and vote with the Senators from South Dakota; but I tell them that from this time on I shall fight every other treaty made with the Indians where the Indians fix the price of the land. You can not open the lands on that condition, and that the country may as well understand. You have to change the policy, or I am in favor of making no treaties, opening no more reservations, unless we can get them at reasonable prices.

Mr. JONES of Arkansas obtained the floor.

Mr. DIETRICH. Mr. President——

Mr. JONES of Arkansas. I yield to the Senator from Nebraska.

Mr. DIETRICH. I should like to ask the Senator from Connecticut if he believes that the money which we would derive from the sale of the lands we acquire from the Indians would be considered money to be used in irrigation?

Mr. PLATT of Connecticut. Certainly. That is the express provision of the irrigation bill. All moneys derived from sales of public lands in South Dakota and other States are to be thus applied.

Mr. DIETRICH. Those lands are not public lands at the present time. They are lands belonging to the Indians.

Mr. PLATT of Connecticut. They will be public lands when they are sold.

Mr. JONES of Arkansas. Mr. President, I was very glad to hear the chairman of the Committee on Indian Affairs make the statement he did a moment ago. I very earnestly believe in the homestead system. I do not believe any law was ever passed by Congress which was wiser or more beneficent than the homestead law. I believe the public domain ought to be devoted to making homesteads in the country, and I do not care whether the land comes from an Indian reservation or from anywhere else. Whenever any land comes into the public domain it ought to be opened to settlement and used for that purpose, wherever it is possible to make homes of it.

I believe there ought not to be any exception in this case to that rule, and I heartily indorse the proposed amendment of the Senator from Colorado [Mr. TELLER] and hope it will be adopted by the Senate. If this agreement is ratified and these lands become a part of the public domain, then they should be used for homestead purposes. But I have been somewhat struck with the fact that this debate has run along altogether on that question. It seems to me there ought to be no difference here. It seems to me everybody ought to be in favor of the settlers having the right to locate their homes on the public domain, no matter where it comes from.

The trouble about this business is the paying of these unreasonable and outrageous prices for the Indian claims on lands that they do not own. Now, we have gone forward with that to a most unreasonable extent. We have been buying lands from the Indians at fancy prices. Of course everybody knows how the Indians are. When they understand that the Government wants to buy what claim they have they will put a fancy price on it and ask just as much as they think they can make the Government pay. As was suggested by the Senator from Nevada one of these agents is sent out by the Government, and he is bound to make some sort of an arrangement, and to do that he must accede to the Indians' demands.

The Indians have a mere right of possession. In a great many cases they do not own the land. They are simply put there for the purpose of occupying it, and the large boundaries which were made in establishing these reservations in the first place were, as a rule, to give them hunting grounds and to keep other people from going in close where the Indians were. That has been changed.

Some years ago we bought the Great Sioux Reservation and agreed to pay 50 cents per acre for the lowest price land. There are thousands upon thousands, if not millions, of acres of that land which have not been used for any purpose, I understand. Nobody goes on it. Nobody can make homes on it. It is not fit for homes, and yet we have paid to the Indians a price at which no American citizen could have sold that land if he owned it.

I believe the time has come when Congress ought to put a stop to that sort of thing; that these extravagant and unreasonable arrangements for buying Indian lands at a fancy price ought to be stopped. We ought to pay a reasonable price for extinguishing their right of occupancy in the land they do not use and never would use, and it ought to be paid with some degree of discretion and common sense.

I do not know whether or not the treaty ought to be ratified as to the purchase of this land. I confess most of the arrangements which have been made for some years past have been contrary to my own judgment. We have been paying unreasonable prices for the lands. I do not know much about this land. I thought it was a very much larger body of land than it is. I misread the bill. I thought it was 4,000,000 acres, and it was I who told the Senator from Colorado there were 4,000,000 acres. I thought 25 cents an acre, perhaps, was not an unreasonable price to pay to extinguish some imaginary Indian title to a lot of this land which they have never seen and which they can not use and a good deal of which they never could use. Much of this land is utterly unfit for use. Some of it is doubtless good, and if private citizens owned it they could sell it for more, perhaps, than the Government will pay the Indians for it.

In the first place, I do not believe the Indians own the land, and I do not believe we should pay them as if they paid taxes and owned the property as other people own property. The Indians can afford to keep it for all time, if we allow it to be done, and thus prevent anybody from having access to it or deriving any benefit from it, as it carries no burden to the Indians, and they can insist that the Government shall pay them a fancy price whenever it wishes to extinguish their title.

That does not affect the fact with which I started out—that I believe any land which becomes a part of the public domain ought to be opened to the use of any American citizen who has not availed himself of his homestead rights to go and locate a home on it; and I hope there never will be any limitation of that kind put on any bill passed by Congress. If there is anything wrong about this—if too much money is to be paid for the land—

let us cut down the amount and bring it down to a reasonable price, but do not undertake to disturb the homestead right, which I believe ought to be kept sacred as long as the Government exists.

Mr. TILLMAN. Mr. President, in that view of it, I think we had better recommit the bill and let the negotiations as to the value be renewed or resumed. There is a million dollars involved; there is a division of opinion and feeling here, the chairman of the committee advocating one policy and the Senators from South Dakota advocating another; and if we are not bound by some obligations in morals and equity and justice to the Indians why pay them anything? Where do the Indians get any title or any show of title? Why do we make treaties with them? We certainly pledged to these people the honor of this Government some time in the past that if they would go within certain limits and behave themselves they would be let alone and the land should be theirs. We now say, "We are going to ignore that pledge, because we want your land. You are no good anyway. Die; and if you do not die we will kill you." That is the sum and substance of this argument.

I recollect here that a year ago we went over into the Pacific and bought from Spain, at $2.50 an acre, some land there which we have given over to the Moros or to the parrots and the monkeys. I do not see why we should be fretting about land in South Dakota at $2.50 an acre, when we are buying land in the Torrid Zone, 10,000 miles off, and paying $2.50 an acre to Spain for it. In fact, I am very badly muddled about this whole business.

Mr. JONES of Arkansas. I do not think the statement made by the Senator from South Carolina should go unchallenged. The Government has made title to the Indian tribes, and when it has it has observed it. Patents have been issued to the tribes. We are undertaking right now to allot land in the Indian Territory among the Choctaws, Chickasaws, Seminoles, Creeks, and Cherokees. The land was given to these people, and the Government has insisted that every square inch of that land shall be given to those Indians. It is not sold to anybody else or opened to settlement or disposed of in any way, but is divided amongst those people equally and amongst themselves.

Mr. TILLMAN. What is the difference between the treaties we have made with the Chickasaws and the Choctaws and with the Indians on the Rosebud Reservation?

Mr. STEWART. It is very different.

Mr. TILLMAN. Just explain it.

Mr. STEWART. I will. The Choctaws and the Chickasaws were in different States, in Mississippi and down through that country, and it was desired to have them moved. They were under no obligations to move. They gave up what possessions they had there, and this land in the Indian Territory was given to them in a trade, a bargain.

Mr. JONES of Arkansas. By treaty we gave them the land.

Mr. STEWART. A solemn treaty.

Mr. JONES of Arkansas. We issued patents, and they own the land.

Mr. TILLMAN. A solemn treaty? Did not we make a solemn treaty with these Indians, or did we make an unsolemn treaty with the Indians on the Rosebud Reservation? What sort of a treaty was it?

Mr. GAMBLE. I will reply very briefly to the Senator. I meant to allude to that in my remarks yesterday. A treaty was made in 1868—I do not know that it is necessary to go back of that—whereby the Great Sioux Indians were confined to the western part of South Dakota; that is, the region west of the Missouri River. In that treaty it was provided:

And in addition thereto all existing reservations on the east bank of said river shall be, and the same is, set apart for the absolute and undisturbed use and occupation of the Indians herein named.

It granted to them under the treaty of 1868 absolute and undisturbed use and occupation.

Mr. TILLMAN. Is not that a title?

Mr. GAMBLE. I will follow that by a further suggestion. Then it comes to the treaty of 1889. That was practically an act of Congress, when it was proposed by the Government to segregate the Great Sioux Nation, consisting, I presume, of 18,000 Indians, into different tribes, locating, I think, seven of them in different reservations in the State.

They were described by metes and bounds, the Rosebud Reservation in one place, the Standing Rock in another, the Cheyenne River in another, the Lower Brulé in another location, and the Crow Creek in another. Though the limits of the separate reservations were defined and there was a cession by them of about eight millions and a half of acres that were thrown open to public settlement, it is stated in the act of 1889, speaking of their separate reservations—

the lands described in each of the other separate reservations so created, and shall be held to confirm in the Indians entitled to receive rations at each of said separate reservations, respectively, to their separate and exclusive use and benefit, all the title and interest of every name and nature secured therein to the different bands of the Sioux Nation by said treaty of April 29, 1868.

It is further provided in this act of Congress that the surplus lands in each of these separate reservations may be treated for in regard to their cession when, in the judgment of the President of the United States, the surplus lands are unnecessary for the Indians. Last year a provision was placed upon the Indian appropriation bill authorizing the Secretary of the Interior at any time to negotiate with the separate Indian tribes for the cession of their surplus lands, and under that provision of law this negotiation was taken up. So this negotiation is not only in compliance with the law of last year, but it is in compliance with the law of 1889, wherein it is provided—

That at any time after lands have been allotted to all the Indians of any tribe as herein provided, or sooner, if in the opinion of the President it shall be for the best interest of said tribe, it shall be lawful for the Secretary of the Interior to negotiate with such Indian tribe for the purchase and release by said tribe, in conformity with the treaty or statute under which such reservation is held, of such portions of its reservation not allotted as such tribe shall, from time to time, consent to sell, on such terms and conditions as shall be considered just and equitable between the United States and said tribe of Indians, which purchase shall not be complete until ratified by Congress: *Provided, however*, That all lands adapted to agriculture, with or without irrigation—

I do not know that I need read the further provision. So, then, this was an act of Congress which became operative only when it was ratified by the Great Sioux Nation. They did ratify it under the provisions of the treaty of 1868 by three-fourths of the male members of the tribe. The proclamation was issued, I think, on February 10, 1900, proclaiming the ratification, and then this act became operative.

So it does not seem to me, Mr. President, that we can apply here the general provisions as to treatment with other Indian tribes, but we must be bound by this law and this treaty. These Indians have rights of property in these lands, not the fee title, to be sure, but certainly Congress can not by main force and power take possession of the lands and dispossess the Indians, except under the form prescribed in this treaty and law.

Mr. McCUMBER. May I ask the Senator a question and see if we can not follow that a step further?

What practical difference is there between a right to use and occupation perpetually and a fee title, so far as the Government is concerned? When we, by a solemn obligation of Congress, in an enactment or a treaty which has been ratified, absolutely grant to these people the right to the exclusive use and occupation of territory without any limit whatever, have they not a title that is just as good as though they had a fee title as long as we have obligated the Government itself to give them that title and to protect them in it? That being the case, are we not absolutely at the mercy of every one of these Indian tribes that have reservations created by treaty to give them such a price as they may demand, or else break our own contract? Is not that true?

Mr. GAMBLE. I think that is true. It must be at a price mutually agreed upon between the parties under the stipulation of the law and the treaty. However, in further answer to the Senator from North Dakota, Congress having granted to these Indians the sole use and occupation of this territory perpetually, it is practically as good as a fee title unless the Indian title became extinguished, and then it would revert to the Government of the United States.

Mr. STEWART. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Nevada?

Mr. GAMBLE. I yield cheerfully to the Senator from Nevada.

Mr. STEWART. The use and occupation is only while they are in a tribal relation. We are proceeding to relieve them of that relation as fast as possible. In the Indian Territory we are breaking it up and giving them their land in severalty.

Mr. McCUMBER. May I interrupt the Senator right there? When we have once given them a tract of land as a tribe and guaranteed them the right to the occupation of that land as a tribe we have placed ourselves in a position so that we can not break up their tribal relations unless we do it by a contract with them. They can still hold the land under their contract.

Mr. STEWART. In the first place, it lasts only during their tribal relation. I am sorry that we have so many contracts in favor of barbarism and cruelty. I believe that while they are our wards we must take care of them whether the relation is tribal or not, but we are not bound to pay more than the land is worth. We need not buy it unless we have a mind to do it.

Mr. McCUMBER. Yes; we need not buy it unless we have a mind to do it, but we are placed in this position. The States need to have the land opened to settlement. There are vast tracts that you forced upon those States years ago when you created these reservations before they had any representation in Congress. Now, we wish to have them opened up. You have placed us, however, at the mercy of these Indian tribes.

Mr. STEWART. I deny that.

Mr. McCUMBER. And we must make some kind of an arrangement.

Mr. STEWART. I deny that. If this land is necessary for settlement, the Government has a right to take it and condemn it for public use.

Mr. McCUMBER. If I may answer the Senator again, I deny the proposition that where the Government has said to a tribe of Indians, "In consideration of your releasing this territory I grant you certain other territory to hold perpetually," we have a right to place a limitation upon that law and take the land without an arrangement with the Indians.

Mr. STEWART. I deny that the title of the Indians is any higher than your title to your farm, and that can be condemned for public use.

Mr. CLARK of Wyoming. But can it be taken for the purpose of selling it to another?

Mr. McCUMBER. It may be condemned for public use, but when it is opened to settlement it is for private use and not public use. No court will ever hold that it is taken for public use under such circumstances.

Mr. STEWART. Opening the land to settlement is a public use. There is no doubt about it. If that is not a public use I should like to know what is. We must have settlement on the land, and I believe it is a public use. I do not believe that we are in the power of those Indians. If we are in their power and have to pay more than the land is worth I do not want to have any more treaties or enactments made.

Mr. SPOONER. Does the Senator say——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Wisconsin?

Mr. STEWART. Certainly.

Mr. SPOONER. Does the Senator mean that if the Government wants to take 500,000 acres of land for free homes, in order to throw it open to settlement, the Government can condemn it?

Mr. STEWART. That is a different proposition.

Mr. TILLMAN. You are not an Indian.

Mr. STEWART. I am not an Indian. I am not a sham. I am a reality. This is a sham Indian that you are dealing with when you deal with an Indian tribe. If public policy requires land to be taken, whether it is 500,000 acres or any other quantity.

Mr. SPOONER. Would it be any more a public use to take it from the Senator from Nevada than to take it from an Indian tribe?

Mr. STEWART. Public policy might require it to be taken from a dedication to barbarism, where it is used for the purpose of pauperizing and barbarizing and destroying civilization, whereas it would not require it to be taken where it was used for purposes for civilization. Public policy is in favor of civilization. These large reservations are opposed to civilization. Where they have existed there never has been any progress in civilization. We have the spectacle in the United States of the Indians dwindling away and diminishing in number, on account of disease and laziness and misery, where they are fed. How is it with the Indians elsewhere? See the public policy in Mexico. There is a population of 10,000,000, and nine million and a half are Indians. Was it good policy to take the land from them and allow them to become civilized? Up in British Columbia every Indian is at work. Is not that good public policy? If you leave the land to be held by savages you monopolize the land in favor of barbarism, which is contrary to public policy. We are not wholly in the power of these Indians or their friends, the speculators out there.

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

Mr. STEWART. Certainly.

Mr. McCUMBER. I make a clear distinction between this case and obtaining the original title of the Indians to lands by mere occupancy. They are merely our wards. We may take that land so far as any title by reason of original occupancy is concerned. But we have recognized them as people capable of making a contract and have entered into a contract with them. Thereby we have estopped ourselves from denying their power. When we give them a certain tract of land for occupation simply in consideration of something else we are then in an entirely different position with the Indians, and we must treat them the same as we would treat white men.

Mr. STEWART. Do you think it is good policy to dedicate to barbarism enough land for four or five States?

Mr. McCUMBER. No, I do not; but we have done it already.

Mr. STEWART. No, you have not done it. You have not reclaimed them by the public policy you have pursued. I do not believe that we are in their power, and I shall vote against buying the land. I protested against that in the committee, but the committee reported it here, and I am at liberty to oppose it unless committed to it in committee. I do not think the agreement ought to be ratified, because it proposes to pay more than the land is worth.

Mr. COCKRELL. I wish to ask the Senator in charge of the bill whether a fee title can not pass from the United States to an Indian nation or tribe without the issue of a patent?

Mr. McCUMBER. There is no question about it.

Mr. GAMBLE. I do not know that I understand the question.

Mr. COCKRELL. Can not a title of the United States pass from the United States to a party by a law or by a treaty which is ratified, without the issue of any patent?

Mr. GAMBLE. Yes; I should say so.

Mr. PLATT of Connecticut. If the United States made a treaty with Indians to give them a fee-simple title to some lands which the United States owned, there is no question but that title would pass without the formal document of a patent.

Mr. SPOONER. I should like to ask the Senator from Connecticut a question.

Mr. PLATT of Connecticut. Perhaps I have gotten myself into more trouble than I thought I had. [Laughter.]

Mr. SPOONER. Of course, what the Senator says about an act passing fee is correct. But has the Senator any doubt that an act of Congress vesting a perpetual possessory title is not just as efficacious, as far as it goes?

Mr. PLATT of Connecticut. To convey that kind of a title?

Mr. SPOONER. Yes.

Mr. PLATT of Connecticut. Certainly.

Mr. SPOONER. Now, the argument of the Senator from Nevada——

Mr. RAWLINS. Will the Senator permit a query there?

Mr. SPOONER. Now I have gotten myself into trouble. [Laughter.]

Mr. RAWLINS. If we pass any sort of a title except temporarily, continuing as long as a status or a tribal condition exists, is it not necessary to have a definite and ascertainable grantee? I put the question to the Senator from Wisconsin, How would the Government convey a title in fee simple to a tribe of Indians, the tribe being the grantee?

Mr. PLATT of Connecticut. A tribe will take——

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

Mr. GAMBLE subsequently said: I ask unanimous consent that the bill in regard to the ratification of the agreement with the Indians of the Rosebud Reservation be taken up to-morrow morning immediately after the conclusion of the morning business.

The PRESIDENT pro tempore. The Senator from South Dakota asks unanimous consent that to-morrow morning, after the completion of the routine business, the bill which has just been laid aside may be considered. Is there objection?

Mr. COCKRELL. I hope the Senator will not make that request until the Senator from Connecticut [Mr. PLATT] is in his seat. It can be done any time as well as now.

Mr. GAMBLE. I will state in reply to the Senator from Missouri that I spoke to the Senator from Connecticut just before he left the Chamber, and he suggested that I make the request.

Mr. COCKRELL. All right.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. PRITCHARD. Mr. President, I had not intended to discuss the issues——

Mr. CARMACK. Mr. President, I rise to a question of order. If I am not mistaken, I am entitled to the floor. I had the floor when the Senate adjourned.

Mr. SPOONER. That is right.

Mr. PRITCHARD. Mr. President, I was not aware of the fact that the Senator from Tennessee had the floor at the hour of adjournment. I had intended on yesterday at the conclusion of the morning hour to-day to briefly discuss certain provisions of the bill. It escaped my attention that the Senator had the floor at the hour of adjournment. I shall be glad to yield to him.

Mr. CARMACK. I am sorry to inconvenience the Senator from North Carolina at all, but I should like to conclude what I began to say yesterday so that it will go compactly together.

Mr. PRITCHARD. That will be entirely satisfactory to me. Of course I do not wish to interfere with the Senator in what he has to say.

Mr. CARMACK. I shall try not to occupy the floor very long. I am very glad to have the Senator yield.

Mr. President, in the course of the discussion yesterday the Senator from Massachusetts [Mr. LODGE] stated it as a fact that all the witnesses with the exception of Governor Taft and Professor Barrows had been summoned at the instance of the minority. In disputing the accuracy of that statement I did not mean to

deny, as I think I fully explained, that Democratic members of the committee had suggested the summoning of all those witnesses. The point I did wish to make and thought of some importance was that the committee had decided that we should not have witnesses summoned at the instance of a majority or of a minority of a committee.

I assumed in the beginning that this investigation was conducted with a common motive and for a common purpose, and that there was no division in the committee with reference to the objects for which the investigation was being prosecuted; that there were no two sides in the committee composed of a definite and fixed majority and a definite and fixed minority representing two sides of this question. We of the minority had objected to being put in that attitude, and it was therefore agreed that any member of the committee, without reference to the fact of his being a minority or a majority member, might suggest the names of persons whom he desired to have summoned as witnesses. No witnesses were to be presented to the committee as being witnesses of the minority or witnesses of the majority, and we did not desire to put any witness in the attitude of being summoned at the instance of any party, or as the representative of any party, or to sustain any particular contention or policy.

But it is true, Mr. President, as the Senator from Massachusetts suggests, that all of the witnesses have been summoned and examined at the instance of Democratic members, or, if he chooses to have it that way, of the minority of the committee, except two witnesses, and one of those might not have been included in the exception. Governor Taft himself was summoned to testify at the instance of Democratic members of the committee. Therefore the Senator's own statements refute the charge he subsequently made that we have been pursuing this investigation with a partisan spirit—that we consider no witness of importance unless he can be brought here to testify and give evidence to facts that will be regarded as hostile to the Administration—for the fact is that, with one exception, every witness who has been brought before the committee has been brought there at the instance of the minority members.

We have not been governed by any partisan motive in this matter, for we have asked for the summoning of witnesses who we knew were partisans and extreme partisans of the policy we opposed. We have suggested that Governor Taft should be brought before the committee, General MacArthur, General Otis, all of those military officers in the United States who have been in the Philippines. We wanted to give everybody ample opportunity to present his views before the committee, and for the purpose of doing so we have asked for the summoning of witnesses whose opinions we knew were extremely hostile to the policy we support upon this question.

But it is true, as shown by the Senator from Massachusetts, that almost every scrap of testimony that has been brought before the committee, every scrap of information that has been obtained from the War Department, or from whatever source whatever, has been obtained upon the initiative and at the instance of the minority members of that committee. If no other witnesses, except those suggested by the Republican members of the committee, had been summoned you would practically have had no investigation whatever by the committee. If the Senator from Massachusetts wishes to put it in that light and say that witnesses have been summoned by the minority and by the majority, then we are willing to stand by the record.

The Senator referred yesterday to the reason for refusing to summon Aguinaldo, Mabini, and other Filipinos to testify before the committee.

Mr. President, I can not see any good reason whatever in the objections urged against summoning these persons as witnesses and having them testify before the committee, because they have brought witnesses after witnesses to attempt to prove things by statements or alleged statements made by Aguinaldo and by Mabini. We have had testimony put upon the record that Aguinaldo has said so and so; that Aguinaldo has confessed so and so; that Mabini has said so and so; that he has admitted so and so. After the indirect testimony of those gentlemen is placed upon the record, coming from a partisan source, when we ask that they themselves shall be allowed to state their side of the case, the request is refused.

We had the statement made before the committee by Governor Taft, for instance, that Aguinaldo had assassinated Luna. He made that statement, he said, because General Funston told him that Aguinaldo had told Funston that he had assassinated Luna. Now, it so happens that General Funston has made several very contradictory statements on this very question. In the statements he has been making here in the United States he has said over and over again that Aguinaldo had confessed to him that he had assassinated Luna, that he had killed him simply because he was becoming too popular, and that Aguinaldo would be hung for that crime by any court in the world that would try him. Yet, when Governor Taft was before the committee he said that General Funston told him Aguinaldo acknowledged to Funston that he had had Luna killed, and that he did so simply because it was a question whether he should kill Luna or Luna should kill him; that he had killed him to save his own life.

That is the statement General Funston made to Governor Taft. He comes to the United States and makes another statement—that Aguinaldo admitted that he had assassinated Luna in cold blood, simply because he was becoming too popular. The difference between the two statements is the difference between self-defense and murder in the first degree. One statement or the other is false and, perhaps, both.

Mr. FORAKER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Ohio?

Mr. CARMACK. With pleasure.

Mr. FORAKER. I should like to ask the Senator whether it makes any difference to us in the discharge of our duty here whether the one story or the other be true. We are now having under consideration a bill providing for civil government in the Philippine Islands. How does it reflect upon our duty here whether Luna was killed by Aguinaldo or by somebody else?

Mr. CARMACK. It seemed to make a great deal of difference to the gentlemen of the majority who are condemning this investigation, because they thought it worth while to have that fact proved and spread upon the record——

Mr. McCOMAS. Mr. President——

Mr. CARMACK. Wait a moment. There is no use of the gentlemen saying anything of that sort, because in their whole policy they have thought it a very important matter to besmirch Aguinaldo and to brand him as a scoundrel, a murderer, a thief, a bribe taker, and everything evil that they could. Now, when these charges are being systematically made and it is sought to bring proof before the committee to sustain them, I say that common decency requires that the man so accused should be allowed to make his own statement. But it is not simply on Aguinaldo's account or on Mabini's account that I say that they ought to be brought here as witnesses to testify before this committee.

Mr. FORAKER. Mr. President——

Mr. CARMACK. We ought to be willing, in common fairness, to hear the other side of the story.

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Ohio?

Mr. CARMACK. In a moment.

The very question which now confronts the American people is whether we shall hold and govern the Philippine Islands or whether we shall give them their independence; and the majority are bringing in hearsay testimony indirectly from these very men in order to prove that they should not be given their independence and that they are not fit for self-government. I say in common fairness, and in order to elicit all the truth with respect to the condition of the Philippine Islands, we ought to hear the story on the other side, instead of relying absolutely and entirely upon the reports that come to us from our military officers there, which have been shown to be utterly unreliable.

Mr. BURTON. Will the Senator allow me?

The PRESIDENT pro tempore. Does the Senator from Tennessee yield?

Mr. CARMACK. With pleasure.

Mr. BURTON. Will the Senator please tell us what were the contradictory statements made by General Funston? I do not understand that General Funston has ever been before the committee.

Mr. CARMACK. No, sir; he has not been; but General Funston's evidence has been brought indirectly before the committee, so that it becomes a proper subject of comment.

Mr. BURTON. I understand that; but, as I understand, the only witness the Senator referred to whose testimony related to General Funston's statement as to what Aguinaldo told him was Governor Taft.

Mr. CARMACK. Yes, sir.

Mr. BURTON. Then how can there be a contradiction?

Mr. CARMACK. The contradiction is in this: General Funston, while he has not been testifying before the Committee on the Philippines, has been testifying in every newspaper in the United States. He has been testifying before every banquet where he could get permission to attend, until the President of the United States shut down on him and stopped him from testifying. He has been making speeches all over the country, and in those speeches and in interviews he made the statement that Aguinaldo acknowledged to him that he had killed Luna, and had killed him because he was becoming too popular, and he said distinctly——

Mr. BURTON. Mr. President——

Mr. CARMACK. Wait a moment. He said distinctly that it was a cold-blooded assassination, and that any court in the world which would try him for the crime would hang him.

Mr. BURTON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Kansas.

Mr. CARMACK. In a moment. Governor Taft's statement as to what General Funston told him was, that Aguinaldo had admitted to his having had Luna killed, but said he killed him in self-defense; that it was a question whether he should kill Luna or Luna should kill him.

Mr. BURTON. Will the Senator allow me?

The PRESIDENT pro tempore. Does the Senator from Tennessee yield?

Mr. CARMACK. With pleasure.

Mr. BURTON. Will the Senator be so kind as to cite to the Senate the testimony of Governor Taft in which he said that General Funston told him that Aguinaldo had said to him that he killed Luna in self-defense?

Mr. CARMACK. I have not a copy of it here, but if the Senator will send to the committee room he can get the report of the hearings before the committee, and if he will look into the index, under the title "Luna" or "Aguinaldo," he will very readily find that the statement I have made is exactly correct. I do not say he used the term "self-defense," but I do say that he said that the question was whether Aguinaldo should kill Luna or Luna should kill Aguinaldo.

Mr. BURTON. Yes; but is not that the conclusion the Senator draws from the statement of Governor Taft rather than anything Governor Taft testified to, and is it not possible that all the statement was not given by Governor Taft?

Mr. CARMACK. I do not know. He did not appear to be concealing anything about it.

Mr. BURTON. My question did not import that at all. What I was saying is this: If I understand General Funston's statement, it was that Aguinaldo killed Luna because Luna was about to become a dictator like himself and might supplant him; or in that rôle would, of course, equal him; but the inference can not be drawn from that statement that Aguinaldo killed Luna in self-defense. What I am trying to get at is whether or not the statement of Governor Taft can be tortured to mean that General Funston told Governor Taft that he had understood Aguinaldo's statement to mean that Aguinaldo had killed Luna in self-defense.

Mr. CARMACK. It does not require any torture at all.

Mr. McCOMAS. I know the Senator wants to be accurate about this matter.

Mr. CARMACK. Certainly.

Mr. McCOMAS. I think I can remind the Senator that, in the mass of testimony, he has rather omitted a portion of about five lines on page 69 of Governor Taft's testimony. Governor Taft said:

> Upon that issue I have understood that Aguinaldo and Luna differed. Luna desired to continue the warfare as it had been conducted, in an open fight. Aguinaldo was for a guerrilla campaign. These two men were opposed to each other, at any rate, and Aguinaldo directed Luna's killing. I should not say that if I had not direct evidence on the subject from General Funston, who says that Aguinaldo said the question was whether Luna should kill him or he should kill Luna, and he took steps to secure the death of Luna. The killing was at the headquarters of Aguinaldo, and Luna was shot by guards.

Governor Taft, General Funston, and everybody else agreed that Aguinaldo caused the death of Luna, and I believe the Senator from Tennessee is in very great error so far as the majority of the committee are concerned. Whether Aguinaldo had Luna killed, whether he killed him from the first motive or from the second, the material fact is that he caused the assassination of his strongest general at his tent door.

Mr. CARMACK. That is not the part of the testimony to which I refer. Governor Taft was subsequently cross-examined upon that very subject, and he said then that as near as he could recollect what General Funston said to him, it was that Luna was killed at the door of Aguinaldo's tent, and that the question was whether he should kill Luna or Luna should kill him. That is in a subsequent part of the testimony, and I am quoting almost precisely the very language. What I was saying——

Mr. BURTON. May I interrupt the Senator for a moment with a question?

Mr. CARMACK. Yes.

Mr. BURTON. Then, the Senator does not claim that the evidence that has just been read by the Senator from Maryland [Mr. McCOMAS] would indicate that Governor Taft wanted it understood that the statement had been made that Aguinaldo killed Luna in self-defense?

Mr. CARMACK. I do say that Governor Taft subsequently, in explaining that statement or correcting it, or whatever you may call it, when he was questioned particularly as to what had been stated to him by General Funston, mentioned the date and the occasion on which he had the conversation with General Funston. Then he related what General Funston told him, and that was that Aguinaldo had confessed to Funston the killing of Luna, and stated that it was a question of whether he should kill Luna or Luna should kill him. I say that statement is as different from the statement that General Funston has been making throughout the United States as night is different from day. It is the difference between self-defense and murder in the first degree.

Mr. STEWART. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Nevada?

Mr. CARMACK. Yes, sir.

Mr. STEWART. Is there any want of harmony between the statement that Luna was getting too popular and dangerous and that Aguinaldo had him killed for that reason, or he might have added that there was a contest between them, in which he had to kill Luna or Luna would kill him? It seems to me the whole conversation is in perfect harmony with itself, and that there is no contradiction. The reason assigned for killing Luna was because Luna was getting too popular and too strong for Aguinaldo, so that both of them could not live together, and so Aguinaldo took measures to get him out of the way. I do not see any contradiction there. He might have assigned that reason among others in justification, and probably during the conversation he said that Luna had become too popular, and it became a question whether he would kill Luna or Luna would kill him, and that it was a matter of self-defense.

Mr. CARMACK. I think that is special pleading, but I shall not comment on it.

Mr. PATTERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator fron Tennessee yield to the Senator from Colorado?

Mr. CARMACK. Certainly.

Mr. PATTERSON. I desire to call the attention of the Senator from Maryland [Mr. McCOMAS] to the statement he has made for the purpose of correcting it. I understood him to say, in substance, that it was conceded on every hand that Aguinaldo had caused the death of Luna. Am I correct?

Mr. McCOMAS. That is gathered from the testimony.

Mr. PATTERSON. The Senator, then, was not present when the testimony was given. The only evidence in the world, so far as our committee has knowledge, that the death of Luna was traceable to Aguinaldo was the statement alleged to have been made by General Funston to Governor Taft and, it is said, to another American officer—I think it was when General Otis was upon the stand, and the question was discussed, that I called the attention of General Otis to the fact, and read him the testimony that, as to whether or not Luna had been killed through the instrumentality of Aguinaldo, had been investigated, and that the result of the investigation was that he had not been so killed, but that he had been killed by one of the guards at headquarters and as the result of a personal altercation between the two men.

Mr. CARMACK. Who said that?

Mr. PATTERSON. It was stated in this investigation, and if the Senator will turn to the testimony he will find that such is the fact. So that we have an investigation upon one side which exonerates Emilio Aguinaldo, and the statement of General Funston upon the other that Aguinaldo told him the story, whatever it was, with reference to the death of General Luna.

Mr. CARMACK. I will say, Mr. President, that General MacArthur's statement before the committee supports that statement. He says the result of the investigation was that Luna was killed at Aguinaldo's headquarters in a violent altercation with the guard. General MacArthur said it had been charged that the guard had been ordered by Aguinaldo to provoke an altercation, but he very seriously doubted this statement, because Luna was a very violent and overbearing man and likely to get into an altercation with anybody or force a difficulty with anybody.

Mr. McCOMAS. The Senator from Colorado has made the statement here and has assumed that the testimony was taken when I was not present in the committee, but I have the record of February 18, 1902, and the Senator from Colorado and myself were both present. I remember the matter very distinctly, and the Senator himself, taking the account from Sonnichsen's book, asked the question in the course of the examination of Governor Taft, which does put a very bad light upon Aguinaldo's position. The Senator from Colorado, in the question to Governor Taft, read a statement of the circumstances of Luna's death as given before the Schurman Commission, as follows:

> General Luna and Colonel Ramon sought an interview with Aguinaldo at his temporary headquarters at Cabanatuan, and were informed by the guard that he was absent. "Not finding him there," says the witness, "he (Luna) became angry and insulted the guard, and when the guard wanted to seize him and his companion they (Luna and Ramon) thought the man was half crazy and immediately began shooting and the guard returned the fire."
>
> And the following question was asked in this investigation:
>
> "Q. Did the guard fire at him?
>
> "A. All of them. They wanted to take him, but he had saber and revolver to defend himself and they could do nothing else."

The witness added, in answer to a question as to the effect of killing General Luna there, that "at first the people were much surprised, but afterwards they said it was better so, because he was very cruel."

Were you aware that an eyewitness had testified to that effect?

Finally, Governor Taft said in answer:

I have never heard it denied until now—

That is, the statement that Aguinaldo had caused the assassination of Luna, whatever the motive, whether it be the first or the second that caused his assassination—

I have never heard it denied until now, although it is possible that if I had looked further into the evidence I should have found just the statement that you have read—that the killing of Luna was the result of a factional difference between him and Aguinaldo; that he was killed, as I say, by the guard of Aguinaldo at Aguinaldo's headquarters.

And Governor Taft, throughout his whole testimony, on every page, insisted that the information he had was that Luna was assassinated at the instance of Aguinaldo at his tent door by his own guards, and that the statement referred to was new to him when offered, and that the statement as read by the Senator from Colorado was implicatory, and indicated that this oriental had caused the assassination.

Mr. PATTERSON. Mr. President, I called the attention of one witness to the fact that there had been an investigation, and I want to say that I and the other minority members of the committee were amazed—to again use the word of the Senator from Wisconsin [Mr. SPOONER]—that, without any provocation, without any question being propounded, without the testimony having reference to that which was under investigation, the governor of the Philippine Islands should have volunteered to give hearsay testimony which convicted a then prisoner of the United States of a horrible and infamous crime.

Mr. BURTON. May I interrupt the Senator?

Mr. PATTERSON. Yes.

Mr. BURTON. You say Governor Taft did testify, as you understood, that Aguinaldo had killed Luna or had him killed, not in self-defense, but in a criminal way?

Mr. PATTERSON. I think the honorable Senator from Kansas completely understands me. The way I understood the statement of Governor Taft, which was unprovoked and uncalled for, was that Aguinaldo had practically committed the crime of assassination. Governor Taft was then talking about a man who was at the time and is now a prisoner in the Philippine Islands. Afterwards came the statement of General Funston; and it has ever seemed strange to me that these accusations are brought against this man and that a majority of the committee have been standing like a stone wall against having that man heard in his own defense.

Mr. McCOMAS. I think the Senator ought not to say what he has said.

Mr. CARMACK. I have the floor, Mr. President, and I am not going to let this discussion continue on that subject in this irregular manner.

Mr. McCOMAS. Let me say a word.

Mr. CARMACK. Not now.

The PRESIDENT pro tempore. The Senator from Tennessee declines to yield.

Mr. CARMACK. The fact of the matter is simply this: Governor Taft did say, in answer to questions from Senators of the majority of the committee, what seemed to imply that a cold-blooded assassination had been perpetrated by Aguinaldo upon Luna; but subsequently, some days later, when Governor Taft was cross-examined as to what was said to him by Funston, he said that Funston had said to him that Aguinaldo had confessed to him that he had killed Luna in order to save his own life. That was the subsequent statement of Governor Taft with reference to the confession which Aguinaldo made to General Funston.

Mr. FORAKER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Ohio?

Mr. CARMACK. Yes, sir.

Mr. FORAKER. I know the Senator from Tennessee would not intentionally or knowingly make any misstatement; but he has twice said that this statement of Governor Taft when he was testifying before the committee with respect to the death of Luna was brought out by a question propounded to him by the majority members of the committee.

Mr. CARMACK. No, Mr. President; if the Senator will wait a moment, I said Governor Taft made this statement in the first place. He was subsequently asked by certain Senators of the majority of the committee whether or not he had ever heard it doubted that Aguinaldo had had Luna assassinated, and he said he had not.

Mr. FORAKER. If the Senator will allow me, I want to call his attention to the record, which shows that he is in error as to the first statement made by Governor Taft, which has already been cited and is found on page 69 of the record, and is in response to a question asked by the Senator from Colorado [Mr. PATTERSON]. Governor Taft was not asked any question in that connection by any of the majority members of the committee. So that, in the first instance, the statement was brought out——

Mr. CARMACK. But the answer to that was not responsive to the question of the Senator from Colorado, which, as it seems to me——

Mr. FORAKER. The Senator will also recall his statement that Governor Taft went on and volunteered the statement referred to. There is nothing of that kind manifested upon the face of the record. I was not in the committee and I do not know what the manner of the witness was, but certainly there is nothing in the language which discloses any such purpose on his part. The statement was brought out in a natural way, and he apologized for making the statement because of the serious nature of it, saying that he would not make the statement except only that he had this direct statement from General Funston.

Mr. CARMACK. That statement was not brought out by any question asked of Governor Taft.

Mr. FORAKER. Perhaps not; but he was interrogated, it will be found, in regard to the insurgent forces, and he went on, in what appears to be a very natural way, to state what occurred when the main army was broken up. Then he said that they had broken up into guerrilla bands; and as to whether that method of warfare should be pursued there was a difference of opinion between Aguinaldo and Luna, which resulted in Luna's death.

Mr. PATTERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Colorado?

Mr. CARMACK. Certainly.

Mr. PATTERSON. It is better for the record to be complete upon that question as to the manner in which the death of Luna occurred. I read from the record of the hearings of the committee on page 69:

Senator PATTERSON. What was the size of the army in the first instance?

Governor TAFT. I can not give you the figures. I do not know that anybody can exactly, but it certainly went above 10,000 men. I think there were more than that. Possibly Senator BEVERIDGE can say, because he was there at the time and I was not.

Senator BEVERIDGE. Are you speaking of its size originally? Originally it was supposed, at the outbreak of the hostilities, that they had something in the neighborhood of 30,000 men. Luna alone had 10,000 in San Fernando.

Governor TAFT. When that army was scattered——

Senator CULBERSON. Senator PATTERSON was asking about the American troops.

Senator PATTERSON. No, sir. I was asking about the insurgents.

Governor TAFT. I thought the question of Senator PATTERSON was directed to the insurgents.

When that army was scattered the question was, What were the insurgents to do—whether they were to surrender or to make guerrilla warfare, or attempt to gather their forces and make a continued fight, as they had been making.

DEATH OF LUNA.

Upon that issue I have understood that Aguinaldo and Luna differed. Luna desired to continue the warfare as it had been conducted, in an open fight. Aguinaldo was for a guerrilla campaign. These two men were opposed to each other, at any rate, and Aguinaldo directed Luna's killing.

There is how it was brought about.

Mr. BURTON. Was that in self-defense?

Mr. McCOMAS. Does not the Senator now withdraw his statement?

Mr. PATTERSON. Wait until I finish.

The PRESIDENT pro tempore. Senators must observe the rules of the Senate. The Senator from Tennessee is entitled to the floor. Does he yield to the Senator from Colorado?

Mr. CARMACK. Yes.

The PRESIDENT pro tempore. The Senator from Colorado.

Mr. PATTERSON. Governor Taft continues—I was interrupted in the middle of his answer—

I should not say that if I had not direct evidence on the subject from General Funston, who says that Aguinaldo said the question was whether Luna should kill him or he should kill Luna, and he took steps to secure the death of Luna. The killing was at the headquarters of Aguinaldo, and Luna was shot by guards.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from South Carolina?

Mr. CARMACK. Yes, sir.

Mr. PATTERSON. I had not quite completed what I had to say.

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Colorado?

Mr. CARMACK. Yes, sir.

Mr. PATTERSON. The record shows clearly and conclusively that the injection about the death of Luna was made voluntarily, without being called for by any question that was propounded, and, so far as I was concerned, it was the first intimation I had ever had that a charge of that kind had been placed at Aguinaldo's door by anybody.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from South Carolina?

Mr. CARMACK. Certainly.

Mr. TILLMAN. Mr. President, I want to get some light from some lawyer, and my friend from Wisconsin [Mr. SPOONER] had better not get out of reach. I want to ask him if it is not a rule of evidence that where a witness himself is obtainable you can not take hearsay or secondary evidence? Is not that a rule of law?

Mr. SPOONER. Does the Senator ask me that question?

Mr. TILLMAN. Yes; I ask that question of the Senator from Wisconsin.

Mr. SPOONER. Does the Senator examine me as an expert?

Mr. TILLMAN. I will examine the Senator as an expert. I am a mere farmer, and I want to get the best legal advice I can without paying for it. [Laughter.]

Mr. SPOONER. I will say to the Senator that the rule is that the best evidence that can be produced should be produced.

Mr. TILLMAN. Then why not take Aguinaldo's own statement in defense of his own reputation, that being the best evidence available, as to charges that have been brought in here rather surreptitiously, so to speak, or indirectly? Is it not a matter obligatory upon us as a people not to smirch this man's character by these charges, bandied to and fro here, when he is our prisoner and can speak for himself if he is allowed an opportunity to do so, but the committee will not bring him here?

Mr. SPOONER. Does not the Senator think this controversy had better be referred to the Court of Claims——

Mr. TILLMAN. I do not know what the Court of Claims have got to do with it.

Mr. SPOONER. Or some other court to dispose of it?

Mr. TILLMAN. The courts have nothing to do with this subject, but it is pending here, and we are wasting a good deal of time apparently in trying to establish the fact that Governor Taft, voluntarily and without any just occasion, brought an accusation against Aguinaldo. That is the charge that is made, as I understand it, and I submit to the Senate, to Senators, and to the committee that it is due to their own self-respect to have this witness examined and let us know what he has got to say about the Philippine situation. He knows more than anybody else knows as to whether he told Funston what has been alleged or not.

Mr. McCOMAS. If the Senator from South Carolina will allow me, as a farmer, if he gives his note for fertilizer, and the note is overdue and the limitation passed—it has not happened to him, but it has perhaps happened to some of his neighbors—and he admitted to a third person that he owed the debt and would pay it, that form of admission is often the most convenient, ordinary, and useful testimony. The admission of Aguinaldo, himself interested, that he had procured the assassination of Luna would be in law an admission among the highest character of testimony to be used in the elucidation of a question of fact.

Mr. TILLMAN. The former professor of law, who has evoluted into the Senate, has given us his profound disquisition on this matter, and I may be pardoned just now for asking him a question. The question I want to ask him is this: Is there any evidence, except Governor Taft's, that Aguinaldo made this statement to General Funston?

Mr. McCOMAS. Yes.

Mr. TILLMAN. Would not Aguinaldo's evidence, if he said he did not make the statement, have as much right to be believed as that of Funston?

Mr. McCOMAS. It has been said by Aguinaldo—and it has not been denied—and perhaps the admissions have been repeated. When a man admits a fact against his own interests, I need no further evidence to satisfy my mind.

Mr. TILLMAN. How do you know he has admitted it?

Mr. McCOMAS. Then I suppose if there were somewhere in jail a man who had admitted guilt of a crime, the Senator from South Carolina would hold that a dozen admissions would not do. He must have a jail delivery and bring every man who was thus involved by his own admission with respect to a particular transaction. It can not be done. It is not practical.

Mr. TILLMAN. Is there any other witness besides Governor Taft who repeats what General Funston told him—that Aguinaldo had admitted that he killed Luna?

Mr. McCOMAS. I have not the time now, but there are half a dozen circumstances and at least three persons, but I can not state them now.

Mr. TILLMAN. Here we are, as a Senate, investigating the Philippines, and here is the former president of the Philippine republic, autocracy, or whatever you may call it——

Mr. McCOMAS. Dictator.

Mr. TILLMAN. Charged with murder, assassination, the dirtiest and lowest form of murder, and you are going to brand him as an assassin on the hearsay statement of a man repeated by somebody else. You do not even bring General Funston here. I do not doubt that Funston told Taft, but I say decency demands that you shall have Aguinaldo brought here and let him speak for himself.

Mr. McCOMAS. Do you mean to say Funston did not tell Taft?

Mr. TILLMAN. I do not pretend to say that Funston did not tell Taft, but I say Aguinaldo may contradict him, and then the people would be allowed to believe for themselves.

Mr. CARMACK. I do not think he told the truth.

Mr. TILLMAN. Our President has had to gag Funston by an order disgracing him because he has been running up and down the country shooting off his mouth, to use a slang phrase, because he had a diarrhea of words and very little argument.

Mr. SPOONER. He is not the only man who has had that trouble.

Mr. CARMACK. I do not know very much about law, but I do know that the kind of testimony referred to by the Senator from Maryland would not be competent in any court in the world.

Mr. McCOMAS. It would not be? The Senator differs from every elementary book.

Mr. CARMACK. The idea of the Senator from Maryland is that it would be perfectly competent for John Smith to come into the court room and testify that John Brown had told him that Tom Williams had committed a murder.

Mr. McCOMAS. No.

Mr. CARMACK. I have attended court rooms and trials enough to know that there is no such rule of evidence, and there never was. That is the kind of testimony you have introduced here on this subject. If the Senator said something else, then it was not at all pertinent to the kind of testimony we have had in this matter.

But I did not intend to spend all this time upon the question whether or not Aguinaldo killed Luna or how he killed him. The point I was making is that it has been thought important to bring in testimony indirectly from Aguinaldo and from Mabini, and to retail it at second hand. General MacArthur has had conversations with Mabini, and he has repeated those conversations before the committee. He has had conversations with Aguinaldo, and he has repeated those conversations before the committee, and General MacArthur has testified that Aguinaldo is a man of character. It is said now that Aguinaldo admits that they can not maintain an independent government in the Philippine Islands.

It is said that he has taken the oath of allegiance to the United States; that he has acknowledged the sovereignty of the United States, but still he is excluded from testifying as to conditions in the Philippine Islands on the ground that he is a traitor and is working to subvert the Government of the United States. They bring witnesses here to prove that Aguinaldo himself has admitted that the cause of independence is a failure, and that he has taken the oath of allegiance to the United States and does not intend any further to prosecute the war of independence, and yet his testimony is excluded because it is said he is a murderer and because he is a traitor to the United States.

Mr. DUBOIS. Will the Senator from Tennessee allow me?

Mr. CARMACK. With pleasure.

Mr. DUBOIS. I wish to call the attention of the Senator from Tennessee to this very pertinent fact, and I am not reflecting on anyone at all. Yesterday morning the committee decided that Aguinaldo should not be summoned, and this morning, for the first time after that ruling was made, General MacArthur stated that Aguinaldo had told him that they could not maintain an independent government over there. He brought it in in his testimony without being asked any questions at all.

Mr. McCOMAS. What is wrong about that?

Mr. TILLMAN. You gag Aguinaldo.

Mr. DUBOIS. There is nothing wrong about it——

Mr. CARMACK. I will tell you what is wrong about it.

Mr. DUBOIS. Except that MacArthur may have misunderstood Aguinaldo, speaking through an interpreter.

Mr. CARMACK. And Aguinaldo may have misunderstood him.

Mr. DUBOIS. All of his state papers go to prove that he wants independence, and now for the first time, after the committee has decided that it will not summon him, you try to prove that Aguinaldo himself admits that they can not maintain an independent government. I am not a lawyer, but it strikes me as a layman that it is not fair.

Mr. McCOMAS. Did the Senator——

Mr. CARMACK. I decline to yield to the Senator from Maryland.

Mr. McCOMAS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Maryland?

Mr. CARMACK. I decline to yield.

Mr. McCOMAS. The Senator will yield to a question?

Mr. CARMACK. No; I will not yield for any further questions on this line.

Mr. McCOMAS. Mr. President——

Mr. CARMACK. I decline to yield.

The PRESIDENT pro tempore. The Senator from Tennessee declines to yield.

Mr. CARMACK. I am trying to be as courteous as I can be, but I can not consume the whole day on one little question when other Senators wish to speak. Later I wish to put into the RECORD the cross-examination of Governor Taft on this matter.

Mr. PATTERSON. Let me read it.

Mr. CARMACK. I will put it in the RECORD.

Mr. BURTON. To what page does the Senator refer?

Mr. CARMACK. Page 373. However, I will read it. Here are the questions and answers.

Mr. BURTON. Will the Senator please state what the page is?

Mr. CARMACK. Page 373 of the Hearings before the Committee on the Philippines.

Senator PATTERSON. * * * Governor Taft, were you aware that it was the subject of an investigation by the previous Commission of which Schurman was president?

Governor TAFT. No, sir. I may have read it, but I do not recollect it.

Senator PATTERSON. Have you ever read Mr. Sonnichsen's book?

Senator BEVERIDGE. Whose book?

Senator PATTERSON. Sonnichsen's.

Senator CARMACK. Ten Months a Captive Amongst the Filipinos is the title.

Governor TAFT. I may have read something of his story about his experience in Ilocos Sur, but I do not remember any such incident as this.

Mr. BURTON. Mr. President——

The PRESIDING OFFICER (Mr. PETTUS in the chair). Does the Senator from Tennessee yield to the Senator from Kansas?

Mr. CARMACK. I do not yield.

Mr. BURTON. I do not want to ask a question. I merely wish to ask the Senator where he is reading.

The PRESIDING OFFICER. The Senator from Kansas is out of order.

Mr. CARMACK. From page 373. It starts about the middle of the page. I told the Senator the page two or three times.

Mr. BURTON. I beg the Senator's pardon. I did not want to interrupt him.

Mr. CARMACK. It continues:

Senator PATTERSON. Are you aware that the following testimony was given on this subject in an investigation before the Schurman Commission and that the circumstances of the killing were as follows:

CIRCUMSTANCES OF LUNA'S DEATH AS GIVEN BEFORE SCHURMAN COMMISSION.

"General Luna and Colonel Ramon sought an interview with Aguinaldo at his temporary headquarters, at Cabanatuan, and were informed by the guard that he was absent. 'Not finding him there,' says the witness, 'he (Luna) became angry and insulted the guard, and when the guard wanted to seize him and his companion, they (Luna and Ramon) thought the man was half crazy, and immediately began shooting and the guard returned the fire.'"

And the following question was asked in this investigation:

"'Q. Did the guard fire at him?

"'A. All of them. They wanted to take him, but he had saber and revolver to defend himself, and they could do nothing else.'

"The witness added, in answer to a question as to the effect of killing General Luna there, that 'at first the people were much surprised, but afterwards they said it was better so because he was very cruel.'"

Senator PATTERSON continues his question:

Were you aware that an eyewitness had testified to that effect?

Governor TAFT. No, sir. I only knew generally that the circumstances were that Luna was shot at the door of Aguinaldo's tent or his headquarters by his guard.

The CHAIRMAN. That is unquestioned.

Then he goes on with a further statement which I will put into the RECORD.

Now, as I was saying, I did not intend to take all this time in discussing the question of the killing of Luna. I do not regard it as of such vital importance in this debate, but I simply refer to it because it is one of the things which has been brought up against Aguinaldo in the general charge that he is such a man that we have no right to summon him and bring him here to testify before this committee, when they say he has taken the oath of allegiance to the United States; when General MacArthur says he is a man of high character, and has abandoned all purpose of prosecuting any further insurrectionary movements against the United States; that he has confessed that the cause of independence is a failure. But in spite of all that they say he is a man of such bad character, a traitor to the United States, and should not be allowed to testify in regard to conditions in the Philippine Islands.

Here is Mabini, a man of high character, a man of high intelligence, a man who certainly knows a great deal about conditions in the Philippine Islands. General MacArthur has talked with him again and again, and extracted information from him, and he has retailed some of it at secondhand before the committee.

Now, in this way these gentlemen get all they want to get or all they care to put before the public from these men, who are thus indirectly made witnesses to support a particular policy, while the men themselves are not allowed to come and present the other side of the story or to detail the circumstances or to explain statements that are attributed to them.

There is Sixto Lopez, a scholarly man, a man who has written with remarkable intelligence about conditions in the Philippine Islands. They say he is a traitor, but if he can give information to the American people in regard to affairs in the Philippines the fact that he is fighting or supporting those who are fighting for their own country ought not to brand him with infamy or to justify the statement that he is not worthy to be believed on oath in a court of justice.

Mr. President, I have said there has been no great eagerness on the part of the Administration to inform the American people or to keep them informed as to the real facts of the situation in the Philippine Islands or with respect to facts of the most important character bearing upon the very question which we are considering every day in the Senate; that is, the question of our policy in the Philippine Islands.

Sir, here are some resolutions introduced by the Senator from Texas [Mr. CULBERSON], resolutions that certainly have a very direct bearing upon this whole question. How much money is being spent annually in the archipelago for maintaining the army? That is a fact we want to get at. Nobody except the Secretary of War knows, and he is silent. What is being expended upon the Navy? Nobody knows but the Secretary of the Navy, and he does not tell. For what purposes are the millions of dollars of revenue which are being collected in the islands being expended? Nobody knows but the officials in Manila, and their reports are of the most meager character.

I understand that the Senator from Texas wrote to the Secretary of War making inquiries upon this particular matter, and that the letter lay there for a month unanswered. Is that correct, I will ask the Senator from Texas?

Mr. CULBERSON. I will not undertake to be exact about the time, but I am satisfied it was fully a month before the letter was answered, and then it was not answered until his attention was a second time called to it, and the answer was a refusal to give the information.

Mr. CARMACK. That is right. The first time the letter was absolutely ignored—a letter from a member of the Senate; from a member of the committee charged with an investigation of all these matters.

Mr. WELLINGTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Maryland?

Mr. CARMACK. Certainly.

Mr. WELLINGTON. It is just for a moment. I wish to state, in connection with the matter which the Senator from Tennessee is now discussing, that I directed a letter of the same kind to the same source of information and received no reply for quite a long time, and the reply, when a second letter of inquiry was written, was of a very unsatisfactory character.

Mr. CARMACK. That is the way information is being given upon this question. Letters to the Secretary of War from Senators who are seeking for information of the most vital importance to them in the discharge of their public duties—one of them a member of the committee charged by the Senate with an investigation covering that very question—are treated with absolute contempt. No notice is taken of them whatever. And when a second letter is written the Senator gets a reply refusing to give the information. A resolution has now been adopted calling for that very information, and there is no answer to the resolution.

Mr. CULBERSON. Mr. President——

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

Mr. CARMACK. With pleasure.

Mr. CULBERSON. I will state to the Senator from Tennessee that I happen to have with me at my seat a copy of the letter of the Secretary of War in answer to my second letter, in which he practically declines to give the information, and in order that his exact language may be known to the Senate and to the country, so far as I am concerned I am willing to have it read at this time.

Mr. CARMACK. I would be glad if the Senator would have it read.

Mr. CULBERSON. I will state that my inquiry was in substance the inquiry of the resolution which was adopted on the 16th of last month, asking the Secretary of War to give me a statement of the amounts of money expended annually on account of the Army in the Philippine Islands from May 1, 1898, down to the present time, and his letter, which I send to the desk to be read, will show that he declined to give that itemized account for reasons stated by him, or failed to do it at all events.

The PRESIDING OFFICER. Without objection the Secretary will read as requested.

The Secretary read as follows:

WAR DEPARTMENT,
Washington, February 10, 1902.

SIR: I have the honor to acknowledge receipt of your letter of January 17, 1902, inquiring as to the amount of money expended and the amount for which the Government is liable remaining unpaid, for equipment, transportation, supplies, and military operations in the Philippine Islands for each year of occupation thereof by the United States.

The expenditures on account of the military establishment, embracing the personnel of the Army, exclusive of the cost of fortifications, the armament thereof, arsenals, military posts, and other public works, for the fiscal years referred to in your communication were published in the annual report of the Secretary of War for those years, respectively, and are as follows:

1899	$234,480,206.51
1900	96,484,226.06
1901	109,012,101.02

These expenditures include every item of cost incident to the pay, transportation, subsistence, clothing, equipment, medical supplies, and attendance of all the officers and men of the Army and all contingent expenses of every kind pertaining to the military service during the periods mentioned.

It has not been customary for the War Department to arrange accounts of expenditures with reference to the place where the ultimate service depending upon them is rendered. For example, expenditures are made for clothing and equipage, transportation, subsistence supplies, ordnance stores, etc., and they are charged against the respective appropriations on the books of the War Department, but no separate account has ever been kept of expenditures of the Army according to the different localities in which troops might be stationed for carrying on military operations. It is therefore impracticable to answer your questions without diverting a large number of clerks from the current work of the Department, which can only be kept up by their unremitting efforts.

Very respectfully,

ELIHU ROOT,
Secretary of War.

Hon. C. A. CULBERSON,
United States Senate.

Mr. CARMACK. We have had a great deal of discussion here about the brutal order issued by General Smith for the wholesale slaughter and destruction of people in that province, including everyone above the age of 10. Senators have said here that they had no intimation of anything of that sort until it was developed in the course of the Waller court-martial proceedings. It is true we have not had any definite information of any such order having been given. Yet the Administration and the War Department and the whole country were fairly forewarned months ago that just such things were being done in this very province.

On the 4th day of last February the senior Senator from Massachusetts [Mr. HOAR] presented a petition to the Senate signed by many of most distinguished citizens of the United States, including Carl Schurz, Moorfield Storey, George F. Edmunds, Judson Harmon, J. Sterling Morton, George S. Boutwell, Charles Francis Adams, and numbers of others, and in this petition I find the following quoted from the Manila News, an American paper published in Manila, which has been all through a supporter of the Administration and a supporter of the very conduct which it details in this statement:

The transport *Lawton* returned yesterday afternoon from a two weeks' cruise, touching at Catbalogan, Cebu, Perang-Perang, and Davao. On her outward passage she took 200 Ilocano scouts for the Samar service.

On the arrival of the *Lawton* at Catbalogan Brigadier-General Smith had been in Samar about ten days, and his strong policy was already making itself felt. He had already ordered all natives to present themselves in certain of the coast towns, saying that those who were found outside would be shot and no questions asked. The time limit had expired when the *Lawton* reached Catbalogan, and General Smith was as good as his word. His policy of reconcentration is said to be the most effective thing of the kind ever seen in these islands under any flag. All suspects, including Spaniards and half-breeds, were rounded up in big stockades and kept under guard. Among these were numerous presidentes of some towns on the western coast of Samar who assisted in smuggling rill to the insurrectos. A number of these rascals were gathered in and made to give up the proceeds of their traffic, amounting to thousands of dollars, which were confiscated.

That was published in an American newspaper in Manila, an Administration newspaper, on the 4th day of last November, and it was included in the petition presented to the Senate by the senior Senator from Massachusetts on the 4th day of last February.

But, again, in the same petition there is an extract from the Philadelphia Ledger, one of the oldest and most respected newspapers in Philadelphia, which is in political sympathy with the Administration. In a recent letter to that journal from its correspondent in Manila occurs the following passage:

The present war is no bloodless, fake, opera-bouffe engagement. Our men have been relentless; have killed to exterminate men, women, children, prisoners, and captives, active insurgents and suspected people, from lads of 10 up, an idea prevailing that the Filipino, as such, was little better than a dog, a noisome reptile in some instances, whose best disposition was the rubbish heap. Our soldiers have pumped salt water into men to "make them talk," have taken prisoners people who held up their hands and peacefully surrendered, and an hour later, without an atom of evidence to show that they were even insurrectos, stood them on a bridge and shot them down one by one, to drop into the water below and float down, as examples to those who found their bullet-loaded corpses.

This correspondent goes on to excuse it:

It is not civilized warfare, but we are not dealing with a civilized people. The only thing they know and fear is force, violence, and brutality, and we give it to them.

The new military plan of settling the trouble by setting them at each other is one that looks promising. We have now sent a thousand Macabebes to Samar to avenge the treacherous murder of Company C of the Ninth Infantry. They are hereditary enemies of the "ladrones" and go forth to the slaughter gayly.

Mr. President, a statement of that sort, coming from such a newspater and presented to the Senate of the United States by a man of such distinguished character as the Senator from Massachusetts, and signed by men of such distinguished character as the signers of this petition, does convey something which at least needs and requires investigation from the War Department. That was on the 4th day of February. Yet we have no evidence that any effort whatever has ever been made by the War Department or anybody connected with the Administration to find out the truth in respect to these charges. There is the very statement that is made in General Smith's order, that everybody above the age of 10 shall be killed, whether he has arms in his possession or not.

That statement, I say, was presented to the Senate and published on the 4th day of last February, and the former statement had been published in a Manila newspaper on the 4th day of last November. It was notice, at all events, coming from the source it did, that there was something in the Philippines which demanded an investigation, and no effort, I say, has ever been made on the part of the Administration or the War Department to find out the truth of a single one of these charges or these accusations. It was not until the matter was forced upon them by the reluctant investigation of a reluctant committee, and the committee began to drag facts to light and to show something as to the real conditions in the Philippine Islands, and not until the court-martial proceedings in the trial of Major Waller were brought to light and published in the American newspapers, that the Administration began to bestir itself and undertake something that it calls an investigation.

Why, Mr. President, this policy of suppression, of falsification, of misrepresentation, has been going on from the very beginning of our hostilities with the Filipinos. I will ask the Secretary to read a statement from Mr. Robert M. Collins, Philippine correspondent of the Associated Press. It is an extract from a letter written by him to Mr. Melville E. Stone, general manager of the Associated Press, under date of July 30, 1899, describing the circumstances which led to the protest of the newspaper representatives against the censoring of news by General Otis. This statement, which was written by him, and a similar statement signed by all the newspaper correspondents in the Philippines, shows that there was a deliberate suppression of information in the Philippine Islands from the very beginning, and that it was not done with any view to military necessity, but solely and entirely with a view to the suppressing of information that might hurt the Administration of the Republican party. I will ask the Secretary to read the statement I have marked, beginning at page 131 and ending at page 133.

Mr. SPOONER. If the Senator will pardon me, from what book is it?

Mr. CARMACK. It is a book entitled The Other Man's Country, by Herbert Welsh.

The Secretary read as follows:

But when General Otis came down in the frank admission that it was not intended so much to prevent the newspapers from giving information and assistance to the enemy (the legitimate function, and, according to our view, the only legitimate one of a censorship), but to keep the knowledge of conditions here from the public at home, and when the censor had repeatedly told us, in ruling out plain statements of undisputed facts, "My instructions are to let nothing go that can hurt the Administration," we concluded that protest was justifiable.

* * * * * * *

Three hours of exceedingly plain talk followed. The general did not contradict our statements that the purpose of the censorship was to keep the facts from the public, but said that what we wanted was to have the people stirred up and to make sensations for the papers. We told him that there never had been any subject furnishing more good material for sensations than this war, and that he should be exceedingly grateful to the papers for handling it so temperately.

In that connection we reminded him that the stories of looting in soldiers' letters home had been little, if any, exaggerated. Davis and Bass told him that they had personally seen our soldiers bayoneting the wounded, and I reminded him that the cutting off of the ears of two American soldiers at Dasmarinas had been merely retaliation for similar mutilations of dead Filipinos by the Americans. (No one could possibly tell stronger stories of the looting and blackmailing of our soldiers than Otis has told, although he charges it all to the volunteers.)

We told him that we had refrained from sending these things and others of similar nature because we did not wish to make sensations. We told him that the censorship was purely for the purpose of giving the impression at home that everything was lovely here, otherwise he would suppress the local papers which print all sorts of clippings from American papers denouncing the Administration, and which kept the enemy posted on the position of every company in our Army, and even give advance notice of intended movements.

* * * * * * *

Recently I filed what I thought a most inoffensive statement that the business men who had appeared before the Commission had advocated the retention of the existing silver system of currency. The censor said: "I ought not to let that go. That would be a lift for Bryan. My instructions are to shut off everything that could hurt McKinley's Administration. That is free silver." I explained that the silver system here was not 16 to 1, and, with seeming reluctance, he O. K.'d the item.

The PRESIDENT pro tempore. Has the Senator from Tennessee yielded the floor?

Mr. CARMACK. Yes, sir.

Mr. BURTON. Mr. President——

Mr. LODGE. I think the Senator from North Carolina [Mr. PRITCHARD] desires to address the Senate.

Mr. PRITCHARD. Mr. President, I do not desire to go on at this hour if the Senator from Kansas wants to speak. I give notice that at the conclusion of the morning hour to-morrow I will address the Senate on the pending measure.

Mr. BURTON. Mr. President, it is not my purpose to enter into the discussion of this question. I interrupted the Senator from Tennessee [Mr. CARMACK] because he had made the statement that General Funston was contradicted, first, by the statement he had published that Aguinaldo had told him he had Luna killed because he was afraid Luna would take the dictatorship away from him, and that Governor Taft had testified that General Funston had told the Governor that Aguinaldo had told the General that he had had Luna killed in order to prevent Luna from killing him; or, in other words, to use the language of the Senator from Tennessee, that it was a clear case of self-defense.

In order to show the very irresponsible statements that are constantly coming from the other side and the malevolent and unjust attacks that were made by the Senator from Tennessee upon General Funston at this time, I want to inquire what the basis of the Senator's statements are, and I will be permitted to read from the RECORD.

When that army was scattered the question was, What were the insurgents to do—whether they were to surrender or to make guerrilla warfare, or attempt to gather their forces and make a continued fight, as they had been making?

DEATH OF LUNA.

Upon that issue I have understood that Aguinaldo and Luna differed. Luna desired to continue the warfare as it had been conducted, in an open fight. Aguinaldo was for a guerrilla campaign. These two men were opposed to each other, at any rate, and Aguinaldo directed Luna's killing.

What is the necessary inference up to that time of Governor Taft's statement?

I should not say that if I had not direct evidence on the subject from General Funston, who says that Aguinaldo said the question was whether Luna should kill him or he should kill Luna, and he took steps to secure the death of Luna. The killing was at the headquarters of Aguinaldo, and Luna was shot by guards.

Will the Senator pretend for a moment that any kind of a fair construction of that statement is that Aguinaldo killed Luna in self-defense? Can any kind of a construction of that sort be placed upon that language?

Now, turn to page 373 and examine it as far as Governor Taft testifies upon this question. I read, beginning where the Senator read:

Senator PATTERSON. We will see. Governor Taft, were you aware that it was the subject of an investigation by the previous Commission, of which Schurman was president?

Governor TAFT. No, sir. I may have read it, but I do not recollect it.

Senator PATTERSON. Have you ever read Mr. Sonnichsen's book?

Senator BEVERIDGE. Whose book?

Senator PATTERSON. Sonnichsen's.

Senator CARMACK. Ten Months a Captive Amongst the Filipinos, is the title.

Governor TAFT. I may have read something of his story about his experience in Ilocos Sur, but I do not remember any such incident as this.

Senator PATTERSON. Are you aware that the following testimony was given on this subject in an investigation before the Schurman Commission, and that the circumstances of the killing were as follows:

CIRCUMSTANCES OF LUNA'S DEATH AS GIVEN BEFORE SCHURMAN COMMISSION.

"General Luna and Colonel Ramon sought an interview with Aguinaldo at his temporary headquarters, at Cabanatuan, and were informed by the guard that he was absent. 'Not finding him there,' says the witness, 'he (Luna) became angry and insulted the guard, and when the guard wanted to seize him and his companion, they (Luna and Ramon) thought the man was half crazy, and immediately began shooting, and the guard returned the fire.'"

"And the following question was asked in this investigation:

"'Q. Did the guard fire at him?—A. All of them. They wanted to take him, but he had saber and revolver to defend himself, and they could do nothing else.'

"The witness added, in answer to a question as to the effect of killing General Luna there, that 'at first the people were much surprised, but afterwards they said it was better so because he was very cruel.'"

Were you aware that an eyewitness had testified to that effect?

Governor TAFT. No, sir. I only knew generally that the circumstances were that Luna was shot at the door of Aguinaldo's tent or his headquarters by his guard.

The CHAIRMAN. That is unquestioned.

Senator PATTERSON. Mr. Sonnichsen in his book upon that question says:

SONNICHSEN ON LUNA'S DEATH.

"After stating that it was among the Spaniards that the rumors of Luna's assassination by Aguinaldo's orders were circulating, Mr. Sonnichsen gives the story as told to him by a young Ilocano officer (Lieutenant Villamor), whom he 'certainly put down as a sympathizer with the Ilocano general.' Villamor said that Luna had no mercy on officers or soldiers who shirked their duty or showed cowardice in battle, and that 'on several occasions he had culprits executed or otherwise severely punished for such offenses.' 'This severity,' said Villamor, 'combined with the fact of his being an Ilocano, caused a certain faction of young Tagalo officers to entertain a deadly hatred for him, as many of them had already felt the weight of his iron hand.'"

He then continues as to a statement of this Lieutenant Villamor:

"We as Ilocanos have lost a good deal of sympathy for the cause since then, but none of us have ever accused Aguinaldo of being the cause of Antonio Luna's death."

Governor TAFT. If the Villamor to whom that alludes is the Villamor whom I know, and I know three of them, if he is the judge whom we have appointed, I should place a great deal of credence in his evidence.

Senator PATTERSON. That is the statement in Mr. Sonnichsen's book as to the interview with Villamor.

Governor TAFT. I have never regarded it as a point that needed investigation by me. I can only state to you what has been told to me in Manila by various Filipino gentlemen in the course of casual conversation.

The suggestion made with respect to Aguinaldo's remaining in seclusion and not going abroad has been that he was afraid of being killed by Luna's friends. I do not think that is true. It has been stated, however.

Senator PATTERSON. It is very hard to curtail or suppress statements that reflect upon the integrity and honor of almost any man.

Governor TAFT. That is quite true, but what I do mean to say is that the general impression always has been—I have never heard it denied until now, although it is possible that if I had looked further into the evidence I should have found just the statement that you have read—that the killing of Luna was the result of a factional difference between him and Aguinaldo; that he was killed, as I say, by the guard of Aguinaldo at Aguinaldo's headquarters.

Now, it is not a question of much consequence as to how Luna was killed, as to whether Aguinaldo assassinated him or whether Aguinaldo killed him in self-defense. I did not interrupt the Senator because I thought or think now that that was of much consequence; but the Senator for some reason seems to have a very strong feeling against General Funston. He volunteered the statement here to-day that he did not believe General Funston was telling the truth, and then he proceeds to claim that General Funston had made one statement and Governor Taft had contradicted it. I have read all the evidence, as I am told, that Governor Taft gave about this matter, and I submit to the fairness of the Senator from Tennessee that when he makes the statement that General Funston was contradicted by Governor Taft, when he seeks to put that kind of an interpretation upon the language of Governor Taft, he simply shows that he is being controlled by feeling and not by a discriminating judgment.

Mr. President, I beg the pardon of the Senate for paying attention to this matter at this time. At some opportune time I may take further notice of the attacks against our soldiers.

Mr. LODGE. Mr. President, the Senator from North Carolina [Mr. PRITCHARD], I understand, does not desire to continue the debate to-day, and the Senator from Iowa [Mr. ALLISON], I believe, desires to go on with the sundry civil appropriation bill. I suppose when he returns to the Chamber he will ask unanimous consent to lay the unfinished business aside.

INDIAN APPROPRIATION BILL.

Mr. STEWART 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. 11353) "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, 1903, 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 4, 6, 7, 10, 11, 29, 32, 36, 40, 42, 43, 44, 45, 46, 50, 73, 86, 88, 89, 93, 94, 101, 102, 110, 111, 112, 113, 114, 118, 121, 127, 130, 132, and 133.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 9, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 33, 34, 37, 38, 39, 41, 47, 51, 52, 54, 55, 58, 59, 60, 61, 62, 63, 64, 66, 68, 69, 70, 72, 74, 75, 76, 77, 78, 80, 81, 82, 85, 91, 92, 95, 96, 97, 99, 100, 103, 104, 105, 106, 107, 108, 109, 115, 116, 117, 122, 123, 124, 128, and 131, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the number proposed insert "forty-three;" and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$68,800;" and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: Strike out all of said amendment down to the proviso, so that said amendment will read as follows: "*Provided*, That the Indian inspector who shall be assigned to duty in the Indian Territory shall be considered as actually employed on duty in the field; and the accounting officers of the Treasury are hereby authorized to allow him per diem pay during the fiscal year 1902, and so long as he shall remain on duty in said Territory;" and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"*Provided*, That the Secretary of the Interior shall appoint an advisory commission, consisting of three persons, who shall serve without compensation, to aid in the selection of said tract of land, and who shall make their final report and recommendation to the Secretary of the Interior within ninety days after such appointment. And the sum of $1,000, or so much thereof as may be necessary, may be used out of the appropriation herein made for the purpose of paying the expenses of such commission."

And transpose the same so that it will follow the word "location," line 24, page 30 of the bill.

And the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following:

"*Provided*, That said Commission shall exercise all the powers heretofore conferred upon it by Congress: *Provided further*, That all children born to duly enrolled and recognized citizens of the Creek Nation up to and including the 25th day of May, 1901, and then living shall be added to the rolls of citizenship of said nation made under the provisions of an act entitled 'An act to ratify and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other purposes,' approved March 1, 1901, and if any such child has died since the 25th day of May, 1901, or may hereafter die, before receiving his allotment of land and distributive share of the funds of the tribe, the lands and moneys to which he would be entitled if living shall descend to his heirs and be allotted and distributed to them accordingly: *And provided further*, That the act entitled 'An act to ratify and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other purposes,' approved March 1, 1901, in so far as it provides for descent and distribution, according to the laws of the Creek Nation, is hereby repealed, and the descent and distribution of lands and moneys provided for in said act shall be

in accordance with the provisions of chapter 49 of Mansfield's Digest of the Statutes of Arkansas in force in Indian Territory."

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: Page 38, line 4, of said bill, strike out "thirty" and insert "forty;" and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with amendments as follows: Line 5 of said amendment, after the word "reservation," insert: "the remainder of such irrigable land to be allotted to such Indians on said reservation as the Secretary of the Interior may designate, not exceeding 20 acres each;" line 11 of said amendment, after the word "habitations," insert: "for the members of said tribe;" line 11 of said amendment, after the word "allottees," insert: "who are heads of families;" line 13 of said amendment, after the word "agriculture," insert: "to be paid in such manner and at such times as may be agreed upon between said allottees and the Secretary of the Interior;" and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows: At the end of said amendment add the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent in fee to John T. Hill for the NE. ¼ of sec. 4, in T. 6 N., R. 18 W., of the Indian meridian, in Oklahoma, the same having been allotted to him under act of June 6, 1900."

And the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment, as follows: At the end of said amendment add the following:

", $10,000 thereof to be immediately available."

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 amendments as follows:

Lines 9 and 10 of said amendment, strike out "July 1, 1902," and insert in lieu thereof "the following dates."

Line 11 of said amendment, after the word "dollars," insert ", from July 1, 1901."

Line 12 of said amendment, after the word "dollars," insert ", from July 1, 1902."

Line 13 of said amendment, after the word "dollars," insert ", from July 1, 1902."

And at the end of said amendment add the following:

": *Provided*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to place in the subtreasury at St. Louis, Mo., to the credit of the national treasurer of the Chickasaw Nation the balance of the said Chickasaw national fund, after deducting the $10,000 appropriated out of said fund for the aid of certain indigent Chickasaws."

And the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with amendments, as follows:

Line 22 of said amendment, after the word "have," insert "in lieu of such lease or permit."

Line 25 of said amendment, after the word "may," insert "in lieu of its lease."

Lines 37 and 38 of said amendment, strike out "to be immediately available" and insert in lieu thereof the following: "whenever a majority of the adult male Indians of said tribes shall have consented to the allotment of lands and the restoration of the unallotted lands within said reservation as herein provided."

Line 50 of said amendment, after the word "Indians," strike out the remainder of said amendment.

And the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment strike out lines 3 to 8, inclusive, page 43 of the bill, and insert the following:

"For support and maintenance of the asylum for insane Indians at Canton, S. Dak.: For pay of employees; for transportation of insane Indians to and from said asylum; for general repairs and improvements, including necessary outbuildings, grading, fencing, etc.; for incidental and all other expenses necessary to its proper conduct and management, $25,000."

And the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: At the end of the matter proposed to be inserted by said amendment add the following: "to be paid out of the funds in the Treasury of the United States belonging to the Omaha and Winnebago Indians;" and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with amendments, as follows: Lines 1 and 2 of said amendment strike out the following: "be, and is hereby, authorized to" and insert in lieu thereof "may, in his discretion."

And at the end of said amendment add the following:

"That the Secretary of the Interior may, in his discretion, pay per capita to the Iowa Indians, who are under the care of the agent of the Pottawatomie and Great Nemaha Reservation, in the State of Kansas, entitled thereto the sum of $78,000 from their principal now to their credit in the Treasury of the United States.

"That the Secretary of the Interior may, in his discretion, pay to the Sac and Fox Indians of Missouri, who are under the care of the agent of the Pottawatomie and Great Nemaha Reservation, in the State of Kansas, entitled thereto, the sum of $79,000 from their principal now to their credit in the Treasury of the United States."

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 proposed to be inserted by said amendment insert the following:

"For payment to Robert F. Thompson, for compiling laws relating to Indian affairs under provisions of the Indian appropriation act approved May 17, 1882, and digesting correspondence of the land division of the Indian Office, $3,000, to be immediately available."

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: At the end of said amendment add the following: "; and the acceptance of said sum by said Cox shall be a complete and absolute bar to any and all claims against the United States for said improvements;" and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"The Secretary of the Interior is hereby authorized and directed to pay, under such regulations as he may prescribe, to the Chippewa Indians of Minnesota entitled thereto, the money now to their credit in the Treasury of the United States derived from stumpage on dead and down timber cut on coded Indian lands under the act of June 7, 1897. (30 Stat., p. 90.)"

And the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: Line 3 of said amendment, strike out "fifty" and insert "forty;" and the Senate agree to the same.

Amendment numbered 98: That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: Line 7 of said amendment strike out "sixty" and insert "forty;" and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$12,000;" and the Senate agree to the same.

Amendment numbered 120: That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$39,550;" and the Senate agree to the same.

Amendment numbered 125: That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: Line 3 of said amendment strike out "thirty" and insert "twenty-five;" and the Senate agree to the same.

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: In lieu of the sum proposed to be inserted by said amendment insert "$29,650;" 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 matter proposed to be inserted by said amendment insert the following:

"For the erection of school buildings on the Tulalip Reservation, Wash., to replace those recently burned, $30,000, to be immediately available.

"For additional amount for construction, purchase, lease, and repair of school buildings: for sewer and water supply and lighting plants: for purchase of school sites or additions thereto, and for improvements of buildings and grounds, $50,000."

And the Senate agree to the same.

Amendment numbered 134: That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"That the part of the northern district of the Indian Territory consisting of the Creek country, the Seminole country, and all that portion of the Cherokee and Choctaw nations included in the following described boundaries, to wit: Commencing at the northeast corner of the Creek Nation and running east on the line between townships 19 and 20 to its intersection with the dividing line between ranges 20 and 21 east; thence south on said line to its intersection with the Arkansas River; thence down the Arkansas River to its intersection with the Canadian River; thence up the Canadian River to its intersection with the dividing line between ranges 20 and 21 east; thence south to the intersecting line between townships 7 and 8; thence west on the intersecting line between townships 7 and 8 to the Creek Nation, be, and the same is hereby, made the western district in said Territory, and the places of holding courts in said western district shall be Muscogee, Wagoner, Sapulpa, Wewoka, Eufaula, and Okmulgee. The judge appointed under the act entitled '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, 1896, and for other purposes,' approved June 7, 1897, shall be the judge of said western district; and he is hereby authorized to appoint a clerk, who shall reside and keep his office at one of the places of holding court in said western district.

"That each of the three commissioners, with headquarters at Muscogee, Eufaula, and Wewoka, respectively, shall be United States commissioners for said western district for a period of four years from the date of their appointment and until their respective successors shall be appointed and qualified, and the two constables now in office, whose headquarters are at Muscogee and Eufaula, respectively, shall be constables in said western district until their successors shall be appointed and qualified; and said judge may appoint a constable for the commissioner at Wewoka, and the said judge may appoint an additional commissioner, to be located at Checotah, and an additional constable for said commissioner's court. Each of the United States commissioners and each of the four constables now located in the northern district as constituted by this act shall continue to be United States commissioners and constables, respectively, for said district until their successors shall be appointed and qualified. That the clerk's office at Vinita shall also be the recorder's office for the northern district, except that the clerk's office at Miami shall continue to be the recording office for the Quapaw Indian Agency as now provided by law. The United States marshal of the present northern district shall be marshal of the western district, and there shall be appointed by the President, by and with the advice and consent of the Senate, a district attorney for said western district and a United States marshal for the northern district.

"The said officers shall be appointed and shall hold office for the period of four years, and shall receive the same salary and fees and discharge like duties as other similar officers in said Territory. The cases now pending in that part of the northern district which is hereby made the western district shall be tried the same as if brought in said western district. Terms of court shall continue to be held within the territory remaining in said northern district at the places now provided by law for the holding of courts therein, and in addition thereto at the towns of Sallisaw, Claremore, Howata, and Pryor Creek, in the Cherokee country. All laws now applicable to the existing judicial districts in the Indian Territory, and to attorneys, marshals, clerks, and their assistants or deputies therein, not inconsistent herewith, are hereby made applicable to the western district. In addition to the places now provided by law for holding courts in the southern and central districts, courts in the southern district shall also be held at Tishomingo and Ada, and in the central district at Durant. The United States judge for the central district of the Indian Territory, after the approval of this act, may appoint a constable for the commissioner located at Durant

"To enable the Attorney-General to carry out the provisions of the act approved July 7, 1896, for the erection of three jails in the Indian Territory, and also to erect one additional United States jail in said Territory, $40,000 is hereby appropriated, to be expended under the direction of the Attorney-General, to be immediately available, and to remain available until expended. And the Attorney-General is hereby authorized and directed to cause to be erected a United States jail at each of the three places already formally designated by him, namely, at Muscogee in the western district, at South McAlester

in the central district, and at Ardmore in the southern district, and one additional United States jail at Vinita in the northern district, at a total cost not exceeding $100,000."

"That for the purpose of acquiring sites for United States jails as provided herein in the Indian Territory, there shall be appointed by the judge of the United States court in the district where such land is situated, on application of the United States by petition describing the land sought to be condemned, three disinterested referees, who shall determine the compensation and damage to be paid any owner, occupant, tribe, or nation by reason of the appropriation and condemnation of such land for the use and benefit of the United States for a jail at any of the places hereinbefore mentioned.

"Such referees, before entering upon the duties of their appointment, shall each take and subscribe before the clerk of the said United States court an oath that he will faithfully and impartially discharge the duties of his appointment, which oaths, duly certified, shall be returned with the award of the referees to the clerk of the court by which they were appointed. Before such referees shall proceed with the assessment of damages for any lands sought to be condemned under this act, ten days personal notice of said hearing shall be given to all persons interested, and service may be had upon each tribe or nation in which said land may be located by service upon the principal chief thereof, and in case personal service can not be had upon any person interested, twenty days' notice of the time when the same shall be condemned shall be given, by publication in some newspaper in general circulation nearest said property in the district where said land is situated.

"If the referees can not agree, then any two of them are authorized to and shall make the award. Any party to the proceedings who is dissatisfied with the award of the referees shall have the right, within ten days after the filing of the award in the court by which said referees were appointed, to appeal by original petition to the United States court sitting at the place nearest and most convenient to the property sought to be taken, where the question of the damages occasioned by the taking of the land in controversy shall be tried de novo, and the judgment rendered by the court shall be final and conclusive. And upon the payment into court of the amount or amounts awarded as damages, fee simple title to said tract of land shall vest in the United States. If such appeal is not taken as hereinbefore set forth, the award shall be conclusive and final, and shall have the same force and effect as a judgment of a court of competent jurisdiction, and upon the payment of the sum or sums so found due into the court a fee simple title to said land shall vest in the United States.

"Each of said referees shall receive for his compensation the sum of $5 per day while actually engaged in the appraisement of the property and the hearing of any matter submitted to them under this act.

"That if any party or person other than the United States shall appeal from any award, and the judgment of the court does not award such appealing party or person more than the referees awarded, all costs occasioned by such appeal shall be paid by such appealing party or person. It shall be the duty of the United States court in each district to promptly hear and determine the rights of all parties if any appeal shall be taken under this act."

And the Senate agree to the same.

WM. M. STEWART,
O. H. PLATT,
J. L. RAWLINS,
Managers on the part of the Senate.

J. S. SHERMAN,
CHARLES CURTIS,
Managers on the part of the House.

Mr. STEWART. I ask permission to have inserted in the RECORD a brief statement showing the result of the conference.

The PRESIDENT pro tempore. The statement submitted by the Senator from Nevada will be printed in the RECORD.

The statement is as follows:

INDIAN APPROPRIATION BILL, 1903.

Amount of bill as passed by the House	$8,441,505.69
Net increase made by the Senate	858,834.19
Amount of bill as passed by the Senate	9,300,339.88

Of the increase made by the Senate of $858,834.19, the House has agreed to $638,517.41 and the Senate has receded from $220,316.78, making the total of the bill as agreed to in conference $9,080,023.10.

Mr. STEWART. Mr. President, I suggest that the conference report be printed, and then lie over until to-morrow morning. Some Senators may want to examine it.

Mr. ALLISON. I hope that course will be taken, Mr. President.

The PRESIDENT pro tempore. That order will be made in the absence of objection.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask unanimous consent that the pending order, being the bill for the government of the Philippines, may be laid aside informally, and that the Senate proceed to the consideration of the sundry civil appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13123) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes.

Mr. ALLISON. Before the reading of the bill is resumed, I desire to have acted upon an amendment on page 56 which was passed over yesterday.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 56, line 15, after the words "shall be," the Committee on Appropriations reported to strike out:

Subject to the approval of said Government board and management and of the Secretary of the Treasury, as now provided by law.

And in lieu thereof to insert:

Under the direction of the United States Government board and subject to the approval of the Secretary of the Treasury, and the number, compensation, and selection of persons not already in the Government service shall be in the discretion of the Secretary of the Treasury; and the appropriations herein made shall be so allotted and distributed among the several Executive Departments, the Smithsonian Institution, the National Museum, the United States Fish Commission, the Department of Labor, the Bureau of the American Republics, and the Library of Congress as to prevent any deficiency therein.

Mr. ALLISON. Mr. President, I ask leave to modify that amendment by striking out all after the word "herein," in line 15, down to and including that portion of the text proposed to be stricken out by the committee, and also including the word "Treasury," in the part proposed to be inserted by the committee, on line 22, and to insert in lieu of the part I propose to strike out what I send to the Secretary's desk.

The PRESIDENT pro tempore. The amendment of the Senator from Iowa to the amendment will be stated.

The SECRETARY. After the word "herein," in line 15, on page 56, it is proposed to strike out—

shall be subject to the approval of said Government board and management and of the Secretary of the Treasury, as now provided by law under the direction of the United States Government board and subject to the approval of the Secretary of the Treasury, and the number, compensation, and selection of persons not already in the Government service shall be in the discretion of the Secretary of the Treasury.

And in lieu thereof to insert:

And the number, compensation, and selection of persons not already in the Government service shall be under the direction of the United States Government board and subject to the approval of the Secretary of the Treasury.

Mr. PLATT of Connecticut. How will the whole proviso then read?

The PRESIDENT pro tempore. The proviso will be read as proposed to be amended.

The Secretary read as follows:

Provided, That all expenditures made for the purposes and from the appropriations specified herein, and the number, compensation, and selection of persons not already in the Government service, shall be under the direction of the United States Government board and subject to the approval of the Secretary of the Treasury, and the appropriations herein made shall be so allotted and distributed among the several Executive Departments, the Smithsonian Institution, the National Museum, the United States Fish Commission, the Department of Labor, the Bureau of the American Republics, and the Library of Congress as to prevent any deficiency therein.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. ALLISON. I believe there was an amendment adopted in line 2, on page 57, striking out the words: "*Provided further*, That the," inserting a period instead of a semicolon; and then beginning a new clause with the words:

The Secretary of the Interior is authorized to cause to be assembled at the city of St. Louis, etc.

I do not know whether that amendment was agreed to or not.

The PRESIDENT pro tempore. That amendment is agreed to.

The reading of the bill will be resumed.

The Secretary resumed the reading of the bill at line 20, on page 83.

The next amendment of the Committee on Appropriations was, under the subhead "Miscellaneous objects, Department of the Interior," on page 84, line 2, after the word "expenses," to insert "including cost of all printing;" so as to make the clause read:

Census Office: The unexpended balance of the appropriation made by the sundry civil appropriation act approved March 3, 1901, for salaries and necessary expenses for taking and compiling results of the Twelfth Census is hereby reappropriated and made available for continuing the work of taking the Twelfth Census, and for all expenses, including cost of all printing, arising under and authorized by the act to provide for a permanent Census Office, approved March 6, 1902, including the purchase of necessary law books, books of reference and periodicals, and manuscripts: *Provided*, That estimates in detail for the expenses of the permanent Census Office for the fiscal year 1904 and annually thereafter shall be submitted in the regular Book of Estimates.

The amendment was agreed to.

The next amendment was, on page 84, after line 9, to strike out:

The Secretary of the Interior is hereby directed to cause to be sold as waste paper or to destroy all population schedules of the Eleventh and prior censuses of the United States. The population schedules of the Twelfth and all subsequent censuses of the United States shall likewise be sold or destroyed as soon as the results therein contained shall have been tabulated and published. All expenses arising and requisite hereunder shall be paid from the appropriations for contingent expenses of the Department of the Interior.

And in lieu thereof to insert:

The Secretary of the Interior is hereby directed to assemble in the office of the permanent census all the schedules of the several decennial censuses of the United States taken from 1790 to 1900, both inclusive, and to cause to be preserved in the office of the permanent census the schedules of the First, Second, Third, and Eighth censuses; and he shall cause to be offered to the several States all or any portion of the schedules of the Fourth, Fifth, Sixth, Seventh, Ninth, Tenth, and Eleventh censuses relating to said States, respectively, and if said schedules or any of them shall be accepted by any or all of the States interested therein within five years from the passage of this act they shall be delivered to the proper authority of said State or States, and all of the said schedules hereinbefore last mentioned not distributed within said period shall be sold as waste paper or destroyed; and a like offer shall be made to the several States as respects the schedules of the Twelfth and all subsequent censuses, which schedules, when completed and the results published, shall be proffered to the States as hereinbefore provided, and if they or any of them shall be accepted within five years from the publication of the results of the said censuses those accepted shall be turned over to said States or any of them in like manner, and if said offer shall not be accepted in whole or in part within said period of five years the remaining schedules

shall also be sold as waste paper or destroyed as hereinbefore provided. All expenses arising and requisite under this paragraph shall be paid from the appropriations for contingent expenses of the Interior Department.

The PRESIDENT pro tempore. The Senator from Connecticut [Mr. PLATT] has offered an amendment to take the place of the entire provision reported by the committee.

Mr. PLATT of Connecticut. If it is in order, I ask that that portion of the amendment which inserts other language in place of that proposed to be stricken out may be so changed that the whole amendment will read in the way I sent it to the desk yesterday.

The PRESIDENT pro tempore. The amendment of the Senator from Connecticut will be stated.

The SECRETARY. In place of the words proposed to be inserted by the Committee on Appropriations, beginning in line 19, on page 84, it is proposed to insert:

The Secretary of the Interior is hereby directed to assemble in the office of the permanent census all the schedules of the several decennial censuses of the United States taken from 1790 to 1900, both inclusive, and to cause them to be preserved in the office of the permanent census. All expenses arising and requisite under this paragraph shall be paid from any general appropriation for the expenses of the Census Office.

Mr. PLATT of Connecticut. I hope the chairman of the committee will, if he feels authorized to do so, accept this amendment, and if he does not that he will not feel himself obliged to oppose it.

Mr. ALLISON. Of course, while the Senator has the floor, I can not do anything that I know of. I will say, however, to the Senator that I am not at liberty to accept the amendment, but I shall be glad to hear what he has to say upon the subject.

Mr. PLATT of Connecticut. Mr. President, the House of Representatives, as it seems to me, did a very unwise thing, if I may so speak of that body without transgressing parliamentary propriety, in inserting the provision that—

The Secretary of the Interior is hereby directed to cause to be sold as waste paper or to destroy all population schedules of the Eleventh and prior censuses of the United States. The population schedules of the Twelfth and all subsequent censuses of the United States shall likewise be sold or destroyed as soon as the results therein contained shall have been tabulated and published.

The provision includes the last census.

Mr. ALLISON. Yes, sir; it includes the last census; that of 1900.

Mr. PLATT of Connecticut. Mr. President, I can not conceive of any reason for destroying the schedules of the censuses which have been taken in the United States. The Senate committee, I think, was of the same impression, and proposed an amendment to the House proposition to destroy which provides that—

The Secretary of the Interior is hereby directed to assemble in the office of the permanent census all the schedules of the several decennial censuses of the United States taken from 1790 to 1900, both inclusive, and to cause to be preserved in the office of the permanent census the schedules of the First, Second, Third, and Eighth censuses; and he shall cause to be offered to the several States all or any portion of the schedules of the Fourth, Fifth, Sixth, Seventh, Ninth, Tenth, and Eleventh censuses relating to said States, respectively.

That is to say, by the amendment of the committee it is proposed to preserve certain of the schedules of the censuses and to keep them in the office of the permanent census, and as to the others to offer them to the States, and if the States will not take them, to sell them for waste paper or destroy them.

My amendment proposes to keep all the schedules and keep them in the office of the permanent census. A very great interest has been aroused throughout the United States with regard to this amendment by members of associations—literary, scientific, historical, economic, and otherwise—and I think if this matter could have the discussion it deserves throughout the country there would be almost a universal voice in the country against the destroying of any of these schedules and for the preservation of them all.

I understand we have a building for a permanent census in which they can be preserved, and if we have not room there, we certainly hope to have a hall of records. It seems to me the information contained in these schedules is not only valuable, but is going to grow more and more valuable as the years roll on. They will be a great deal more valuable fifty years from now than they are now. I think it is an everyday experience, almost, in the Interior Department that people are asking for information which is only to be obtained from the schedules of the early censuses, and the same demand will exist fifty years from now with reference to schedules of the censuses which have been recently taken.

I can not conceive of any reason for the House proposing to destroy all the census schedules that we have. We have already, in years past, passed an act providing that some portion of them shall be bound for their present preservation; and a certain portion of them have been bound, upon the theory that they were important to be preserved. The more recent ones have not been bound, and now comes this, it seems to me, an act of vandalism, a proposition to destroy them all or to give them to the States. Originally it was the practice of the Government, as I understand, that the schedules, after the census was completed were given to the several States.

It was found that the States were not keeping them and that some of them had been lost, and then a law was passed that they should all be returned to the Secretary of State. Those not lost or destroyed were returned to the Secretary of State, and since then they have been kept either in the State Department or in the Interior Department until this proposition which I present, which is that they shall all be preserved and kept in the office of the permanent census. If there were no room in the Census Building, which I understand there is, we could put them in the hall of records, or we could put them in the Congressional Library. Certainly I hope that these records will not be destroyed.

Mr. ALLISON. The Senator from Connecticut has truly stated that the bill came to the Senate and to the Committee on Appropriations with a provision for the absolute destruction of all these census schedules from the beginning of the Government down to the present time. It also provided for the like destruction or sale of the schedules of all subsequent censuses after they were properly tabulated. So the Committee on Appropriations was confronted with the question of dealing with these schedules. Representing the committee as nearly as I can represent them, there seemed to be a variety of views in the committee as to what should be done. Without particularizing, some gentlemen of the committee were in favor of the House provision.

This difference of opinion, however, led to an examination of the subject, and whilst I do not wish to burden the RECORD unnecessarily, I think it should be stated that the Secretary of the Interior protested against the destruction of any of these schedules in a long letter, able in many respects, and also gave the history of the situation as respects the schedules. I have the substance of that before me, which I should like to call to the attention of the Senate. It will explain why the committee itself recommended the preservation of a portion of these schedules, namely, the schedules of the First, Second, Third, and Eighth censuses. The schedules are all bound——

Mr. PLATT of Connecticut. Up to the last census?

Mr. ALLISON. No; up to the Eleventh Census.

Mr. PLATT of Connecticut. That includes 1880?

Mr. ALLISON. It includes 1880. The Eleventh Census is not bound, and of course the Twelfth is not. There are some very interesting matters connected with these early censuses.

The First Census, taken in 1790, consists of 26 volumes. The committee thought we would be able perhaps to find an opportunity to store those without any very great expense. The census of 1800 contains 27 volumes. The Third Census, that of 1810, contains 44 volumes. So those three censuses which are left contain 97 volumes in all.

Mr. TELLER. How many are there all told?

Mr. ALLISON. Four thousand six hundred and sixteen volumes. The number of volumes of the Tenth Census is 1,329; of the Ninth Census, that of 1870, 826. The Eighth Census schedules are to be preserved with a particular view. That was the census immediately preceding the civil war, and we thought there were in them a great many things of value as respects our country which ought to be preserved in the interest of historical accuracy.

We propose to preserve by our amendment 926 volumes, plus 97, making 1,023, or about one-fourth of all the volumes that are bound.

Mr. TELLER. I wish to ask the Senator what is the objection to taking care of them all and keeping them all? Is it simply the question of storage?

Mr. ALLISON. I think that was the principal objection made, that they were of no historical value, especially the schedules relating to population, which are the schedules the House proposed to destroy.

Mr. PLATT of Connecticut. Why is the census of 1860 to be preserved from destruction rather than any other census?

Mr. ALLISON. I mentioned the fact that it was considered by some members of the committee; in fact, I think it was agreed to by all the members of the committee that it marked the period immediately preceding the civil war, and that the schedule would, at some time in the future, be very valuable historically.

Mr. PLATT of Connecticut. I do not see, if the Senator will excuse me, why the census immediately preceding the war is any more valuable than the one immediately following it.

Mr. TELLER. I was about to make that suggestion—that if the census preceding the war is to be preserved, it seems to me the one that followed immediately after should be—that is, the census of 1870.

Mr. ALLISON. Senators, of course, may not be able to see quite as clearly as the committee did why the schedules of that census especially should be preserved if we were to burn the rest of them.

Mr. TELLER. I should like to say that I think before these schedules are disposed of by destruction there ought to be somebody authorized, a committee or somebody, to look into this question. It has not been examined by anyone.

Mr. ALLISON. It has been examined pretty thoroughly by the Secretary of the Interior and people in his office.

Mr. TELLER. He does not want them destroyed?

Mr. ALLISON. He does not wish to have them destroyed.

Mr. TELLER. If we are to act contrary to his wishes it seems to me we ought to have somebody to look over the matter and see whether or not he is right. I think the best thing we can do is to keep these until a later period, because in the new census building there will be plenty of room until we get ready to take the next census, and by that time I should hope we would be able to build the hall of records.

Mr. PLATT of Connecticut. There is one other thing which I did not speak of, but in which I think there must be some force, and that is that the tabulations and published volumes of the results of the census do not include all the facts that are gathered in the census. Is not that true?

Mr. ALLISON. It is impossible, of course, for those publications to contain more than a synopsis. For instance, all the earlier censuses were taken in schedules containing a hundred names. But I think, beginning with 1870, perhaps 1880, the schedules were changed, so that as respects population and the usual questions answered in the schedules the census was taken by families, and thus the number of population schedules was very largely increased. I think in the last census—the one just taken—there are about 13,000,000 individual schedules, covering every family in the United States, and it was in view of those who specially think they ought to be destroyed that there would be such an accumulation of these schedules in the near future as to make it impossible to find room in the ordinary building for their preservation.

Mr. PLATT of Connecticut. When that does occur, it seems to me, it will be time enough to go into the business of destruction. Of course this is a great country——

Mr. ALLISON. I think so.

Mr. TELLER. With 13,000,000 families, it ought to be.

Mr. PLATT of Connecticut. And all the records of the Government increase in bulk as the country increases.

We used to publish the CONGRESSIONAL RECORD in a very small space, but now it is increasing at a rate, owing to the unlimited debates which we have, in this and the other branch of Congress, where it has become very cumbersome, and it will become much more cumbersome in the future unless there is a change made in the way of preserving the thoughts and wisdom of Senators and Representatives. But I should not think for a moment, because it has become cumbersome, because no private library has room to store all the volumes of the CONGRESSIONAL RECORD and all those which are to accumulate in the future, that we ought to go to work and burn the volumes or sell them for waste paper. Still I think there would be just about as much sense in it as there would be in the destruction of census schedules.

I hope the Senator from Iowa will so insist upon this proposed amendment, but that he will accept an amendment to preserve them all, and then it will go to the House, and the Senate conferees will have to have it out with the House conferees.

Mr. ALLISON. The Senator from Connecticut seems to overlook the fact that in a large degree the Appropriations Committee were in accord with him, because we do not provide for the destruction of any of these schedules. We provide that certain of them shall be preserved in the archives of this great country of ours, as was well stated by the Senator from Connecticut. Then we provide that certain others of them may be offered to the several States. I gave such notice as I could give that I would be responsible for the State of Iowa taking all the volumes and schedules that might from time to time be gathered in that State, because I think our people would have a sufficient interest in its progress and growth and development to have at least the schedules of the State of Iowa preserved. I have no doubt a good many other States will follow the example which I think will be set by my own.

But the Senator will observe that the amendment proposed by the committee is an alternative to an amendment for absolute destruction, and I think the committee generally agreed that it was wise and better at least to give the States an opportunity of preserving these schedules if they desired to do so. Our amendment was somewhat carefully prepared with that view. I do not like myself to see an amendment prepared so carefully mutilated in a very short space of time on motion of the Senator for Connecticut. I would rather, if he will allow me, to pass from this amendment, as the Senate is rather thin, a quorum of course being present. At some stage of the debate I shall be glad to insert in the RECORD a printed statement which I have gathered in some way giving a very accurate historical review of these schedule tabulations, etc.

Mr. TELLER. Put in the RECORD the Secretary's letter.

Mr. ALLISON. I also desire to put in the RECORD a letter addressed to the Director of the Census by Mr. Wines, the Assistant Director of the Census, who has had much experience in statistical matters. Both of these documents I will say are not only valuable for the facts they contain, but the letter of Mr. Wines is also valuable as it supports the view of the Senator from Connecticut. I think it due to these administrative officers that they should have an opportunity of presenting their views.

The PRESIDING OFFICER (Mr. KEAN in the chair). Without objection, the papers will be printed in the RECORD.

The papers referred to are as follows:

Through the one hundred and ten years of American census taking these original schedules have been preserved with great care, and the schedules to and including 1880 have been bound up into 4,616 volumes. The plan of enumeration was changed at the Eleventh Census, 1890, by the use of a separate schedule for each family, instead of entering 100 names on a schedule, as was done at the previous census. This change multiplied the schedules to nearly 13,000,000, and, although the census of 1900 returned to the former method of entry, our vast population increased the total of schedules to nearly 8,000,000. No attempt has been made to bind the schedules of either of the last two censuses, and the packages are piled away in storerooms.

All the schedules for the first century of the census are in the custody of the Interior Department. Those for the First to the Fourth Census, inclusive, are in a room on the first floor of the Patent Office, and those for the Fifth to the Tenth, inclusive, are stored on the top floor of the Interior Department building, between F and G and Seventh and Ninth streets. The schedules for the Eleventh Census are stored in the basement of the Union Building, in G street, and those for the Twelfth Census are in the possession of the Census Office.

The original census schedules for the first four censuses are in bound volumes, as follows:

"First Census, 1790, 26 volumes of original population schedules; Second Census, 1800, 27 volumes of original population schedules; Third Census, 1810, 44 volumes of original population schedules; Fourth Census, 1820, 74 volumes of original population schedules and 22 volumes of original manufacturing schedules; total, 193 volumes."

The original census schedules for the Fifth to Tenth Censuses, inclusive, are in bound volumes, as follows:

"Fifth Census, 1830, 190 volumes of original population schedules; Sixth Census, 1840, 273 volumes of original population schedules and 31 volumes of original industries schedules; total for 1840, 304 volumes.

"Seventh Census, 1850, 669 volumes of original population schedules, 101 volumes of original agricultural schedules, 32 volumes of original mortality schedules, 20 volumes of original social statistics, and 21 volumes of original industries schedules; total, 843 volumes.

"Eighth Census, 1860, 760 volumes of original population schedules, 108 volumes of original agriculture schedules, 18 volumes of original manufacturing schedules, 21 volumes of original mortality schedules, and 19 volumes of original social statistics; total, 926 volumes.

"Ninth Census, 1870, 649 volumes of original population schedules, 114 volumes of original agriculture schedules, 28 volumes of original mortality schedules, 4 volumes of original social statistics, and 31 volumes of original industries schedules; total, 826 volumes.

"Tenth Census, 1880, 824 volumes of original population schedules, 322 volumes of original agriculture schedules, 72 volumes of original manufacturing schedules, 51 volumes of original mortality schedules, and 60 volumes of original defective, dependent, and delinquent schedules; total, 1,329 volumes."

There are also 5 volumes of original population schedules for Minnesota Territory, taken in 1857.

The total number of volumes in which the original schedules are bound is 4,616, including 5 for the census of Minnesota Territory taken in 1857. The number of volumes required to contain the schedules for each census is as follows:

First Census, 1790, 26 volumes; Second Census, 1800, 27 volumes; Third Census, 1810, 44 volumes; Fourth Census, 1820, 96 volumes; Fifth Census, 1830, 190 volumes; Sixth Census, 1840, 304 volumes; Seventh Census, 1850, 843 volumes; Eighth Census, 1860, 926 volumes; Ninth Census, 1870, 826 volumes; Tenth Census, 1880, 1,329 volumes; total, 4,616 volumes.

Probably no matter-of-fact American would quarrel with the Government for destroying the schedules for 1890 and 1900. There are two evident reasons for thus disposing of the schedules for these two decades. The first is that the system of electrical tabulation, invented between 1880 and 1890, and applied for the first time to the tabulation of the latter census, tabulates and combines facts with such marvelous rapidity and accuracy that practically all the facts likely to be of statistical value, whether singly or in groups, have been drawn off, and the schedules of these two censuses may be said to have been wrung dry. The other reason is that the enormous number of schedules makes their retention, even if it were clear that they possessed some value, a very great burden upon the Government. The error which the House has fallen into seems to be a failure to distinguish between these recent burdensome and comparatively valueless schedules and the earlier ones, which are not subject to any of these objections, but, on the contrary, deserve preservation by every consideration of good sense and sentiment.

Prior to 1890 all tabulation was done by hand, involving an amount of labor so great in 1880 and involving so much expenditure that the tabulation of certain tables of nativity was suspended when the work for the whole country was about half completed, and from the data obtained up to that point the remainder of the table was "estimated." Moreover, because of the labor and expense the conjugal condition shown by the schedules was not tabulated at all. Therefore the statistics of that subject are not of record back of 1890, but the data for the previous decade are available from the schedules at any time desired, and could be tabulated by the electrical system at comparatively small expense at any time. It is probably only a question of time when this subject will become as serious in the United States as it is now in France and elsewhere. Similar arguments apply to the schedules of the Ninth, Eighth, and Seventh censuses—1870, 1860, and 1850—which all belong to the class known as the modern census.

The schedules for all the earlier censuses, from the Sixth back to the First, constitute only 687 volumes. The reasons for preserving these volumes are entirely different from the practical ones mentioned above in connection with the group of volumes from 1880 back to 1850, inclusive. The volumes for 1840, 1830, 1820, 1810, and 1800 are valuable as sources of national and family history. They were prepared before the days or general use of all the great inventions which revolutionized the succeeding decades. The country was thinly settled; parts of the continent now set off into populous and powerful States were inhabited then by hardy pioneers. Indeed, in such localities the

Indians and the buffalo were the most numerous inhabitants. Difficulties of communication isolated the States, national characteristics were not developed, and private records were carelessly kept. The national decennial record, therefore, becomes of priceless value. It is the official record, by the name of the citizen and the facts about him, of communities which literally have been transformed.

The schedules for 1830 and 1840, for example, would tell the story of the origin and rise of Chicago, with the name and record of each one of the handful of energetic citizens who launched that great community on its successful career. How great is the historical value of these early schedules and their importance to the student and genealogist can readily be surmised.

Quite apart from their actual value, these early volumes are interesting on their own account. Printed schedules were not used before 1830. Paper was scarce and expensive, and the early enumerators used whatever they found at hand. The early volumes, therefore, contain the most extraordinary collection of worn and age-stained blanks, the shape and character of which were as various as the men who ruled them by hand and filled them in. Some were found in newspapers of the period, one or two in wall paper, others were sent in neatly bound and lettered in colors. Many of the margins contain quaint comments, and the descriptions of local boundaries are often amusing and most interesting.

If all this can be said of the census schedules of 1800 to 1840, how much more can be said of those of 1790!

The 26 volumes of irregular, time-stained schedules of 1790 are a national curiosity. They are the original records of the first complete periodic census in the world. The names which there appear are those of every head of a family in the United States when George Washington was President. To men and women of Revolutionary ancestry that record has no counterpart, but its pages are as complete for the Tory as the Continental.

These early census schedules are the decennial entries in the national family Bible. They are of value to us all, for they contain the names and records of all of our American ancestors.

There is no good reason for the destruction of these volumes. They are already bound; they require comparatively little room for storage. On the other hand, sentiment and utility demand their preservation.

CENSUS OFFICE, OFFICE OF THE DIRECTOR,
Washington, D. C., April 30, 1902.

DEAR SENATOR ALLISON: I inclose a letter from Dr. F. H. Wines, Assistant Director, who has some reputation as a statistician, concerning the destruction of the census schedules. You will note he does not approve of the destruction of any of them, and gives his views in regard to the subject. I think he represents a certain phase of thought that is opposed to the destruction of any of the records of the Census Office from a scientific standpoint.

Truly, yours,

W. R. MERRIAM, *Director.*

Hon. WM. B. ALLISON,
Senate Chamber.

CENSUS OFFICE, OFFICE OF THE ASSISTANT DIRECTOR.
Washington, April 29, 1902.

Hon. W. R. MERRIAM,
Director of the Census.

SIR: I have examined H. R. 13123, being an act making appropriations for sundry civil expenses, etc., as printed in the Senate (Calendar No. 1160), especially the paragraphs printed on pages 84 and 85 with reference to the disposition to be made of the census schedules, and have the honor to submit the following observations relating thereto.

The original proposal by the House of Representatives to sell for waste paper or to destroy all population schedules, past, present, and future, so soon as the results therein contained shall have been tabulated and published, appears to be based on a failure to appreciate their value as historical records, forming a portion of the archives of the Government. Our laws require the preservation of other records of far less importance. It is difficult to imagine why the population schedules alone should have been selected for destruction. The agricultural and manufactures schedules are far less frequently consulted.

The impulse to burn and destroy these records, which cost so many millions of dollars to produce, and which can never be reproduced, doubtless had for its occasion the request by the Secretary of the Interior for an appropriation which would enable him properly to bind the schedules for 1890, now stored in the basement of the Union Building, on G street.

It is perhaps unfortunate, for this as well as for other reasons, that in the census of 1890 the population was enumerated on what is known as "the family schedule." The theory of that schedule was that it would be generally written up by parties interested in the accuracy of the return, in advance of the call at each house by an authorized enumerator. This expectation was sadly disappointed. The result of the adoption of the family schedule was that in the Eleventh Census the population division had to handle 12,500,000 schedules, or thereabout, as against, let us say, 500,000 separate sheets in the present census, or what would have possibly made 400,000 sheets in 1890. Hence the immense accumulation of material requiring to be bound. All of the schedules prior to 1890 have been bound in 4,616 volumes, which occupy 1,400 or 1,500 lineal feet of shelf space. It is estimated that the population schedules alone for 1890 would occupy four or five times the space required for all the schedules of the 10 censuses prior to 1890.

The Senate amendment to the House bill is less objectionable than the original paragraph, because it provides for the preservation of the schedules of four out of twelve censuses, and because it grants to the several States the option to preserve those of other censuses, if so disposed.

I do not know why the schedules of the censuses for 1790, 1800, 1810, and 1860 are more valuable than those for other years. If any schedules are preserved, why not all? If any are destroyed, why not all?

I further question whether the proposal to sell census schedules to dealers in waste paper is not a virtual violation of the promise of the Government to respect the secrecy of the communications made to it in confidence.

Why should the records prior to 1890, which are already bound and available for reference, and require but 1,500 feet of shelf room—why should they be destroyed? Can any good reason be assigned for such an act of vandalism?

But even if the States should by their separate action rescue these records from the destruction which threatens them, which is very doubtful—some of them may accept the offer made in the act, but others will not—the information contained in them will be so scattered as to be rendered practically inaccessible. And the failure of a portion of the States to provide for their custody and care will destroy their completeness and thus greatly impair their value.

Before 1830 these schedules were in possession of the States. Then Congress required that they should be deposited with the Secretary of State. Many of them had even then been destroyed or lost Will not history repeat itself in this regard?

I am informed that no day passes without the receipt of letters at the Department of the Interior, many of them from courts of justice, asking for information which can be obtained from no other source than from the old census schedules. Their value increases with the lapse of time. The schedules for 1900 will be as interesting to students of history in 2000 as those of 1800 are to students at the present day.

If it were generally known that Congress was considering the question presented in these paragraphs of the sundry civil bill, a storm of indignant protest would be heard from the universities, colleges, and scientific and other learned bodies in the United States, from the National Historical Society, from the National Statistical Association, from the National Economic Association, etc., which would compel further reflection and discussion before what these bodies would regard as an outrage could be consummated. If it should be consummated without opposition or protest on the part of the authorities in charge of the Census Office, when the magnitude and the irreparable nature of the loss thus incurred shall hereafter become apparent to the scientific world, we should share in the reproach visited upon the heads of all concerned in it. For this reason I wish to enter and place on record my most earnest protest, as a statistician, as a citizen, and as a man interested in economic science and in historical research, against the inclusion of this paragraph in the sundry civil act as finally agreed upon and passed.

Besides, these records are needed in this office for further study in years to come. The statistical abstracts published in the census reports are merely tables of figures. They furnish no information as to individuals. At every census some of the inquiries formulated are not included in the fiscal tabulation. There are relations of the facts reported which have not yet been investigated, but for whose investigation the schedules contain much material.

When these new questions are raised and the answer is sought, it will be necessary to go over the former records again in order to secure the proper basis for comparisons.

All of which is respectfully submitted.

FRED. H. WINES, *Assistant Director.*

P. S.—Have I your permission to lay a copy of this communication before the Secretary of the Interior for his information?

Mr. ALLISON. Later on I will ask the Senate to pass over this amendment until there is a larger attendance in the Senate.

Mr. TELLER. The Senator speaks of this amendment as if it had been thoroughly discussed and examined by the committee. I believe the subcommittee did, but I do not recall any considerable examination given by the remainder of the committee. It was passed over rapidly and with very little consideration, I think.

Mr. ALLISON. The Senator may be right as to the details, but the subcommittee went into it very exhaustively, and I may say that I prepared the amendment in accordance with the views of the subcommittee. The amendment was submitted to the general committee for such discussion as they chose to have about it.

Mr. TELLER. So far as I am concerned, I have never given my consent to the destruction of any of these records. I am like the Senator from Connecticut. I think when we reach the point where we can not take care of them it will be time enough to do it; and we have not yet reached that point. With a new Census Office and with a new census force, which we are putting in, there will be abundant room, at least for the next ten years, or until we take the next census, to take care of these records without any embarrassment to anybody, and in the meanwhile we can consider the question whether we shall dispose of them by allowing the States to take such as they wish or whether we will preserve the valuable features, reducing the bulk, or what we will do with them.

Of course, as this country grows the records are going to continue to grow. The CONGRESSIONAL RECORD is getting pretty voluminous. That fact has already attracted attention, and suggestions have been made about adopting a method of eliminating some of the useless speeches. I saw recently a suggestion that in the other body the Committee on Rules might say what should go out, and I believe that met with favor on the part of the committee at least. I do not know how it was with the House generally. In this body we have not any committee with such extraordinary powers, but I suppose we could create one in a short time. We might perhaps reduce the RECORD to a volume, leaving the committee to determine what ought to go in and what ought to go out.

Mr. DEPEW. May I interrupt the Senator from Colorado?

Mr. TELLER. Certainly.

Mr. DEPEW. In appointing a committee of this body or of the House of Representatives to eliminate useless speeches, would the Senator suggest that the committee should be formed of those who make speeches or those who do not?

Mr. TELLER. I do not think it would be a very valuable committee if it were formed of those who make speeches. I think, in order to be effective, it ought to be composed of those who are the silent members of the body. It would hardly do to compose it of the talkative members, I am afraid. However, I suppose we shall do nothing of that kind for a session or two, at least. But I hope we will preserve these records.

Mr. PLATT of Connecticut. Certainly there is no objection to having this matter passed over. I desire that the whole Senate shall understand it. I have only a single word to say now, which is that from the explanation made by the chairman of the committee it seems to me I may draw the inference that the Committee on Appropriations of the Senate were somewhat alarmed, as I have been, at the proposition of the House to destroy these documents, which seem to me to be of great importance, and that, fearing they might not be able to hold their own with the House, they adopted something in the nature of a compromise; that is,

to save some of the records and distribute the rest among the States.

I think we may as well meet the question squarely and have the Senate say that it is unalterably opposed to the destruction of these documents or of the scattering of them. They ought to be in the national capital. If anybody wishes to consult them, he ought not to be obliged to travel to all the States in the Union to get the information desired, and I hope when this matter comes up again before a full Senate there will really be but one opinion on the subject.

Mr. COCKRELL. Mr. President, the Committee on Appropriations had to deal with this matter, and we thought we dealt with it in a better manner than it had been dealt with elsewhere.

Mr. PLATT of Connecticut. I think so, too.

Mr. TELLER. The committee did.

Mr. COCKRELL. As a matter of course, it is for the Senate to determine. It is a very important question. Some of the records are of historic value. I have had occasion once or twice to refer to the old censuses to get a genealogy, a history of transactions, etc., and I found them valuable in that respect.

As a matter of course, the thing that is pressing on the Census Office is room for the records. We are now about to make an arrangement to purchase the present building, and I hope if it has not already been agreed to, it will be.

Mr. PLATT of Connecticut. Such an amendment has been agreed to on the pending bill.

Mr. COCKRELL. Did the Senator from Iowa offer an amendment appropriating $250,000 for that purpose?

Mr. BATE. Yes; and it was adopted.

Mr. ALLISON. It was agreed to.

The PRESIDING OFFICER. The Chair will inform the Senator from Missouri that the amendment has already been agreed to.

Mr. COCKRELL. I knew we had authorized the Director of the Census to see if he could get the building upon satisfactory terms. I did not know the amendment had been agreed to.

But it is for the Senate to determine what disposition shall be made of these records. The Committee on Appropriations is not wedded, so far as I know, nor is any member of it, to any particular thing. We want to do what is for the best. We thought it was far better to distribute these schedules among the States, to keep certain important years for reference here, the years in which the people of nearly all the States would be interested, as some of the new States had come from the older ones and the records would be here. Then the later ones would be given to the States, and would refer very largely to their own population. If they are to be parted with, I still think that the best course to pursue. I do not think any better disposition could be made of them than has been indicated in the bill if we are to part with them, and that is for the Senate finally to determine.

Mr. PLATT of Connecticut. Mr. President, I do not wish to pursue this subject too far, for some of the most interesting of these census schedules appertain to the Territories. There is no provision here to distribute them to the Territories. One of the most interesting of all the schedules relates to the Indian Territory, where we have not any organized government as yet. I happen to know that in the Eleventh Census there was a vast amount of information in regard to the Indian statistics of that Territory which was not published at all and which can only be found in the original papers. That is only one instance where the original papers will have to be consulted to ascertain the facts which they are supposed to contain.

Mr. COCKRELL. As I recollect, a controversy came up about the size of the publication.

Mr. PLATT of Connecticut. Exactly, and so the tables and the returns and what was said about them were cut down and put into a smaller compass.

Mr. COCKRELL. It was very greatly reduced, and some charged that it was the most valuable part that was stricken out.

The PRESIDING OFFICER. Without objection, the amendment will be passed over for the present.

Mr. SIMMONS. Mr. President, I should like to ask the chairman of the committee if he will not consent to an amendment which I propose to the paragraph we have been discussing. The amendment is, after the word "censuses," in line 25, page 84, to insert what I will read:

And the Director of the Census is hereby authorized, upon the request of a governor of any State or Territory, to furnish such governor with copies of so much of said schedules, files, or records as may be requested, at the discretion of the Director of the Census, upon payment of the actual cost of making such copies; and the amounts so received shall be covered into the Treasury of the United States and placed to the credit of and in addition to the appropriation made for the taking of the census.

A bill embracing this amendment has passed the Senate during the present session.

Mr. ALLISON. That seems to be a very sensible amendment.

Mr. PLATT of Connecticut. That we passed. Is it not now the law?

Mr. SIMMONS. It passed the Senate, but has not passed the House.

Mr. ALLISON. It has not passed the House. I ask the Senator from North Carolina to waive his amendment for the present until we take up this question.

Mr. SIMMONS. Certainly.

Mr. ALLISON. Of course it involves an implication that all these schedules will be preserved.

Mr. SIMMONS. You do provide, I understand, for the preservation of the First Census.

Mr. ALLISON. The First, Second, Third, and Eighth.

Mr. SIMMONS. It is the First Census that I want. My State is now preparing certain records, and we are especially anxious to get the schedules of population of the First Census in order to incorporate them in that record.

Mr. ALLISON. I will not object to the insertion of the amendment later on when we take up the question again.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 86, after line 13, to strike out:

For completing the survey of and marking, under the direction of the Secretary of the Interior, of a portion of the west boundary of the Yellowstone National Park, estimated at 8 miles, at not exceeding $50 per mile, $400.

And to insert in lieu thereof:

For the completion of the survey, under the direction of the Secretary of the Interior, of the eastern boundary of the Yellowstone National Park, estimated at 50 miles, at the rate of $50 per mile, including an examination of the survey in the field, $2,800.

The amendment was agreed to.

The next amendment was, in the items for Government Hospital for the Insane, on page 89, line 5, after the word "dollars," to insert "to be immediately available;" so as to make the clause read:

For office and administration building, $145,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 89, line 8, after the word "dollars," to insert "to be immediately available;" so as to make the clause read:

For central heating and lighting plant for entire hospital, including not exceeding $10,000 for sewers, $260,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 89, line 11, after the word "dollars," to insert "to be immediately available;" so as to make the clause read:

For enlarging kitchen for Toner group of buildings, $20,000, to be immediately available.

The reading of the bill was continued to line 19 on page 89.

Mr. ALLISON. After line 19, page 89, I move to insert:

To provide suitable protection against disaster by fire to the buildings of the institution, $3,291, to be immediately available.

Mr. COCKRELL. That is Kendall Green?

The PRESIDING OFFICER. It is Kendall Green.

The amendment was agreed to.

The reading of the bill was continued. The next amendment was, on page 90, line 2, to increase the appropriation for the maintenance of the Howard University, to be used in payment of part of the salaries of the officers, professors, teachers, and other regular employees of the university, from $29,000 to $30,500.

The amendment was agreed to.

The next amendment was, on page 90, line 16, to increase the total appropriation for the maintenance of the Howard University from $40,600 to $42,100.

The amendment was agreed to.

The next amendment was, under the head "Under the War Department" and subhead "Armories and arsenals," on page 90, after line 21, to insert:

For one artillery shed, $16,000.

The amendment was agreed to.

The next amendment was, on page 90, after line 22, to insert:

For new hospital building, $19,500.

The amendment was agreed to.

The next amendment was, under the subhead "Sandy Hook proving ground, New Jersey," on page 91, line 12, to insert:

For one steamer, 115 to 125 feet long, $60,000.

The amendment was agreed to.

Mr. ALLISON. Before passing from page 91, I move to insert, after the word "projectiles," in line 20, in the item for powder depot, near Dover, N. J., the words:

Increase of transportation facilities and for construction of new wagon roads.

And in the same line, before the word "thousand," I move to strike out "sixty-seven" and insert "eighty-seven;" so as to read "$87,700."

The amendments were agreed to.

The reading of the bill was continued. The next amendment

was, in the items for Springfield Arsenal, at the top of page 92, to insert:

For putting in new flume and water wheel, $5,500.

The amendment was agreed to.

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

For macadamizing roadways, $1,800.

The amendment was agreed to.

The next amendment was, on page 92, after line 4, to insert:

For iron-girder bridge across canal, $1,500.

The amendment was agreed to.

The next amendment was, under the subhead "Buildings and grounds in and around Washington," on page 95, line 2, after the word "the," to strike out "officers in charge of public buildings and grounds" and insert "Secretary of War;" so as to make the clause read:

For improvement of that part of Potomac Park west of and adjacent to Monument Park from the intersection of Virginia avenue and B street NW. to Maryland avenue SW. to be expended under the direction of the Secretary of War, who is authorized to appoint the necessary employees in connection therewith, to be immediately available, $70,000: *Provided*, etc.

The amendment was agreed to.

The next amendment was, on page 95, after line 22, to insert:

For the improvement of Iowa Circle, $5,000.

The amendment was agreed to.

The next amendment was, on page 96, after line 2, to insert:

For purchase, repair, and reconstruction of granite posts and iron fencing and park vases injured by fire and otherwise in consequence of stands erected for inaugural ceremonies March 4, 1901, $2,500.

The amendment was agreed to.

The next amendment was, on page 96, line 25, before the words "the unexpended balance," to insert "Sherman statue," and on page 97, line 5, after the word "statue," to insert "and, in addition thereto, the sum of $1,500 is appropriated for the same purpose;" so as to make the clause read:

Sherman statue: The unexpended balance of the sum of $8,000 appropriated by act approved June 6, 1900, for stone coping around the Sherman statue is hereby made available for construction of roadways and paths and for each and every object connected with improvement of the grounds about said statue, and, in addition thereto, the sum of $1,500 is appropriated for the same purpose.

The amendment was agreed to.

The next amendment was, following the item for the Sherman statue on page 97, after line 7, to insert:

For completing and unveiling the statue, $4,000.

The amendment was agreed to.

The next amendment was, on page 97, after line 9, to insert:

Grant memorial: To enable the Commission authorized by the act of February 23, 1901, to commence the erection of a memorial to Gen. Ulysses S. Grant, $50,000; and said Commission is authorized to enter into a contract for the completion of said memorial for a sum not exceeding $240,000, including the amount herein appropriated.

The amendment was agreed to.

The next amendment was, on page 97, line 23, to increase the appropriation for extraordinary repair and refurnishing of the Executive Mansion, from $18,000 to $48,900.

Mr. ALLISON. I ask that the items relating to the Executive Mansion may be passed over for the present. The committee will propose another amendment or two on the subject later on.

The PRESIDING OFFICER. Without objection, the items will be passed over.

Mr. PLATT of Connecticut. All of the paragraphs under this head?

Mr. ALLISON. All down to line 10, on page 98.

The reading of the bill was resumed at line 10, on page 98. The next amendment was, under the subhead "Engineer Department," on page 103, line 18, to reduce the appropriation for improving the channel in Gowanus Bay, New York, from $130,000 to $100,000.

The amendment was agreed to.

The next amendment was, on page 104, line 19, to reduce the appropriation for continuing the improvement of Ambrose Channel (formerly known as East Channel) across Sandy Hook Bar, New York, from $234,000 to $150,000.

The amendment was agreed to.

The reading of the bill was continued to page 105, line 10.

Mr. BATE. The last three or four pages are rather peculiar. They involve questions of rivers and harbors which belong to the Committee on Commerce, and I do not understand the matter. I should like to have it explained.

Mr. ALLISON. The committee hardly understands it either. The Committee on Commerce are in the habit of appropriating various sums for rivers and harbors, and then authorizing the Government to enter into a contract for other sums with a view to the completion of the work. It has been decided that the Committee on Appropriations has jurisdiction of this class of appropriations.

Mr. COCKRELL. On the report of the Committee on Commerce Congress authorizes contracts for them, and then they belong to the Committee on Appropriations.

Mr. ALLISON. After the contracts are made the Committee on Appropriations takes jurisdiction of all the appropriations that are to be expended for those particular improvements.

Mr. BATE. Without any further legislation or authority?

Mr. ALLISON. Without any further legislation. They are estimated for by the War Department, transmitted to the Secretary of the Treasury, and sent here and referred to the Committee on Appropriations.

Mr. SPOONER. Being already provided for by law?

Mr. ALLISON. Being already provided for by law. That has been the custom now for eight or nine years, and if the present river and harbor bill shall pass, it looks to me as though it might be the custom for three or four years longer.

Mr. McLAURIN of Mississippi. In reference to one of these appropriations, for improving the harbor at Gulfport, there was a contract made some years ago for the dredging of a channel there from Gulfport to Ship Island, the cost of which it was estimated by the engineer would be more than $600,000. But the contract was taken for $150,000 by Mr. Jones, of Buffalo, N. Y., I believe, who is president of the Gulf and Ship Island Railroad Company. He was to dredge the channel 19 feet deep. That will have been finished before the next meeting of the Congress of the United States, as I am informed by an official of the War Department, and it was necessary to put this provision in here in order to pay the $150,000. There is no provision for that in the river and harbor bill. That is the only item of which I have any knowledge.

Mr. ALLISON. To what page does the Senator refer?

Mr. McLAURIN of Mississippi. The item for Gulfport, Miss., is on page 104.

Mr. COCKRELL. There is no provision in the river and harbor bill for any of these items.

Mr. McLAURIN of Mississippi. I did not know about that. I only know with reference to one of the items. I can not explain about the others.

Mr. COCKRELL. Some years ago great complaint was made against the river and harbor bill concerning the enormous amount that was appropriated in it, and thereupon reasonably small sums were appropriated for a specific object. The Department was authorized to enter into a contract to go through a number of years and not to exceed an aggregate amount, sometimes nearly ten times the amount that was appropriated. Then these liabilities created by law were imposed upon the Appropriations Committee to comply with. Only such as have been created by law and are continuing obligations are taken charge of by the Appropriations Committee. There is no trespassing upon the rights of the Committee on Commerce.

Mr. BATE. Mr. President, it seems to me very peculiar that the Commerce Committee should appropriate so largely as they have for all these rivers and harbors at this session and at former sessions and still have nothing to do with these items. There is, as I understand it, no expression in the legislation of this session in regard to this matter at all, but it just goes to the Committee on Appropriations. This appears to me to be very singular.

Mr. SPOONER. But the river and harbor bill failed a year or two ago. It would have been rather a bad thing if there had not been some committee to take care of these continuing contracts.

Mr. BATE. It seems to me some legislation should have been had. I am not undertaking to criticise the committee at all, but I think it ought to be looked into.

Mr. COCKRELL. It is legislation that creates this condition. It is laws of Congress that authorize the Department to make these contracts.

Mr. SPOONER. River and harbor legislation.

Mr. COCKRELL. It is river and harbor legislation, and now, after the contract is made, just like we authorize other Departments to make contracts, it is incumbent upon the Appropriation Committee to appropriate the amount that the contract calls for. As to the propriety or impropriety of the work, the Committee on Appropriations has no jurisdiction and no power to say a word. But I call the attention of the Senator from Tennessee to the fact that by placing upon the appropriation bill the appropriations to complete these contracts the Committee on Commerce are relieved from a large sum every year, and so the amount for rivers and harbors does not appear except in the bill making appropriations for rivers and harbors.

Mr. BATE. If I understand the situation, Mr. President, there was no legislation in regard to rivers and harbors last year, and so this must be legislation for several years back—two, three, or four years.

Mr. COCKRELL. Yes; some of it going back six or seven years.

Mr. BATE. There has not been any legislation for the last two years, and the continuing contracts have been going on all this time.

Mr. WARREN. Mr. President, I understand this money is all really appropriated in the river and harbor appropriation bill by the Committee on Commerce. That committee, however, are not credited with it, but it is charged up to the Committee on Appropriations, because that committee has become the paymaster for paying debts already contracted by the Committee on Commerce in the river and harbor bill.

Mr. ALLISON. The Senator from Wyoming [Mr. WARREN] states the case exactly as it is. The Committee on Commerce gets credit for providing for all these great works, while the expense is charged up to the Committee on Appropriations. [Laughter.]

I understand the Senator from Tennessee [Mr. BATE] criticises our reporting the several paragraphs in this bill relating to rivers and harbors.

Mr. BERRY. I presume there is nothing personal in that.

Mr. BATE. I had no idea of criticising the Committee on Appropriations, but I thought it rather strange that such items should be contained in the sundry civil appropriation bill.

Mr. ALLISON. There is but one explanation in reference to it, and that is that several years ago, under the guardianship and guidance of the distinguished Presiding Officer of the Senate [Mr. FRYE], who was then, as he is now, the chairman of the Committee on Commerce, that committee devised a scheme whereby appropriations should be made for particular rivers and harbors, and authorized contracts to be made for the entire scheme, thereby assuming—and I think very wisely in some instances—that a contract could be made to greater advantage if the contractor had the opportunity of dealing with the whole subject, as in the case of Galveston Bay—if I may be permitted to introduce a special case—where we provided for the expenditure of $6,000,000 for the improvement of Galveston Harbor. We did not then appropriate the amount, but we authorized a contract to be made not exceeding $6,000,000 for Galveston Harbor, to produce a waterway there, I think, 23 feet deep.

After that river and harbor bill was passed the Committee on Appropriations was given jurisdiction of all that remained of that $6,000,000 and not appropriated in the bill itself. So we kept on for five or six years in the Committee on Appropriations looking into the river and harbor laws to see how much had been appropriated and what was the limit of the appropriation. We have dealt with this subject ever since. Four or five years ago the Committee on Appropriations reported an amendment authorizing the Committee on Commerce to take charge of these appropriations, as seems to be suggested now by the venerable Senator from Tennessee [Mr. BATE]; but it was ruled out on a point of order, and the Committee on Appropriations were unable to get rid of the task.

Mr. WARREN. It is somewhat like the public building appropriations.

Mr. ALLISON. Yes, these river and harbor appropriations are somewhat like the public building appropriations.

Mr. BATE. I understand really, Mr. President, that the Committee on Commerce found the amount too large for them to shoulder, and they tried to divide the responsibility and put part of it on the Committee on Appropriations.

Mr. ALLISON. Not at all. That is not my criticism. I am simply stating that the law having been passed, the jurisdiction of the Committee on Appropriations attached to this subject, because it is the duty of the Committee on Appropriations to appropriate money in pursuance of law.

Mr. TELLER. Mr. President, a good many years ago it was our custom to make appropriations for rivers and harbors, in this way: The engineers would make estimates of the amounts needed for the improvement of the rivers and harbors, and perhaps we would appropriate one-tenth of the total amount. The next time the river and harbor bill came in we might not make any appropriation at all. Then the work stood still until the whole benefit had perhaps disappeared.

I myself recall that I criticised that system in the Senate as much as twenty years ago and suggested that the only proper way for the doing of such work was to make a contract for the entire work, appropriate a certain amount, and then appropriate for it every year, as you would for any other contract. Some years ago that system was adopted, and I want to say that, so far as I have seen and observed, it has been a very desirable change from the old system. There is no question about that.

When a river and harbor bill failed, as would be the case once in a while, all the work upon the improvements of rivers and harbors stopped. We should not have had the Galveston Harbor in the shape it is now for many years yet under the old system. I think the new system is a most valuable and economical one; one that is calculated to carry on river and harbor improvements in a businesslike way. I have never heard it complained of until now, and I do not think it is susceptible of any complaint.

Mr. McLAURIN of Mississippi. Mr. President——

Mr. ALLISON. I wish to say a word further in response to the suggestion made by the Senator from Mississippi as to Gulfport, if that is the one.

Mr. McLAURIN of Mississippi. Yes, sir. If the Senator will allow me, I do not know that it is of any importance, but I wish to make a statement——

Mr. ALLISON. I yield to the Senator.

Mr. McLAURIN of Mississippi. I may be mistaken as to the party with whom the contract was made by the Government for the dredging of the channel, but a contract was made by the Government for the dredging of the channel from Gulfport to Ship Island, which was for $150,000, to be paid when the channel was completed to the depth of 19 feet. I was informed by the War Department, when I inquired there, that that work would be finished before Congress again met, that it was a proper appropriation, and that it should be made in the sundry civil bill.

Mr. ALLISON. I understand that an appropriation for it is already in this bill.

Mr. McLAURIN of Mississippi. I know it is.

Mr. ALLISON. And the appropriation is exactly for the amount estimated.

Mr. McLAURIN of Mississippi. I have made the statement in explanation of the question asked by the Senator from Tennessee [Mr. BATE]. The Senator from Tennessee asked how it came that these improvements in reference to rivers and harbors should be provided for in this bill.

Mr. ALLISON. The provision for the harbor at Gulfport, Miss., was contained in the river and harbor act of 1899.

Mr. McLAURIN of Mississippi. Yes, sir.

Mr. ALLISON. No appropriation was made last year, but this year there is an estimate for $150,000 and an appropriation of the same amount.

Mr. COCKRELL. I suggest, after this animated discussion, that we had better take a little rest.

Mr. ALLISON. The Senator from Missouri suggests an adjournment. Before the adjournment is taken, I inquire of the Chair if all the river and harbor items have been acted upon?

Mr. COCKRELL. Yes; they have all been acted upon.

The PRESIDENT pro tempore. The bill has been acted upon down to the provision for national cemeteries, beginning in line 11 on page 105.

EXECUTIVE SESSION.

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

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were reopened, and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 2, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 1, 1902.

CONSUL-GENERAL.

Thomas Nast, of New Jersey, to be consul-general of the United States at Guayaquil, Ecuador, vice Perry M. De Leon, resigned.

POSTMASTERS.

George J. McCabe, to be postmaster at Bisbee, in the county of Cochise and Territory of Arizona, in place of John G. Pritchard. Incumbent's commission expires May 5, 1902.

William D. Ingram, to be postmaster at Lincoln, in the county of Placer and State of California, in place of William D. Ingram. Incumbent's commission expires May 5, 1902.

Charles G. Chamberlain, to be postmaster at Pacific Grove, in the county of Monterey and State of California, in place of Charles G. Chamberlain. Incumbent's commission expires May 4, 1902.

Shelley Inch, to be postmaster at Placerville, in the county of Eldorado and State of California, in place of Shelley Inch. Incumbent's commission expires May 4, 1902.

W. J. Hill, to be postmaster at Salinas, in the county of Monterey and State of California, in place of John G. Joy. Incumbent's commission expires May 11, 1902.

Stephen A. Noyes, to be postmaster at Idaho Springs, in the county of Clear Creek and State of Colorado, in place of Stephen A. Noyes. Incumbent's commission expires May 4, 1902.

Dick M. Kirby, to be postmaster at Palatka, in the county of Putnam and State of Florida, in place of Dick M. Kirby. Incumbent's commission expires May 2, 1902.

Chester B. Claybaugh, to be postmaster at Toulon, in the county of Stark and State of Illinois, in place of Chester B. Claybaugh. Incumbent's commission expires May 4, 1902.

Miles K. Moffett, to be postmaster at Connersville, in the county of Fayette and State of Indiana, in place of John Payne. Incumbent's commission expires May 5, 1902.

John C. Fudge, to be postmaster at Dunkirk, in the county of Jay and State of Indiana, in place of John C. Fudge. Incumbent's commission expires May 5, 1902.

Daniel Lynch, to be postmaster at Lowell, in the county of Lake and State of Indiana, in place of Daniel Lynch. Incumbent's commission expires May 5, 1902.

George A. Watts, to be postmaster at Clear Lake, in the county of Cerro Gordo and State of Iowa, in place of George A. Watts. Incumbent's commission expires May 5, 1902.

William Smith, to be postmaster at Galena, in the county of Cherokee and State of Kansas, in place of William Smith. Incumbent's commission expires May 5, 1902.

James M. Wilson, to be postmaster at Falmouth, in the county of Pendleton and State of Kentucky, in place of James M. Wilson. Incumbent's commission expires May 4, 1902.

George Downes, to be postmaster at Calais, in the county of Washington and State of Maine, in place of Willard H. Pike. Incumbent's commission expired February 18, 1902.

Benjamin F. Brooks, to be postmaster at Barre, in the county of Worcester and State of Massachusetts, in place of Benjamin F. Brooks. Incumbent's commission expires May 5, 1902.

Augustus M. Bearse, to be postmaster at Middleboro, in the county of Plymouth and State of Massachusetts, in place of Augustus M. Bearse. Incumbent's commission expires May 5, 1902.

John D. Smead, to be postmaster at Blissfield, in the county of Lenawee and State of Michigan, in place of John D. Smead. Incumbent's commission expires May 4, 1902.

Henry C. Minnie, to be postmaster at Eaton Rapids, in the county of Eaton and State of Michigan, in place of Henry C. Minnie. Incumbent's commission expires May 5, 1902.

Robert B. Kreis, to be postmaster at Monticello, in the county of Wright and State of Minnesota, in place of Robert B. Kreis. Incumbent's commission expires May 5, 1902.

Joseph M. Phelps, to be postmaster at Centralia, in the county of Boone and State of Missouri, in place of Joseph M. Phelps. Incumbent's commission expires May 2, 1902.

William W. Arnold, to be postmaster at Fulton, in the county of Callaway and State of Missouri, in place of William W. Arnold. Incumbent's commission expired January 14, 1902.

Charles L. Harris, to be postmaster at Harrisonville, in the county of Cass and State of Missouri, in place of James W. Brocaw. Incumbent's commission expires May 2, 1902.

William H. Haughawout, to be postmaster at Webb City, in the county of Jasper and State of Missouri, in place of William H. Haughawout. Incumbent's commission expired April 21, 1902.

Frank D. Reed, to be postmaster at Shelton, in the county of Buffalo and State of Nebraska, in place of Frank D. Reed. Incumbent's commission expires May 5, 1902.

Patrick J. O'Brien, to be postmaster at Durham, in the county of Durham and State of North Carolina, in place of Patrick J. O'Brien. Incumbent's commission expires May 2, 1902.

Clifton G. Ducomb, to be postmaster at Ashland, in the county of Ashland and State of Ohio, in place of Clifton G. Ducomb. Incumbent's commission expires May 10, 1902.

Atwell E. Ferguson, to be postmaster at Gibonsburg, in the county of Sandusky and State of Ohio, in place of Atwell E. Ferguson. Incumbent's commission expires May 10, 1902.

Manning M. Rose, to be postmaster at Marietta, in the county of Washington and State of Ohio, in place of Manning M. Rose. Incumbent's commission expires May 5, 1902.

John A. Wallace, to be postmaster at Chester, in the county of Delaware and State of Pennsylvania, in place of Thomas H. Higgins. Incumbent's commission expired April 28, 1902.

John Scher, jr., to be postmaster at Dushore, in the county of Sullivan and State of Pennsylvania, in place of John Scher, jr. Incumbent's commission expires May 11, 1902.

John P. S. Fenstermacher, to be postmaster at Kutztown, in the county of Berks and State of Pennsylvania, in place of John P. S. Fenstermacher. Incumbent's commission expires May 12, 1902.

John T. Palmer, to be postmaster at Stroudsburg, in the county of Monroe and State of Pennsylvania, in place of John C. Bensinger. Incumbent's commission expires May 11, 1902.

Harry D. Patch, to be postmaster at Wilmerding, in the county of Allegheny and State of Pennsylvania, in place of Harry D. Patch. Incumbent's commission expires May 4, 1902.

John D. Cotton, to be postmaster at Parker, in the county of Turner and State of South Dakota, in place of John D. Cotton. Incumbent's commission expires May 4, 1902.

Joseph W. Howard, to be postmaster at Greeneville, in the county of Greene and State of Tennessee, in place of Joseph W. Howard. Incumbent's commission expires May 10, 1902.

Thomas D. Bloys, to be postmaster at Honey Grove, in the county of Fannin and State of Texas, in place of Thomas D. Bloys. Incumbent's commission expires May 10, 1902.

Minnie A. Benton, to be postmaster at Saxtons River, in the county of Windham and State of Vermont, in place of Minnie A. Benton. Incumbent's commission expires May 4, 1902.

Thomas S. Chittenden, to be postmaster at Ripon, in the county of Fond du Lac and State of Wisconsin, in place of Thomas S. Chittenden. Incumbent's commission expires May 10, 1902.

Arthur J. Hudson, to be postmaster at Clifton, in the county of Graham and Territory of Arizona, in place of Elias M. Williams, resigned.

Roger Walwark, to be postmaster at Ava, in the county of Jackson and State of Illinois. Office became Presidential April 1, 1902.

Lincoln Hall, to be postmaster at Burt, in the county of Kossuth and State of Iowa. Office became Presidential April 1, 1902.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 1, 1902.

SECRETARY OF LEGATION.

Robert Mason Winthrop, of Massachusetts, to be secretary of the legation of the United States at Brussels, Belgium.

REGISTERS OF THE LAND OFFICE.

Joseph H. Battenfield, of Arkansas, to be register of the land office at Dardenelle, Ark.

John I. Worthington, of Arkansas, to be register of the land office at Harrison, Ark.

RECEIVERS OF PUBLIC MONEYS.

Charles M. Greene, of Harrison, Ark., to be receiver of public moneys at Harrison, Ark.

John G. Chitwood, of Arkansas, to be receiver of public moneys at Dardanelle, Ark.

Edward A. Schicker, of Arkansas, to be receiver of public moneys at Camden, Ark.

John E. Bush, of Arkansas, to be receiver of public moneys at Little Rock, Ark.

POSTMASTERS.

Robert S. Sharp, to be postmaster at Chattanooga, in the county of Hamilton and State of Tennessee.

Hugo E. Smith, to be postmaster at McKinney, in the county of Collin and State of Texas.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 1, 1902.*

The House met at 12 o'clock m.

Rev. HENRY N. COUDEN, D. D., offered the following prayer:

Our Father who art in heaven, from whom cometh our noblest and highest ambition, help us with firm resolve and lofty endeavors to satisfy the demands of our better nature in all that we undertake this day, and hear us when we pray for the member who is so near to death's door. Restore him, we beseech Thee, if it is in accordance with Thy will, to life and strength, that he may return to the place which he has so faithfully and nobly filled these many years. Hear us in the name of Jesus Christ, our Lord. Amen.

The Journal of yesterday's proceedings was read.

CORRECTION.

Mr. LANHAM. Mr. Speaker——

The SPEAKER. Does the gentleman from Texas wish to correct the Journal or the RECORD?

Mr. LANHAM. I wish to correct the Journal. The application of my colleague [Mr. RANDELL of Texas] on yesterday for leave of absence was intended to be for three weeks, and I notice the Clerk read three days. I would like to have the correction made in accordance with the fact.

The SPEAKER. The correction will be made as indicated by the gentleman from Texas. Without objection, the Journal will stand as approved.

There was no objection.

MILITARY OPERATIONS IN THE ISLAND OF SAMAR.

Mr. HULL. Mr. Speaker, I am directed by the Committee on Military Affairs to submit the following report on a privileged resolution, No. 231.

The Clerk read as follows:

Whereas the question of who is primarily responsible for orders which Gen. Jacob Smith, United States Army, is alleged to have issued (and which by the public press he is alleged to have admitted to have issued) relating to military operations in Samar, Philippine Islands, is involved in doubt and is a matter of public interest: Now, therefore, be it

Resolved by the House of Representatives, That the Secretary of War, if not incompatible with the public interest, be, and he is hereby, requested to furnish to the House a copy of all orders and instructions which have been forwarded to the commanding military officer in the Philippine Islands relating

to the conduct of military operations in the island of Samar, and especially those orders issued prior to and relating to the campaign of said General Smith in said island of Samar.

With the following amendment recommended by the Committee on Military Affairs:

Strike out the preamble.

Mr. BURLESON. Mr. Speaker, inasmuch as the preamble of this resolution has been stricken out, does not the gentleman from Iowa think it would be well——

Mr. HULL. We struck out the preamble because it recites simply what appears in the newspaper, and we did not regard it as adding anything to the resolution.

Mr. BURLESON. I make no point about that; but inasmuch as you have stricken out the preamble, does not the gentleman think he ought to specify what particular Smith is referred to?

Mr. HULL. The whole resolution refers to the island of Samar, and General Smith is the only one in command in the island of Samar.

Mr. BURLESON. I suggest that the gentleman insert the words "Jacob H."

Mr. HULL. I have no objection to that, although it seems to me that it is definite enough as it is.

The SPEAKER. Will the gentleman from Texas send up his amendment?

Mr. BURLESON. I will. It is to insert "Jacob H." after the word "General" in line 8.

The Clerk read the amendment as follows:

In line 8, after the word "General," insert the words "Jacob H."

The amendment was agreed to.

The committee amendment was agreed to.

The resolution was adopted.

Mr. HULL. Mr. Speaker, I am also instructed by the Committee on Military Affairs to report back the resolution which I send to the desk, with the recommendation that it lie on the table.

The resolution was read, as follows:

Whereas it is stated in the public press that at a court-martial held in Manila, P. I., April 25, 1902, Gen. Jacob H. Smith, an officer of the United States Army, charged with conduct prejudicial to good order and discipline, counsel for defense admitted that General Smith gave instructions to Major Waller to kill and burn and make Samar a howling wilderness; that he wanted everybody killed capable of bearing arms, and that he did specify all over 10 years of age: Therefore, be it

Resolved, That the Secretary of War be, and he is hereby, requested to report to the House of Representatives if said orders were issued with the knowledge and approval of the War Department; and if not, be it further

Resolved, That the Secretary of War be, and he is hereby, requested to ascertain and report to the House of Representatives whether said orders were issued by General Smith acting on his own responsibility or under the instructions of any superior officer.

The report of the committee was as follows:

Your committee having reported House resolution No. 231, which is for a similar purpose, recommend that this resolution lie on the table.

The SPEAKER. The question is on agreeing to the report of the committee that the resolution lie on the table.

The report was agreed to.

CHANGE OF REFERENCE.

Mr. GROSVENOR. Mr. Speaker, I wish to call attention to the bill (H. R. 13480) to provide an American register for the steamer *Brooklyn*. This bill, by an erroneous reference, went to the Committee on Interstate and Foreign Commerce and was reported by that committee. I ask that the bill be recommitted to the same committee, and that then the reference be changed to the Committee on Merchant Marine and Fisheries. I have spoken with the chairman of that committee, and he agrees with me that this course is proper.

The SPEAKER. The gentleman from Ohio asks that House bill 13480, now upon the Private Calendar, having been reported by the Committee on Interstate and Foreign Commerce, be recommitted to that committee, and that then the reference be changed to the Committee on Merchant Marine and Fisheries. Without objection, the change of reference will be made.

LANDS IN CALIFORNIA.

Mr. BRUNDIDGE, by unanimous consent, submitted the views of a minority of the Committee on the Public Lands on the bill (H. R. 2025) to provide for the examination and classification of certain lands in the State of California; which were ordered to be printed.

EXAMINATIONS AND APPOINTMENTS UNDER CIVIL SERVICE.

Mr. GILLETT of Massachusetts. I desire to present a privileged report from the Committee on Reform in the Civil Service.

The following resolution, introduced by Mr. HAY and reported back from the Committee on Reform in the Civil Service with a favorable recommendation, was read:

Resolved by the House of Representatives, That the Civil Service Commission be requested to furnish to the House of Representatives the following information:

First. The number of persons on the registers of the Commission eligible to appointment.

Second. The number of persons appointed to office in the Government service of the United States from the registers of the Civil Service Commission from July 1, 1901, to April 15, 1902.

Third. The number of persons who ranked No. 1 on their examination who have been appointed to office from the registers of the Civil Service Commission from July 1, 1901, to April 15, 1902.

The question being taken, the report of the committee was agreed to, and the resolution was adopted.

FOG-SIGNAL STATION, PATAPSCO RIVER, MARYLAND.

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

The bill (H. R. 12085) providing for the completion of a light and fog-signal station in the Patapsco River, Maryland, was read, with the amendments of the Committee on Interstate and Foreign Commerce.

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

Mr. RICHARDSON of Tennessee. I can not consent to the consideration of this bill at the present time. I am compelled to object.

REMOVAL OF PORT OF ENTRY TO ELIZABETH CITY, N. C.

Mr. SMALL. I ask unanimous consent for the consideration of the bill which I send to the desk.

The bill (S. 3361) providing for the removal of the port of entry in the Albemarle collection of customs district, North Carolina, from Edenton, N. C., to Elizabeth City, N. C., was read, as follows:

Be it enacted, etc., That section 2555 of the Revised Statutes of the United States, second edition, 1878, be amended by striking out the word "Edenton" in the last line of the first subsection and inserting in lieu thereof the words "Elizabeth City."

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. SMALL, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS THE MANATEE RIVER, IN THE STATE OF FLORIDA.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4768) to authorize the United States and West Indies Railroad Company, of the State of Florida, to construct a bridge across the Manatee River, in the State of Florida, which I will send to the desk.

The Clerk read the bill at length.

The SPEAKER. The gentleman from Florida asks unanimous consent for the present consideration of the bill (S. 4768) to construct a bridge across the Manatee River in the State of Florida, which the Clerk has read. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

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

On motion of Mr. SPARKMAN, a motion to reconsider the last vote was laid on the table.

LOUDON PARK NATIONAL CEMETERY.

Mr. SCHIRM. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4932) providing for the extension of the Loudon Park National Cemetery, near Baltimore, Md., which I will send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to purchase such additional land as may be necessary for the extension of the Loudon Park National Cemetery, near Baltimore, Md., to provide burial for such soldiers, sailors, and marines as are by law entitled to interment in said cemetery; and to provide for the purchase of said land and for the necessary improvement of same the sum of $15,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

The SPEAKER. The gentleman from Maryland asks unanimous consent for the present consideration of the bill (S. 4932) providing for the extension of the Loudon Park National Cemetery, which the Clerk has read. Is there objection?

Mr. MADDOX. Mr. Speaker, observing the right to object, I would like to have this bill explained.

Mr. SCHIRM. Mr. Speaker, this bill provides for the extension of the Loudon Park National Cemetery. That cemetery now contains about 3⅞ acres. There is a certain space reserved for memorial services. Upon this space are built four monuments and a rostrum. It was reported by Lieut. Col. C. F. Humphrey, deputy quartermaster-general, to the Quartermaster-General of the United States Army in 1897 that on the lot set apart for burial purposes there was available space for about 165 graves. Now, to my actual knowledge, we have encroached upon the ground set apart for memorial services, and have already made about 120 graves on the space between the monuments and the rostrum. The bodies of the regular soldiers from Fort McHenry and of the veterans of the civil and the Spanish wars are buried in this cemetery, and unless this extension is made there will be no available space to dispose of them.

Mr. MADDOX. How much does the bill carry? I could not hear it as it was read.

Mr. SCHIRM. Fifteen thousand dollars, or as much thereof as will be necessary. There is a statement appended to the report here, which has been carefully gone over by the War Department and by the Committee on Military Affairs, and it is conceded to be a small estimate for the land and the work required for extending the walls and making the necessary improvements.

Mr. MADDOX. Was it reported by the committee unanimously?

Mr. SCHIRM. Yes.

Mr. MADDOX. This is a national cemetery?

Mr. SCHIRM. Yes.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

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

On motion of Mr. SCHIRM, a motion to reconsider the last vote was laid on the table.

JAMES M. OLMSTEAD.

Mr. LOUD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13659) to correct the military record of James M. Olmstead, which I will send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to amend the military record of James M. Olmstead so as to fix September 8, 1863, as the actual date of said Olmstead's discharge from the service as second lieutenant Company F, Eleventh Regiment Kentucky Volunteer Cavalry, the same being the date to which he was paid and upon which his service terminated.

Amend by striking out in line 4 the words "and directed."

The SPEAKER. The gentleman from California asks unanimous consent for the present consideration of the bill (H. R. 13659) to correct the military record of James M. Olmstead. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendment.

The amendment was agreed to.

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

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

THIRD AND FOURTH CLASS MAIL MATTER.

Mr. RYAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13169) relating to third and fourth class mail matter, which I will send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That third and fourth class mail matter shall not be remailed to sender until the proper postage has been fully prepaid on the same: *Provided*, That in all cases when undelivered mail matter of the third and fourth class is of obvious value the sender, if known, shall be given the opportunity of prepaying the return postage or accepting delivery to himself, or upon his order, at the office where it is held, upon the payment of 1 cent postage for each card notice given him, under such regulations as the Postmaster-General may prescribe.

Amend by striking out the commas after "himself" and "or" in line 8 and by adding a comma after "order" in line 9.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of the bill (H. R. 13169) relating to third and fourth class mail matter, which the Clerk has read. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendments.

The amendments were agreed to.

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

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. RYAN, a motion to reconsider the last vote was laid on the table.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. McCLEARY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 14019) making appropriations for the District of Columbia.

The SPEAKER. The gentleman from Minnesota moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 14019) making appropriations for the District of Columbia.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole for the further consideration of the bill H. R. 14019, with Mr. GILLETT of Massachusetts in the chair.

Mr. McCLEARY. Mr. Chairman, at the close of the session last evening the gentleman from Missouri [Mr. RUCKER] had the floor with the understanding that he should continue his speech this morning, and he is to have such time as he wants to finish his remarks.

Mr. RUCKER rose and was recognized.

Mr. BENTON. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. BENTON. I rise to yield such time to my colleague [Mr. RUCKER] as he desires to finish his speech.

The CHAIRMAN. The Chair has already recognized the gentleman from Missouri.

Mr. RUCKER. Mr. Chairman, when the House adjourned on yesterday, I was discussing the proposition of authorizing and requiring the assessment and taxation of personal property in the District of Columbia. In connection with my remarks I took occasion to read the language of certain citizens of this District, as reported in the papers, in opposition to the enactment of such a law. I concede that these gentlemen have a right to the views they entertain, and a perfect right to express those views; but since they have publicly discussed pending legislation, I claim the right to refer to their utterances and to criticise them if the language used justifies criticism.

I quoted declarations of gentlemen to the effect that a law requiring the assessment of personal property in the District could not be enforced; that it would make liars of everybody, and that such a law would be a tax on honesty. I now read from the Washington Post of February 15, 1902:

Mr. Thomas Blagden said he personally opposed personal taxation. He wished to know how the assessor was going to get at the facts. He said it was a tax on honesty.

Another Richmond in the field who entertains grave fears that this law can not be enforced and that its attempt will corrupt and debauch the citizenship of this community. It is strange, passing strange, that so many of these self-constituted guardians of public morals and advocates of the rich men of this town are in such perfect accord and so harmonious in their views as to the practical operation of the proposed law.

If the statements of these eminent gentlemen who are "native here and to the manor born," and who profess personal knowledge, are accepted as sufficient to establish the proposition for which they contend—that a personal tax is a tax on honesty—then perhaps the strongest argument which may be made in opposition to the enactment of this law has not yet been made. The purpose of this legislation is to raise increased revenues for the District; but if its effect will be to put a tax on honesty, as these gentlemen insist, then the result may be disappointing to its friends.

But, Mr. Chairman, in whose behalf have these distinguished gentlemen spoken? Who doubts for one moment that the power behind the throne is the owners of the hundreds of millions of wealth, which, under existing law in this District, wholly, or nearly so, escapes taxation? To suppose that all the energy and activity we have witnessed is prompted by a worthy and righteous desire to protect and shield the poor or those in moderate circumstances would do violence to the intelligence of any gentleman on this floor. What prominent citizen has taken it upon himself to call a public meeting in this town in their behalf, or who has shown the courage to utter one word in defense of this class of people? What newspaper published in Washington has espoused the interests of the humble citizen or contained one line in advocacy of his cause? A tax upon personal property is of benefit to the poor man, because its logical and necessary result is to lower the rate of taxation.

A prominent Washington paper of January 28, 1902, said editorially:

The first requisite for such a personal tax scheme as the Post expects Congress to establish is a liberal exemption provision.

And further it said:

To assess real estate and mortgages on such real estate is to duplicate taxation. Let the tax reach visible assets, tangible effects, such as horses, carriages, etc., and let it avoid the inquisitorial feature and we are confident good citizens will not object.

Who are the good citizens who, after all opposition has signally failed, would welcome with approval a law which "avoids the inquisitorial feature" and imposes a burden upon "visible assets," "tangible effects" not borne by other kinds of personal property? Evidently the newspaper speaks for the rich, for the money lender, for the millionaire. Real estate is "visible" and "tangible," but the debt secured by mortgage is not.

In the absence of the dreaded "inquisitorial feature" this class of property—this token of wealth—might go into hiding, and thus continue to escape taxation. As far as possible double taxation should be avoided, but if either the mortgaged home or the debt secured upon that home must escape, then, I submit, every dictate of reason, every suggestion of fair play and common honesty requires that the mantle of protection should be thrown around the shattered home and give it the benefit of the exemption. But there should be no exemption.

Mr. CLARK. May I ask my colleague a question?

The CHAIRMAN. Does the gentleman yield?

Mr. RUCKER. Certainly.

Mr. CLARK. Do you not believe that if the right of suffrage was restored to the people of the District of Columbia, as I provide in a bill that I have pending here, they would pass such laws as would hunt out this concealed property and make it pay its part of the taxes?

Mr. RUCKER. Mr. Chairman, answering in a very general way the question of my colleague, I desire to say that I am satisfied every bill he has introduced in this Congress possesses merit, but I am opposed to giving the citizens here any more liberties until they assume more of the burdens. I expect they ought to be allowed to vote.

Mr. CLARK. Couple the responsibilities with the privilege and throw the burden on them instead of having it assumed by the House of Representatives, and do you not think they would hunt up the tax dodgers like they do in the States?

Mr. RUCKER. Judging from the expressions I have read in the press of distinguished citizens of this town, I doubt the capacity of my friend, with all his ingenuity, to devise any scheme which would make a Washingtonian love to pay taxes. [Laughter.]

Other objections urged to the passage of a personal-tax law are of a character which tempts me to exclaim, in the language of Mark Antony, "If you have tears, prepare to shed them now."

Mr. Roessle, according to the Post, said:

> Taxes are so heavy in Washington that people are being driven to suburban towns in Maryland and Virginia.

Mr. Parker is quoted in the same paper as saying:

> It would ruin Washington to increase taxes now. It would drive away from here just the people we have to depend upon. The people who have large holdings of personal property, who would be most affected by the levy of a personal tax, are the rich men who have come here to reside. This is a resident city, not a business city. If a personal tax is imposed on the wealthy resident he will move away.

If this be true, if there be a rich man in this city so purely selfish and so very parsimonious and niggardly that he would change his domicile rather than submit to the just and equitable provisions of a law that exacts of him only the same reasonable tribute it demands of his less fortunate neighbor, then, in my judgment, the sooner he moves the better. If he has no broader conception of the duties of citizenship, if he has no loftier aspiration than to become a parasite upon the community, he is not a desirable citizen here and will not be elsewhere. But, go where he may, he will find no place of retreat, no haven of security from taxation such as is now being enjoyed by the owners of great wealth in Washington.

Yes, he may "take the wings of morning and fly to the uttermost parts of the earth," but when he alights, thank God, he will find on the one hand a vigilant assessor clothed with an "inquisitorial" blank to force him to uncover and disclose his wealth, and on the other a diligent tax collector, armed with legal process to compel him to "render unto Cæsar the things that are Cæsar's." And in the end, when hope has departed and he is engulfed in deep despair, he may be led to proclaim, in the language of the blind poet—

> Me miserable! Which way I fly is hell;
> Myself am hell.

[Laughter and applause.]

I hope a law subjecting all personal property to taxation will pass at this session regardless of all opposition that has arisen or may arise to defeat it. It is a shame that it has been so long deferred.

Mr. Chairman, in no section of the United States are the people treated with such unprecedented and inexcusable partiality and favoritism as in the District of Columbia. The time honored but almost obsolete principle of "equal rights to all and special privileges to none," which we all still profess to respect, seems to have no application here. It has been ruthlessly brushed aside and repudiated in our discriminating and fostering care of the interests and welfare of the inhabitants of this city and District.

The civil-service law expressly provides that appointments to public service in the Departments at Washington shall be apportioned among the States and Territories and the District of Columbia according to population as shown by the last census. This has not been done. This provision of the law has been ignored and defiantly violated in the interest of resident place hunters, in utter disregard of the rights of citizens of the States.

The law as administered has become a doorway which opens easily to the favored citizen of this city and enables him to reach the goal of his ambition—a desirable and lucrative position in public service—and then abruptly closes with a self-acting double-combination lock to the vast majority of applicants from the States. It seems to me the law as administered has become a farce and a fraud, and that it ought to be promptly repealed, unless its provisions can be fairly executed.

In a pamphlet recently issued by the Civil Service Commission I find this table:

SEC. 184. The following table shows the apportionment of appointments in the departmental service at Washington, D. C., from July 16, 1883, to January 1, 1902, under the census of 1900:

State or Territory.	Entitled.	Appointments.			Separations.	Net appointments charged.
		Through examination.	Through reinstatement.	Through transfer.		
Alabama	183	134	14	8	37	119
Alaska	6	2				2
Arizona	10	6	1	1	2	6
Arkansas	131	87	5	3	16	79
California	148	113	6	11	21	109
Colorado	54	33	9	9	10	41
Connecticut	91	78	10	10	14	84
Delaware	18	20		3	2	21
District of Columbia	28	262	96	153	61	450
Florida	53	33	3	8	9	35
Georgia	222	173	22	17	53	159
Idaho	16	9		2	1	10
Illinois	482	361	29	36	65	361
Indiana	252	208	19	22	25	224
Indian Territory	34	3	2	3	1	7
Iowa	223	166	14	15	24	171
Kansas	147	122	14	13	17	132
Kentucky	215	161	14	15	36	154
Louisiana	138	90	1	5	14	82
Maine	69	67	4	7	14	64
Maryland	119	165	37	39	35	206
Massachusetts	281	239	13	18	45	225
Michigan	242	198	9	11	34	184
Minnesota	175	109	10	8	17	110
Mississippi	155	112	3	11	21	105
Missouri	311	233	16	17	40	226
Montana	23	12	2	1	3	12
Nebraska	107	81	4	8	14	79
Nevada	4	5		1		6
New Hampshire	41	38	3	5	5	41
New Jersey	188	136	13	11	26	134
New Mexico	19	12		3	2	13
New York	726	578	74	82	134	600
North Carolina	189	138	9	11	21	137
North Dakota	31	14	2	1	1	16
Ohio	416	365	46	36	46	401
Oklahoma	39	8	1	6	3	12
Oregon	41	30	1	6	9	28
Pennsylvania	630	478	48	63	96	493
Rhode Island	43	30	1	1	1	31
South Carolina	134	103	5	7	19	96
South Dakota	39	22		7	7	22
Tennessee	202	152	14	15	31	150
Texas	305	197	15	11	49	174
Utah	28	22	2		9	15
Vermont	34	37	5	1	3	40
Virginia	185	174	31	45	37	213
Washington	52	33	2	3	12	26
West Virginia	96	66	5	11	11	71
Wisconsin	207	152	16	5	26	147
Wyoming	9	7		3	1	9
Total	7,591	6,074	650	788	1,180	6,332

According to this table the District is entitled to only 28 places in the departmental service, but it has taken 450.

The same pamphlet contains this additional table:

SEC. 185. The following table shows the apportionment on January 1, 1902, of appointments to clerical and recognized trades positions in the Government Printing Office on the basis of 2,521 appointments under the census of 1900:

State or Territory.	Entitled.	Appointments.				Separations since June 15, 1898.	Net appointments charged.
		In the service on June 15, 1898.	Since June 15, 1898.				
			Through examination.	Through reinstatement and transfer.	Total.		
Alabama	61	5	13	6	19	7	17
Alaska	2						
Arizona	3		1		1		1
Arkansas	44	16	11	5	16	11	21
California	39	6	21	6	27	13	20
Colorado	18	9	4	1	5	4	10
Connecticut	30	12	8	6	14	8	18
Delaware	6	10		1	1	2	9
District of Columbia	9	260	5	56	61	58	263
Florida	18	2	9	5	14	5	11
Georgia	74	32	13	24	37	30	39
Idaho	5	1				1	
Illinois	161	72	39	35	74	44	102
Indiana	84	49	7	24	31	18	62
Indian Territory	11		1		1		1
Iowa	74	27	26	7	33	18	42
Kansas	49	27	9	8	17	8	36
Kentucky	72	32	17	25	42	32	42
Louisiana	46	11	9	4	13	13	11
Maine	23	3	13	1	14	4	13
Maryland	40	94	7	49	56	44	106
Massachusetts	94	29	50	9	59	21	67
Michigan	81	35	17	13	30	13	52
Minnesota	58	24	18	5	23	15	32
Mississippi	52	15	6	8	14	11	18
Missouri	104	24	44	15	59	23	60
Montana	8	2	1	2	3	3	2
Nebraska	36	15	16	3	19	11	23

State or Territory.	Entitled.	Appointments.				Separations since June 15, 1898.	Net appointments charged.
		In the service on June 15, 1898.	Since June 15, 1898.				
			Through examination.	Through reinstatement and transfer.	Total.		
Nevada	1		1		1		1
New Hampshire	14	10	4	1	5	2	13
New Jersey	63	50	4	20	24	15	59
New Mexico	6	1	1		1		2
New York	242	303	12	105	117	141	279
North Carolina	63	17	11	4	15	11	21
North Dakota	10	7	2	1	3	3	7
Ohio	131	74	30	54	84	49	109
Oklahoma	13	1	2		2		3
Oregon	14	1	5	1	6	2	5
Pennsylvania	210	161	31	61	92	61	192
Rhode Island	14	3	9		9	3	9
South Carolina	45	10	11	12	23	15	18
South Dakota	13	7	1	1	2		9
Tennessee	67	28	17	19	36	24	40
Texas	102	11	41	6	47	21	37
Utah	9	2	2	1	3		5
Vermont	11	6	1	1	2		8
Virginia	62	50	9	17	26	19	57
Washington	17	2	6	1	7	2	7
West Virginia	32	26		15	15	12	29
Wisconsin	69	9	26	3	29	12	26
Wyoming	3		1		1		1
Total	2,521	1,591	592	641	1,233	809	2,015

In this service the District is entitled to 9, but enjoys 263 positions. In the various departments at Washington there were on January 1, 1902, as shown by the tables just read, a total of 8,347 employees, of which the District was entitled to 37, but enterprising citizens here have managed to secure 718—nearly one-eleventh as many as the entire United States. These official figures render comment unnecessary. They show an abuse of the civil-service system which ought not longer to be tolerated.

Now, Mr. Chairman, in conclusion I desire to say the people of the United States are proud of their capital city, and heartily share with its citizens the worthy and laudable ambition and determination to make it the most beautiful city in this grand Republic. But I shall urge, as earnestly as I can, that the people here must perform their part of this great work. They must stop trying to evade the payment of reasonable and just taxes, and they should also learn to understand and appreciate the fact that all public offices were not created for their sole, separate use and benefit.

It would be well, too, for them to understand that members of Congress can not be swayed or influenced in the discharge of duty by being treated to excursions on the historic Potomac or by invitations to board of trade banquets, where the invited guests are regaled and refreshed with oratorical declamations on the necessity of increased appropriations and additional loans to the District—a torture, I fancy, scarcely less excruciating in its severity than the "water cure," which we are told is being administered without rebuke to our fellow-citizens in the Philippine Islands.

Nor will the ravings and vituperations of the press of this city deter any man in the performance of duty as he sees it. With unwavering confidence in the rectitude of his purpose, pursuing undisturbed the path of duty, ever conscious of his obligations to his constituency, he will view with calmness and serenity the venomed darts hurled by these papers, while enjoying perfect immunity and security from harm in the reflection, "They pass by me as the idle wind, which I respect not." [Prolonged applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CAPRON having taken the chair as Speaker pro tempore a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 1964. An act to provide for a light-house keeper's dwelling, Ecorse range light station, Detroit River, in the State of Michigan.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested.

S. 312. An act providing that the circuit court of appeals of the eighth judicial circuit of the United States shall hold at least one term of said court annually in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming, on the first Monday in September in each year, and at the city of St. Paul, in the State of Minnesota, on the first Monday in June in each year; and

S. 3316. An act to amend an act entitled "An act to create a new division in the western judicial district of the State of Missouri," approved January 24, 1901.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

Mr. McCLEARY. Mr. Chairman, I would like to ask my friend from Missouri whether he is ready to come to an agreement as to the duration of general debate?

Mr. BENTON. I am not quite able to agree at this time, Mr. Chairman. I have been asked for an hour and a half more time. My impression is that it will be better to leave it open, and I think we will get through by 3 or 4 o'clock. I hope the gentleman will let the debate run on indefinitely for two hours at least.

Mr. McCLEARY. Mr. Chairman, I ask that the time be controlled one-half by the gentleman from Missouri and one-half by myself.

The CHAIRMAN. It will be difficult to divide the time unless some definite time is set for the close of general debate.

Mr. McCLEARY. What I had in my mind was the controlling of time by the gentleman from Missouri and myself.

Mr. BENTON. I am willing to make it definite and end it at 4 o'clock.

Mr. McCLEARY. I accept the suggestion to close the debate at 4 o'clock.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that general debate may close at 4 o'clock, the time to be divided equally, and to be controlled by the gentleman from Minnesota [Mr. McCLEARY] and the gentleman from Missouri [Mr. BENTON]. Is there objection? [After a pause.] The Chair hears none.

Mr. McCLEARY. Mr. Chairman, I now yield to the gentleman from Ohio [Mr. SHATTUC].

Mr. SHATTUC. Mr. Chairman, during the time granted to me I propose to review in a very brief manner some of the aspects of the present industrial situation in the United States, particularly as it applies to the interests of the great army of toilers whose brawn and brain contribute so materially to the progress of the Republic and whose welfare should be sought by all. I am aware that, with the best intention to be thorough in my treatment of the subject, I will be able to touch upon the salient points only, but I also know that the good judgment of the members of the House will carry the argument to its logical conclusion. In considering the question it must always be borne in mind also that tremendous changes in methods have been made even within the last decade, new factors have entered into the problem, and long-held theories, applicable to former conditions, have become obsolete when applied to the new environment under which large masses of the workers are now employed.

ELEMENTS OF THE PROBLEM.

It is proper to consider first some of these elements of the problem that affect conditions of employment, labor environment, and rate of wages, such as machinery, immigration, industrial combinations, transportation, and policies of governmental control.

MACHINERY.

First of these in extent and importance is machinery. The inventive genius of the human brain is constantly alert contriving devices to aid, and often to supplant, hand labor in production. How prolific this invention has been is attested by the nearly 700,000 patents issued by the Patent Office; over half of which have been issued since 1885. These devices have not only made possible modern methods, but in many instances they have completely revolutionized whole trades. They have often caused a displacement of skilled by unskilled labor and an entire rearrangement of methods.

For example, the invention of the power loom and the spinning jenny transformed the manufacture of textile fabrics and transplanted the industry from the home of the cottager to the mill. The steam motor on land and sea brought closer together the producer and consumer, while the telegraph and telephone have annihilated space and made the nations of the earth next-door neighbors one to another. What the power loom and spinning jenny did for textile manufactures the McKay and Goodyear sewing machines did for shoemaking, and the huge factories of the shoe manufacturing centers of the country rival in size and importance the mills in which textile fabrics are produced. The invention of the Bessemer process and other similar improvements in the manufacture of steel have caused steel to supplant iron in a great number of uses and created vast enterprises of a character and magnitude unthought of a half century ago.

Electricity, as yet but partially understood and utilized, rivals steam as a motor, drives our street cars and private carriages, and gives us illumination by night the semblance of the noonday sun. And yet it is scarcely more than twenty-five years since the telephone was a toy and the arc light a sputtering suggestion of its present steady brilliancy. The American idea of interchangeability of parts lessens the first cost of the machine, reduces cost of repairs, and facilitates production. Hand labor is given a furlough wherever a machine can be fashioned to do the work of the

man. All these changes have been for the great benefit of mankind as a whole, but they have brought hardship and suffering to those who have been supplanted by the machine and who have been compelled to learn a new trade, or the old trade in a new way, after many years, perhaps of greatest skill, given to old forms of production.

CHILD LABOR.

One of the first effects of the introduction of machinery has been the degradation of labor by the subdivision of labor and by the substitution of the labor of women and children for the labor of men. Incredible as it may seem in these enlightened days, there are States in the Union where children of tender years, as low as 6 years of age, are employed twelve hours per day, and when the mills are run by night these infants are worked from dark to dawn by the side of the adults. It is gratifying to state, however, that enlightened public sentiment in most of the States has compelled the enactment of laws taking children under 14 years of age out of the mills and factories and sending them to school, where they belong.

This sentiment realizes the impossibility of building up a sturdy future manhood and womanhood from a present generation of children who in their tender years are stunted in growth and dwarfed in intellect by confinement at hard labor in the stifling atmosphere of mills and factories. Therefore the workday has been gradually shortened in most States, as I have intimated, from the twelve hours of the past to the nine hours and eight hours of the present.

INTENSIVE TOIL.

But the reduction of the hours of labor has increased the exhaustiveness of toil. To maintain the amount of total product a swift machine supplants a slow machine and the employment becomes more intensive for the worker. Here again new phases of the problem are created. The available years of a man's life in which he may keep pace with the demands of machinery have been curtailed.

Already there is a disposition to set aside the man of 45 years of age and more, and put a younger man, more nimble fingered, in his place. Thus many men now become superannuated at the time of life when in former years they were thought to be most desirable by reason of skill and experience; and a demand is heard for some method by which to provide for the toilers whose usefulness in mechanics has ended and whose opportunity to get employment in gainful mechanical occupations has been barred by the age limit. In foreign countries this condition is being met by systems of state insurance, while trade unions seek to provide for it, in a limited degree as yet, by the establishment of "superannuation funds" for the benefit of their aged members.

IMMIGRATION.

Another serious factor in the problem is immigration. I will not enlarge upon it here, because in support of the bill on that subject, reported from the committee of which I have the honor to be chairman, my views are fully presented. In this connection it is sufficient to say that the addition of 5,000,000 immigrants to the labor supply of our country since 1890 and a current increase of 600,000 yearly form a menace to the labor of our land entitled to serious consideration. It may not be so perceptible now, but should a period of depression again visit our industries the oversupply can not fail to add to the disastrous effect upon American labor. The result will be a positive reduction in the standard of wages, the standard of living, and the standard of civilization. These immigrants have mostly settled in the manufacturing States and in the cities thereof, thus intensifying the perplexities of the situation should depression come.

TRANSPORTATION.

The three primary factors of national progress are production, distribution, and consumption. We must produce to have value; we must consume to make that value useful. When the producer and the consumer are widely separated, distribution sometimes becomes the most important factor. Hence the importance of the transportation problem in our national life. Occupying a territory with an area of over 3,000,000 square miles, not counting outlying possessions, our present attainment would have been impossible without the tremendous growth of our railroad systems, which, with a network of steel, unite the different trade centers. We had but 9,000 miles of railroad in operation in 1850. We now have more than 200,000 miles, giving employment to more than 1,000,000 men, and paying them over $600,000,000 a year in wages. We have 40 per cent of the mileage, and nearly as much of the capitalization, of the world. The value of railroad assets in the United States equals one-seventh of our total wealth, and the annual freight bill on the railroads exceeds $1,600,000,000.

MERCHANT MARINE.

In only one important matter does the United States seem at disadvantage in the struggle for industrial supremacy, and that is in her merchant marine engaged in foreign trade. While our shipyards built 483,489 tons in 1901, we had but 889,129 tons engaged in foreign trade, against 4,635,089 tons engaged in domestic trade and 1,706,294 tons engaged in the commerce of the Great Lakes. The tonnage engaged in domestic trade is a matter of great pride, but it is somewhat humiliating that 90 per cent of our exports and imports of merchandise should be carried under foreign flags. If press reports are true, American capital is about to take over bodily more than a million tons of the best steamships upon the ocean, and even though the flag they sail under will still be alien, the guiding influence and ownership will be loyal to America and to American commerce.

Pertinent to the subject of our merchant marine, past and present, is the following clipping from a recent number of the Scientific American:

THE FLEETS OF THE WORLD.

The latest records of Lloyd's Register show that the fleet owned by the United States Steel Corporation has grown to such proportions that it now ranks as the fifth among the great steamship companies of the world. Considerably the largest of these is the Hamburg-American Company, which owns 134 vessels of an aggregate gross tonnage of 668,000 tons. The next largest is the North German Lloyd Company, whose 120 vessels aggregate 556,000 tons; the third company is the British Elder Dempster Company, which owns 153 vessels, aggregating 431,000 tons. Then follow the British India Steam Navigation Company, with 122 vessels and 384,000 tons, and the United States Steel Corporation, with 113 vessels, aggregating 343,517 tons.

From the same source we gather that in point of total number of vessels owned and of their gross tonnage the fleets of the United States stand second among those of the world. Great Britain and her colonies, out of a total for the whole world (including countries possessing over 1,000,000 tons of shipping) of 29,091 ships, aggregating 30,600,510 gross tons, possesses 10,869, with a total tonnage of 14,708,206 tons, one-seventh of which is composed of sailing ships.

The United States owns 3,286 vessels, with a gross tonnage of 3,077,344 tons, of which two-fifths are sailing vessels; and then follow Germany, with 2,905,782 tons, of which one-sixth are sailing vessels; Norway, with 1,627,220 tons, one-half of which are sailing vessels; France, with 1,406,833 tons, a quarter of which are sailing vessels, and Italy with 1,117,538 tons, of which two-fifths are sailing vessels. While the lead shown by Great Britain is so great, strenuous efforts are being made by competing countries to reduce, by means of judicious subsidies, this great preponderance. Germany and France subsidize many of their lines heavily, and the policy has proved to be, particularly in the case of Germany, a wise one.

The ship-subsidy bill now before Congress would very materially assist in the development of our merchant marine, discourage the purchase of foreign-built vessels, and stimulate the shipbuilding industry on our own seacoast. Contemplating the figures we have given above, there is much food for thought in the fact that about the year 1840 Great Britain possessed under 800 vessels, whose aggregate registered tonnage was less than 150,000 tons, and that during this period the aggregate tonnage of the steamships owned by the United States was about 155,000 tons, or 5,000 tons more than that owned by Great Britain. That was in the days of wooden shipbuilding, and before the advent of steel, and more particularly before Bessemer steel had given that wonderful impetus to British shipbuilding the influence of which still enables her to maintain such a commanding lead.

INDUSTRIAL COMBINATIONS.

In 1893 began that system of reorganization of industry which was partially completed in 1897, and which has now advanced far enough to indicate its ultimate effect upon production, distribution, and consumption, and to justify the suggestion that the fate of nations may hang upon its final culmination. The industrial combination, commonly known as "the trust," is a marvel in purpose and audacity, bringing the highest type of administrative efficiency yet known. With rapidity of action and boundless energy characteristic of our people, the United States in a few years has passed all competitors and now pitches the tune in the concert of nations. In 1897 Pittsburg for the first time undersold Europe in the price of steel. Since then the forces has been assembling in production, transportation, and commerce by which are to be influenced the future currents of industry, and by which are to be transferred to the United States the powers of trade and finance that dominate the industrial world.

I shall not attempt to attack or defend these vast aggregations of wealth and industrial power. It is yet too soon to say if they are to bless or to curse mankind. If they prove to be beneficial, they will not need defense. If they seek to oppress instead of to benefit the people at large, the mightiest power of the Republic—public opinion—will crush them, as in days gone by it has destroyed all forms of human slavery among civilized nations. [Applause.]

As the individual employers gave way to the corporations, the corporations in their turn have merged into the large industrial combinations. They represent one side of the controversy between capital and labor, the employer. They have their counterpart on the other side in the great labor federations, representing the labor. The other interested element, the public at large, is observant of the progress of events, and, though the timid may fear and the pessimist may croak, is calmly confident of final supremacy through the courts and the ballot box when the rights of the people are assailed or the progress of civilization obstructed or endangered. [Applause.]

One thing of great encouragement is patent. These combinations need stability of trade conditions for success fully as much as does labor. Their influence may be safely counted upon, therefore, to prevent violent fluctuations in the markets with their consequent periods alternately of feverish activity and ruinous depression. Thus, by continued employment, the consuming power of labor will be maintained and all the people receive due

meed of benefit in the continued universal prosperity that must result therefrom.

OUR LABOR ARMY.

About eighteen millions of our people, in round numbers, are wage-earners and literally obey the Divine injunction, "In the sweat of thy face shalt thou eat bread." One-quarter of our people, then, toil in mine and field and factory and other gainful occupations to form the aggregate of the vast productive energy of our country, which by its giant strides in recent years has placed us at the head of all the nations in material wealth and prosperity. Shall we not wisely consider the interests of this great army of toilers? And when we conserve their interests are we not building upon foundations broad and deep for future stability and continued prosperity in commerce and industry?

The laborers, as above defined, and those dependent upon them form 90 per cent of the population of the globe. Whatever affects the prosperity of the workers, therefore, affects the general welfare. The heart beats of commerce throb in unison with those of busy, contented, well-employed, and well-paid labor. Let us carry the proposition a little further and see if a guide for intelligent action may not be evolved from the study. Eliminating the comparatively few who live upon inherited wealth and add nothing by the product of their own hands or brains to what their ancestors by honest toil accumulated, it is exact truth to say that all men are workers either by hand or brain, or both combined.

The highest type of labor is that in which the brain guides the hand, thus giving us the skilled worker, who is the last to be discharged in time of depression and the first to be called back to labor when the wheels of industry again begin to turn, and who at all times commands the highest compensation for his toil. Hence the vast majority of our people are closely interested in the welfare of the toiler. They thrive in his time of employment and prosperity; they suffer in his time of idleness and adversity. How true this is may be amply proved by experience so recent as to be within the memory of all.

CONTRASTS OF A DECADE.

From that experience surely many wise lessons may be gleaned and solemn admonition for future conduct. The year 1892 was the most prosperous our country had ever known up to that time. The decade ending with 1890 showed the greatest absolute increase and the greatest percentage of increase in capital engaged in manufactures, the greatest absolute increase in average number of wage earners, and the greatest absolute increase in amount of wages paid of all the decades from 1850 to 1900. What a change came in 1896! What a contrast with 1892! And what a change again from 1896 to 1902! All this was due to something more than accident.

On the authority of Mr. Gompers, president of the American Federation of Labor, in his annual address to the annual convention of that body in 1897, there were then more than 3,000,000 of idle toilers in the land, eager and willing to work, yet unable to find the work to do. No estimate was given of the many millions more for whom there was employment only part time. All agree that those were among the darkest days of our experience during the past thirty years. What a contrast with the present time!

We have a right to ask, Why such a tremendous contrast between conditions in 1896 and in 1902? Why stagnation, business bankruptcy, and financial ruin then, and universal prosperity now? Simply because under widely different policies of governmental management, to which I will later more fully allude, the three or four million workers then idle, because unable to find work to do, are now employed. The twelve to fourteen million others, working then on quarter, or half, or, in specially fortunate instances, three-quarters time, are now working every day in the week and every week in the year.

PRODUCTION AND CONSUMPTION.

Forming, as it does, and with those it represents, 90 per cent of the population, labor becomes at one and the same time the greatest producing and consuming element of the world's products. Whatever affects the power of labor to produce affects the general accumulation of supplies for the world's markets. Whatever affects the power of labor to consume affects the general demand for the products of industry. Thus supply and demand are materially influenced by the condition of labor.

The power of labor to produce depends, primarily, upon its steady employment. The power of labor to consume depends upon the wages received for its toil. The larger the income, the wider the range of demand and the greater the means of gratification. The higher the skill, the better the pay and the more advanced the civilization. Eighteen million workers, receiving but a dollar each per day, and working full time of three hundred days in the year, have the enormous consuming power of over five thousand millions of dollars in a year.

But, according to Col. Carroll D. Wright, the average wages per toiler are a trifle over $400 per year, reckoning together men, women, and children employed. The gross earnings of all yearly are over $7,000,000,000. When we see in the daily press that employers in an industry have made a reduction in wages of 10 per cent we are apt to think, carelessly, that it does not amount to much. When labor makes a strenuous resistance to the reduction, or an equally strenuous attempt to secure an advance of like amount, we sometimes wonder why the battle wages so fiercely and the toilers make such a fight.

WHAT A CHANGE OF 10 PER CENT MEANS.

Reflect for a moment upon this question: What does a change of 10 per cent in wages, or income, mean to the grand army of toilers? It means the vast sum of more than $700,000,000 yearly in power of consumption. It means this much added to or taken from the power of the toilers to get, first, the necessities which they must have; second, the comforts which they ought to have, and third, all the luxuries, some of which, at least, they would like to have. And the sum total of human happiness is in the quantity and quality of these three things—necessities, comforts, and luxuries—within the attainment of the individual.

What does the sum of $700,000,000 mean to the commerce of the country? Take the figures of the Bureau of Statistics of the Treasury Department for the year 1900 on the progress of the United States in its material industries for comparison. It would be $9 per head of the total population. It would pay one-third of the national debt and equal one-third of the money in circulation. It would equal 28 per cent of the deposits in national banks or of those of the savings banks of the country. It would very nearly equal our imports from foreign lands and be more than one-half of our vast exports. It would almost equal five times the value of gold and silver produced. It would pay $3 a ton for all the coal mined. It would pay the expenses of the Post-Office Department seven times over, and more than five times all the salaries in our public schools.

It would have paid the entire net ordinary expenditures of the Government for the year quoted and left a surplus of over $113,000,000. It would exceed by a hundred millions of dollars the capital employed in manufactures and mechanical industries in the 32,398 establishments of my own State of Ohio, as reported in the census of 1900, and be 85 per cent of their gross product, while if the net or true value be taken, it would exceed that amount by nearly $200,000,000. By these comparisons may be realized the stupendous effect upon the economic and social conditions of our country of a change of "only 10 per cent" in the wages paid yearly to labor. It is by such comparisons that we can realize how closely interwoven with the prosperity of our country is the welfare of our laboring people, and how carefully we should legislate in order that this great home market shall not be impaired.

THE INDIVIDUAL CONSUMER.

Let us now briefly apply our reasoning to the individual. I have said that every man must have the necessities of life. These embrace food, shelter, and clothing. However poor in quality, these three things must come to man as the reward of his toil, or he must receive them from public or private charity or as the result of crime. He must earn, beg, or steal them. I need not argue the proposition that the honest, self-respecting American mechanic infinitely prefers to earn rather than to beg or steal. Manly independence is the characteristic of American labor. Granting this premise, how important it is that labor should be employed and its standard of wages at least maintained.

With an average annual income of only about $400 it is evident that only by the closest economy can expenses be within income. Too often it is the case that luxuries are unknown, and even comforts seldom enjoyed in the home of the toiler. To such the suggestion of a reduction in wages means a curtailment, not of luxuries, not of comforts—for these they have not enjoyed—but of actual necessities. To the country at large it means a serious loss in the consuming power of the people, and thereby an equal shrinkage in the home market.

TRADE ORGANIZATIONS.

I am not unmindful of the sharp competition in many, if not most, lines of industry, leading the managers and employers to reduce to a minimum the cost of production in order to keep the enterprise running and thus pay any wage at all to labor. Because of the tendency in times past to make the wages paid to labor the basis of such economy of production, there has arisen a resistance thereto on the part of labor which now finds form in the trade unions and labor organizations of the day.

These organizations naturally met with the fierce and often relentless opposition of the employers from the very beginning. And the struggle between master and man through all these many years, and during the development of modern industry, is responsible for much of the misunderstanding as to the relations existing and which should exist between employer and employed. The master has said: "I have the right to hire whom I please and

pay what I please." The man has replied: "I have the right to be consulted in the matter and to be a party to the bargain."

This "freedom of contract" idea on the part of the employer may be theoretically right, but it is practically wrong. Vast changes have taken place in the manner of production and the status of labor. The individual employer has been supplanted by the corporation, the comparatively small corporation by the gigantic combination. The present situation is the natural outcome of evolution in processes of production. Once it was that a man unwilling to accept conditions of employment offered by one employer could find within easy access another with whom he could bargain. All this has changed in many of the great industries. The terms offered must be accepted or opportunity for employment closes.

Resistance by the individual is futile. What is one man against a great corporation with fifty million, a hundred million, or fifteen hundred million dollars capital? By very force of circumstances the toiler has been forced to put the power of numbers against the power of money and to assert something akin to the doctrine of "vested rights" in the employment at which his lifetime of toil has been devoted and for which alone he is fitted. Hence the "demand for recognition" of the labor organization, often insisted upon more strenuously than the demand for increase in wages or change in trade conditions. This demand is often inexplicable to those unfamiliar with present conditions of labor employment and the changes therein during even the last decade.

LABOR AND CAPITAL GETTING TOGETHER.

Education in economics is progressing rapidly. Strange as it may seem to many, employers and employed are getting together more closely and understand and acknowledge the rights of each other more freely than ever before in the history of trade. Elements are crystallizing which, when potent, will establish a common ground upon which employer and employed will meet and settle trade disputes. In such settlement due regard will be had not only of all which immediately concerns the employer and employed, but also of the indirect but ofttimes equally vital interests of the public at large. The public is frequently the innocent victim and sufferer from the stagnation attendant upon a labor war. Society, therefore, is beginning to demand that some means of prompt settlement shall be found, so that its rights shall not be ignored and it be unduly oppressed by mulish obstinacy of either masters or men.

A FEW FACTS ABOUT OHIO.

I am justified in speaking as I do upon this great labor problem, inasmuch as I represent, in part, upon this floor a State which from 1840 to 1880 ranked fourth, and since 1880 has ranked fifth, among all the States of the Union in the value of her manufactures. During the half century closing with 1900 her capital increased from $29,019,538 to $605,792,266; her establishments from 10,622 to 32,398; her average number of wage-earners from 51,491 to 345,869, the greatest number employed at one time for the census year of 1900 being 451,686; her total wages from $13,467,156 to $153,955,330; her cost of materials used from $34,678,019 to $447,849,677, and the value (gross) of her products from $62,692,279 to $832,438,113.

These figures omit the statistics for governmental, eleemosynary, and penal institutions and establishments with a product of less than $500. They are from the census of 1900, and therefore understate the present conditions in Ohio; but they are the latest available and serve the purposes of my argument in illustrating the wonderful strides of industry in the last half century and the importance of labor and its compensation in the development of the wealth and resources of our country. This brief compendium also shows how well Ohio has utilized her great natural commercial advantages. Her means of communication by river, lake, canal, and rail have always been powerful agencies contributing to the development of her manufactures.

The early settlers from New England, New York, and Pennsylvania brought with them the mechanical knowledge and skill gained in their former homes and the machinery and tools they formerly used. The rapidly developing country west and south of Ohio furnished a market easy of access for their products, and their location was most favorable for obtaining cheaply a bountiful supply of iron, coal, and lumber, the raw materials for their finished products. "As early as 1803," says one writer, "manufactured products were shipped to points along the Mississippi River as far south as New Orleans."

PROGRESS IN FIFTY YEARS.

Living as we do in a period of marvelous industrial activity, we sometimes forget the wonderful progress made in the last half of the nineteenth century in manufactures and mechanical industries. A bare statement of the facts almost staggers belief, while it compels admiration. Capital has increased nineteenfold; average number of wage-earners, about five and one-half fold; amount of wages paid, about tenfold, and the value of products, thirteenfold. During this time the population increased two and one-quarter fold. The apparent value of products per wage-earner has increased from $1,065 in 1850 to $2,451 in 1900. No better indication can be offered of the increasing productivity of labor, due, of course, largely to increased effectiveness of machinery and abundant capital employed.

MANUFACTURES IN 1900.

The census of 1900 showed the gross value of products of all manufacturing and mechanical industries for the census year to be $13,040,013,638. The "gross value" referred to does not represent the final value of the manufactured products of the country, since much duplication of figures results from the fact that the finished products of many establishments become the raw materials of a subsequent stage of development. But the "gross value" represents volume of transactions involved, in the same way that the total of transactions of a clearing house represents the actual banking business of the banks connected therewith.

The "net value" of products may be reckoned safely as about two-thirds of the "gross value." From this "net value" in turn may be deducted the cost of crude materials as they are originally received from farm, forest, mine, and sea, and the sums paid for fuel, freight, etc.; and in the last analysis we have $5,671,902,790 as the value added to materials by the various processes of manufacture. But the gross value fairly represents the volume of internal trade in manufactured articles and the amount involved in preparing these products for retail distribution and consumption. The census experts estimate that this retailing of products and the passing them along to the ultimate consumer represent transactions of a volume equally as great; so that "the total money volume of the wholesale and retail transactions in the manufactured products of the United States is unquestionably greater than the volume of the international trade of the principal countries of the world, which equals the sum of $20,005,884,354 (exports and imports added together)," as shown by the bulletins of the Bureau of Statistics of the Treasury Department.

PROGRESS IN AGRICULTURE ALSO.

While in my argument I have used illustrations based upon the progress and development of manufactures and mechanical industries, I am not unmindful of the great agricultural interests of our country and their controlling influence upon our social and economic problems. I could not very well be indifferent to them, since Ohio ranks third among the States in agriculture as well as fifth in manufactures. But agriculture shares with manufactures the general prosperity. The toiler in the factory, in the mill, in the mine consumes the products of the farm. The nearer the farm to the factory the more valuable the farm, the more varied the crops, the more profitable the results.

We are proud of the fact that the yearly exports to foreign lands of agricultural products have reached the amount of $1,000,000,000, but we are vastly more proud of the other fact that the farmer has a market twenty times as great right here in our own land. We rejoice exceedingly that such a great change for the better has come to the farmer since 1896. His mortgages have been paid to the amount of hundreds of millions. From being a borrower in the money centers of the country he has become a lender, and the accumulations of his years of prosperity have, at times, made him a potent factor in financial affairs during the past four years. He owns 65,000,000 swine, 3,500,000 mules, 62,000,000 sheep, nearly 20,000,000 horses, nearly 70,000,000 cattle, these farm animals alone being worth the enormous total of over three thousand millions of dollars. The value of his farm animals has nearly doubled since 1896, and he is enjoying a condition of prosperity, wealth, and comfort unequaled in the previous history of our country. No, I am not unmindful of the farmer, and I rely upon his sturdy common sense, his sound judgment, his proverbial shrewdness to sustain the public policy which rescued him from financial disaster and brought him again to the Beulah land of corn and wine. [Applause.]

FISCAL POLICY OF VITAL IMPORTANCE.

If I have succeeded in establishing my proposition that the great consuming element of the country's product is the wages paid to labor, it follows in logical sequence that labor must have opportunity to toil in order to receive wages with which to consume. Hence we are forced to carefully consider what policy of governmental management is best calculated to keep labor employed.

Since 1861, with the exception of two Presidential terms, the policy of the present dominant party has controlled the Government. For the most part while that policy has ruled—for thirty-two years out of the forty—the country has progressed with marvelous rapidity, and the condition of labor has grown constantly better.

The periods of greatest idleness and attendant suffering have been when attempts were made to overthrow that policy and to

supplant it with another that promised much, but realized little. Yet, not satisfied with the disasters of the experiments already made, and with the crowning evils of the latest experience only six years passed by, there are those who cry loudly for another attempt in the same direction and, by specious arguments and sophistry, seek to entice the labor of the land to desert the policy which has blessed labor so bountifully since it again controlled the administration of affairs.

It can not be possible that the memory of the toilers is so poor as to forget so soon the bitter days from 1893 to 1897—the idleness of labor, the ruin of industry, the bankruptcy of capital. I have too much faith in the shrewd common sense of American labor to believe that it will destroy the magnificent structure its own thrift and energy have created and be led away by the siren songs which would entice the toilers to their destruction. To think otherwise is to insult the intelligence of American labor. [Applause.]

AN HONEST DOLLAR FOR HONEST WORK.

Not only has the protective policy of the Republican party retained and developed for our own benefit our great home market to an extent far beyond any previous experience, but its financial policy has been none the less vital in its benefit to labor and to the country. The party declared for American goods for American markets, and thus gave labor a chance to earn "an honest day's pay for an honest day's toil." In spite of alluring enticements of policy and expediency, it also firmly planted itself upon the bedrock of commercial integrity, and declared that labor should be paid with an honest dollar for honest toil. Thus it became the defender of the defenseless, for the cheapest coin is always used to pay labor, whereas it should be paid the best, and no one so much as the toiler is interested in sound and honest money. [Applause.]

OUR HOME MARKET.

The greatest and grandest market in the whole world is all our own in our vast internal trade. The present controlling policy, if continued, will retain it for ourselves. In addition to that we are conquering the markets of other lands. The sceptre of marine control is about to pass into the hands of American capital and management of American men, because the sceptre of financial supremacy is held no longer in London, but in the United States.

The gigantic development of our home industries and our home markets during the past six years, coupled with the preeminent skill and productive capacity of our toilers, has given us our industrial supremacy, while the accumulation of capital, made possible concurrently therewith, has given to our "captains of industry" and "Napoleons of finance" the means with which to girdle the globe with continuous lines of transportation virtually under one control, and that control American and inspired with American instincts and American aspirations. The prophecy has been fulfilled. Westward the star of empire has taken its way and time's noblest offspring is the latest.

The limit of possible development has not been reached. Great as has been the achievement of the last half century, it will be dwarfed into insignificance by the commercial conquests of the first quarter of the twentieth century. Industrial development and trade expansion are progressing upon such a stupendous scale that the field of vision is no longer confined to one country, but takes in the whole world. Fully realizing the possibilities and fully equipped to grapple with and secure them, the American Republic advances confidently to its destined commercial sovereignty of the world. [Applause.]

HOLD FAST THAT WHICH IS GOOD.

I plead for such wisdom of action in legislation as shall continue the present wise fiscal policy. I deprecate any act which, for temporary partisan gain or for the spoils of party politics, would paralyze industry, block the wheels of progress, and again turn the busy toiler out of the mill and the mine and the factory to become a tramp upon the highways. I appeal to the toiler himself to let the lamp of experience guide his footsteps, to the end that he shall continue to maintain by his support that wise policy which gives, first, the prime requisite to contentment, comfort, and industrial peace, the opportunity to toil; and, second, which pays for the work done in a dollar not ashamed of its creator, good at its face value throughout the realms of civilization.

Let him "hold fast that which is good," and thus continue the conditions under which his share of benefit is so great and destined so largely to increase. Continued prosperity will give ample opportunity to correct all real evils complained of. Improved sanitary conditions of employment will make more healthy the environment of the toiler. A shortened workday will lighten the exhaustiveness of toil. Education for his children will elevate the general standard of civilization. Proper restriction of immigration and the enforcement of proper domestic legislation will prevent undue and unfair competition and maintain the standard of wages. Amicable understanding with employers will minimize the number and severity of trade disputes. And, in the new era about to dawn upon the industrial horizon, the farmer and the mechanic, the employer and the employed, will unite in a common laudable and patriotic effort to secure for our beloved country that exalted station which an All-wise Providence has ordained she shall occupy in the history of the world. [Prolonged applause.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the President of the United States was communicated to the House of Representatives by Mr. CROOK, one of his secretaries, who informed the House of Representatives that the President had approved and signed bill of the following title:

On May 1, 1902:

H. R. 8553. An act granting a pension to Joseph Tusinski.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

Mr. BENTON. Mr. Chairman, I now yield thirty minutes to the gentleman from New Jersey [Mr. MCDERMOTT].

Mr. MCDERMOTT. Mr. Chairman, I suppose that it is rather difficult to induce many members of this House to become really interested in the question of the taxation of the District of Columbia. Bills are reported every year involving an expenditure of seven to eight million dollars. That is a very large amount of money, and under our system of government the property and welfare of the people of this District are absolutely committed to Congress. It is therefore incumbent upon members of this House to learn what they may of the condition of this District, and to give to those conditions the same attention that they would give to municipal government at home if intrusted to their care.

The system of taxation in the District of Columbia is without precedent and without parallel. I am speaking, Mr. Chairman, for a population of one-quarter of a million people, representing those who are here because of their love of the beautiful; those who are here because of the repose that may be found in the pursuit of the intellectual within the city of Washington; those who have invested here because of the beauty of the city, and those who are here because of the Government employment, and the minority within the city of Washington who are here to seek their living in the ordinary pursuits of life.

We find that there is imposed a burden of nearly $8,000,000 upon the District—that is, the cost of government within the District is nearly $8,000,000—one-half of which is paid by the people of the United States outside of the District upon the theory that within this District of Columbia one-half of the ratables is owned by the Federal Government. Let us see what principle of taxation is applied to the remainder. These people are our wards. In legislation we deal directly with them, and they own the only taxed property within this Union that is absolutely under the control of Congress. What is the way in which a tax levy is made within the city of Washington? It is directly opposite to that in which a tax levy is made in each and every other municipality in the Union.

Mr. Chairman, in your municipality when you desire to find out what the cost of municipal government shall be for the next fiscal year, how do you do it? Your legislative municipal body ascertains the probable cost of every department of that municipal government, and then your assessors find out what the value of the ratables, real and personal, within that municipality is, and then, by applying to the valuation that is found by your assessors the amount that is fixed by your municipal government as the probable necessary expenditure for the ensuing year, you fix the tax rate. That is, without exception, the method of fixing the tax rate in every municipality in the United States except the city of Washington.

What is the method here? No matter what the appropriation is, whether you run back to 1887, when it was $3,000,000, or to 1902, when it is $8,000,000, you find that, whether the amount to be expended is $3,000,000, $8,000,000, or $20,000,000, you direct the assessors to assess $1.50 upon every hundred dollars of ratables that are included in the District. I venture to say that the parallel of that proposition can not be found in this world. No member of this House, recalling the methods of taxation pursued in the county or in the State that he comes from, can find a parallel for this.

Under this system of taxation what becomes the duty of the assessor? What becomes his necessary duty? To assess enough dollars and a half to meet one-half of the appropriation made by Congress. It will be immediately seen that there is not incumbent upon him any duty to ascertain the true value of property. He is not to assess property; he is not to find the value of the ratables within the city of Washington that should contribute to the public Treasury; but he is to assess enough dollars and a half to meet the appropriations made by Congress, and made, I

believe, without the slightest consideration on the part of 90 per cent of the members of this House. He is to assess enough to raise that one-half. Now, he started in 1887 with the necessity of imposing enough dollars and a half to raise about $1,300,000. In 1888 the total amount necessary to be raised from individual owners and the Government had grown to $4,000,000, in 1898 to $8,000,000, and in 1903 to what? To $10,441,000, in round numbers.

I say to you, Mr. Chairman, that one-half of the appropriation for this year imposed upon the property of this District at a full valuation and levied at the rate of 1½ per cent is not only practical confiscation of property within the city of Washington, but it is saying to the entire world, "Keep your money outside of this city."

You want to assess all personal property? Theoretically it should be assessed. But what are you going to do with the ward whose guardian has invested his money where it is easily ascertainable and produces the current average rate of interest? Are you going to take the 3 or 3½ per cent, the product of that money, and assess it $1.50 per hundred? Are you going to assess 1½ per cent upon the true value of all the personal property in the shops on Pennsylvania avenue? If you do, then the District of Columbia and the city of Washington will receive a greater income in hundreds of cases than the man who puts his mind to the merchandising of those ratables.

The proper way to raise taxes within the city of Washington is to raise them as they are raised in every other municipality. Let Congress fix the budget. Let it be fixed liberally. Let it include, if you choose, as this includes, a quarter of a million dollars for a street-cleaning department, which in my opinion can be conducted for one-half that money. Let it include liberal appropriations for the public schools. On this question I desire to speak to the Committee on Appropriations, to the gentlemen in charge of this bill, who have included and do include each year in the taxation of the District of Columbia items that should have no place in an annual tax levy. I call the attention of the members of this committee to some of the items in this bill. I know that this is a subject in which it is rather difficult to interest anybody. It is not half so enticing as a debate on the Philippine Islands, but it should be interesting from the fact that we are peculiarly charged with its consideration.

I speak specially to those members of the Committee on Appropriations. You have included for improvement of roadways, under the heading "Work on streets and avenues," the Georgetown schedule, the Northwest schedule, the Southwest schedule, the Southeast schedule, and the Northeast schedule, and on these the aggregate is $280,000. That is, you open up streets to the city of Washington, and you charge the cost of opening those streets in the budget of the year when they are opened. Is there any man in this House who ever heard of that being done in any municipality in this Union? Why, sir, the people would turn out any government that attempted it. These streets are not opened for this year, but for all time.

Take another item—for the construction of county roads; that is, for the absolute opening of them—for the construction. You have for this purpose items amounting to $55,000. Those expenditures are for all time, not for this year especially.

Then there is the item, "For the repair of the county roads," a separate item of $80,000. That item is rightly included in the tax levy; but when you come to the construction of a county road, then you are assessing for a new permanent improvement, and the entire cost of that improvement, under the practice of any municipal government in this country, is not included in the tax levy for a single year. Those items are illustrative.

I come to the item of sewers. This will perhaps illustrate something of what is done in this city. Take the item of sewers in this bill. I do not suppose that there are 20 members of the House of Representatives who, being asked on the streets of Washington to-morrow, "How much did you appropriate for sewers in this city?" could tell whether we appropriated $150 or $150,000.

Now, let us see what is imposed on the taxpayers here for sewers.

For continuing the construction of the extension of the boundary sewer to the vicinity of Twenty-second and A streets NE., now under contract, $40,000.
For continuing the construction of the east side intercepting sewer, between Twenty-second and A streets NE. and Twelfth street SE., now under contract, $50,000.
For continuing construction of the sewage-disposal system pumping station, and for machinery therefor, $250,000.
For continuing construction of the low-area trunk sewer, $60,000.

Here we have an aggregate of $400,000 spent on the improvement of the sewer system of Washington. Can you find any parallel in this Union for putting that assessment in the tax levy for a single year?

Mr. BURKETT. You can not find any parallel in the United States, either, for the way in which Washington is governed, can you?

Mr. McDERMOTT. No; and I am thankful for that fact, having looked at some of the ways in which it is governed.

Mr. BURKETT. Now, that expended here to make these improvements does not complete the sewerage system. In any city where you bond, you bond to complete a sewerage system or to complete something. It is the policy here and has been to do just as much of this each year as they have funds to do with. This does not complete these systems. We have been doing something in years past, we do something this year, we continue it along and do not burden the city at once with a large indebtedness, but do this work as we can, as we have money to do it and not put the taxes up to exorbitant rates.

Mr. McDERMOTT. Can the gentleman point to any city in the United States or any city in the world in which there is a tax levied to-day in which there is $200,000 appropriated for absolutely permanent improvements? I mean that class of improvements that are generally made through the system of assessment and not taxation.

Mr. BURKETT. No; nor can I find any other city in the United States or in the world where the government appropriates as much as is raised by taxation, either.

Mr. McDERMOTT. Now, I am coming to that proposition later on. I have now got up to nearly $1,000,000; $400,000 for a permanent sewer system, imposed as taxation, not assessment.

Mr. BURKETT. Well, the Government gives more than that to the city government.

Mr. McDERMOTT. I say that question is entirely irrelevant. I will come to it later on. I am willing, before I finish my argument, to divide the figure by 2. Then I will come to the proposition of the difference between the Federal Government and the individual taxpayer. Nearly a half million of dollars put in a tax levy for building sewers that are supposed to last, if they are properly constructed, for hundreds of years. No such proposition of municipal government can be found anywhere. I come to the next item, the Washington Aqueduct. This is an illustration of why the people of this city complain and why they rightfully complain. For the purpose of building and improving waterworks and adding a filtration plant there is assessed upon the city of Washington and the District of Columbia this year $800,000.

Why, take it in the city of Cincinnati or in the city of St. Louis or in the city of New York, with the millions and millions and hundreds of millions of dollars of ratables, if you attempted to build waterworks in that kind of way, there would be an uprising of the people and the taxpayers; but there are two separate assessments here, one to be selected out of the revenues, as I understand it, of the water department and the other to be paid by another kind of taxation. There you have a million and a quarter of dollars put in an annual tax budget, which should be distributed, in my opinion, over a period of at least twenty years. That is not all. Two hundred thousand dollars is to be appropriated from the revenues of the water department.

Altogether there are items of this class amounting to over a million and a half dollars in this budget. Those moneys are to be expended for permanent improvements in this District. The Government of the United States is to pay one half of the amount. Well, the Government of the United States can afford to pay it out of a filled Treasury and because the issuing of bonds is unpopular, but when you take the other half of the amount, when you take an assessment of over $750,000 upon the District of Columbia for permanent improvements—for waterworks that are to do for this generation and for all time, for sewers that if properly constructed will last practically forever—then I ask, why should those figures be put in an annual tax levy on the property in the city of Washington?

No reasonable answer can be given supporting the proposition. They are permanent improvements, and, in my opinion, the proper way to consider them is that way which puts the hand of government as lightly as possible upon the property owners, and that way has been discovered and is carried out in every other municipality. This waterworks improvement will cost, we will say, some $3,000,000. The idea of distributing that as a matter of bulk taxation is unparalleled in government. What should be done with it is this: The District of Columbia, absolutely independent of the Federal Government so far as recourse for payment is concerned, could to-morrow finish the waterworks by issuing $3,000,000 of bonds bearing 3 per cent interest, and putting 2½ or 3 per cent of the entire issue in every tax levy for the purpose of creating a fund to redeem those bonds.

Why is not that, which is the method pursued in every other municipality of this country, pursued in the city of Washington? I say, Mr. Chairman, that any proposition which imposes permanent improvements in bulk upon the people as a part of a fiscal budget reasonably supposed to be confined to the cost of operating the government during the ensuing year is an outrage upon property, whether that property is personal or real.

Mr. RICHARDSON of Tennessee. Will the gentleman permit an inquiry?

Mr. McDERMOTT. Certainly.

Mr. RICHARDSON of Tennessee. I am interested in the argument of the gentleman from New Jersey, but I think he is attempting to run a parallel between the government of the city of Washington and the municipalities in States, and I do not think you can do that very well. The gentleman's plan, it seems to me, is defective in this, that he would provide for an issue of bonds and would only require a tax levy, as I understand it, each year sufficient to meet the interest upon the bonds, and to provide a sufficient sinking fund. Is that the idea of the gentleman?

Mr. McDERMOTT. That is the plan.

Mr. RICHARDSON of Tennessee. Now, if you can with an ordinary levy, such as we have in the District of Columbia, raise a sufficient sum to do this work of which he speaks with the current taxes, where is the hardship? I do not want to take the gentleman's time, but I want to submit this proposition to him. If the tax rate of $1.50 on the property, as valued in the city of Washington, will raise enough money each year to meet these obligations and pay off this amount in bulk, as he says, why would you issue bonds to raise the money; why not use the money this way, unless there is complaint of excessive taxation. I submit to my friend from New Jersey that he will find, unless I am mistaken, that the rate of taxes of $1.50 in the city of Washington, being all that is levied, is less than that of any other town in the United States of the size of the city of Washington.

That is to say, if you take the State taxation, the county taxation, and the municipal taxation in any city the size of Washington in the United States, you will find that those three rates and sometimes a separate and independent tax for schools will, all combined, exceed the dollar-and-a-half rate paid in the city of Washington. I ask my friend if he knows of any city of two hundred and seventy-five or three hundred thousand population in the United States where the State tax, county tax, and municipal tax, and other special taxes that are levied, in the aggregate, fail to exceed a dollar and a half on a hundred dollars' worth of property?

Mr. McDERMOTT. That depends entirely upon the vagaries of the local assessors in finding out the value of property. There are many municipalities in the United States, and I doubt very much whether you can find any municipality in the United States where the rate for the purpose of meeting one-half of the expenses of the Government is anything approximating 1½ per cent.

Mr. RICHARDSON of Tennessee. I do not profess to know, but I should like the gentleman, who is a business man, to state what the rate is in Jersey City for the three taxes—State, county, and municipal.

Mr. McDERMOTT. The entire rate in Jersey City amounts to about $2.70.

Mr. RICHARDSON of Tennessee. I am told that in New York City it amounts to $3.50 or $4.

Mr. CREAMER. Two dollars and twenty-seven cents.

Mr. RICHARDSON of Tennessee. For all the taxes?

Mr. CREAMER. I should like to ask the gentleman from Tennessee what other city in the United States there is where the Government pays half the taxes?

Mr. RICHARDSON of Tennessee. Why, none; but there is a reason for that, and that is, it is alleged that the Government of the United States owns half the property in the District of Columbia. If you will take the estimate of the valuation of the property owned by the Government of the United States in the city of Washington, as it appears in the printed reports which are accessible, it will show that the Government of the United States owns one-half of the entire property in the District.

Mr. CREAMER. But the same principle applies in every city in the Union. The local government does not tax its own property.

Mr. RICHARDSON of Tennessee. But the city of New York does not own one one-hundredth part of the property in New York.

Mr. CREAMER. It owns several hundred million dollars' worth of the property there.

Mr. RICHARDSON of Tennessee. I do not want to take up the time of the gentleman from New Jersey.

Mr. CREAMER. Will the gentleman from New Jersey permit the interruption?

Mr. McDERMOTT. Certainly; I yield for the interruption.

Mr. RICHARDSON of Tennessee. I am not justifying the principle. I am not called upon to do it, but that is the principle upon which the Government contributes one-half. While I am interrupting the gentleman, as I was saying, I only say I do not see how you can make a comparison between the method of taxation here and the method of taxation in the various States. You very well understand that a city in a State has limitations upon its rate of taxation fixed by the legislature of that State. That is true in nearly all the States. But here the idea is that Congress fixed it, that Congress fixed it at $1.50; the people of the District of Columbia have had no voice in the matter. Congress fixes the amount that it will pay, and Congress is all-powerful—that is, when it comes to dealing with the property of the people in the District of Columbia.

Mr. McDERMOTT. Answering the gentleman from Tennessee, I admit that Congress is powerful, and Congress is the local government, and in the matter of taxation Congress must adjust its action to this rule—that it is not right to impose taxes unless they are absolutely necessary, and the true theory of the construction of permanent municipal works is that they shall be paid for gradually. Then it is entirely immaterial whether the Federal Government pays one-half of the work or not.

Mr. RICHARDSON of Tennessee. Would my friend insist that if the rate of taxation is $1.50 on the hundred—and that is 30 to 50 per cent less than in any other municipality in the United States where the population is as great as in the city of Washington—that you ought not to take the current taxes, but that you shall issue bonds to meet these expenses?

Mr. McDERMOTT. So far as I know, when you start your village, and it grows to be a town, and from a town it grows to be a city, you would adjust the burden according to the total property of the place under the rule I have mentioned. It does not matter whether Congress pays half or whether the tax rate is $1.50, or any other figure, the question is whether the items for permanent improvements are proper burdens here; and my contention is that they are not. The gentleman from Tennessee is reasoning it out on this ground, the tax levy is light, and therefore we will put in a million and a half dollars for the waterworks for all time, and a sewer system for all time.

Mr. RICHARDSON of Tennessee. Would my friend, instead of doing that, issue a million and a half of bonds and levy a rate to meet 3 per cent on those bonds with a reasonable sinking fund? Is that the principle by which the gentleman would proceed?

Mr. McDERMOTT. That is the only just rule upon which you should construct permanent municipal works. That is the only rule that has ever been adopted in any city, or that has been enacted in any State that I have read the statutes of, for building works in a municipality—that taxation shall be made on the property, and for a sinking fund, so that it shall be a continuing contribution by those who receive the benefit of the work, and that it shall be paid for in a series of years. That is the principle underlying the method of assessment for permanent improvements, and when you put a million and a half dollars for the cost of permanent improvements in a single bill you are doing an injustice to those people.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENTON. I yield five minutes further time to the gentleman.

The CHAIRMAN. The gentleman is recognized for five minutes more.

Mr. McDERMOTT. Let me briefly in the remaining five minutes call the attention of the House and of the gentleman from Tennessee to this: The gentleman's idea seems to be that you are only paying $1.50 upon property in Washington. It is light or heavy, according to the discrimination on the part of the assessor.

I know a piece of property in this city, as I stated yesterday, the superstructure of which cost—and they separately assess the ground and the superstructure, an entirely proper method of assessment—years ago $103,000, and they are carrying that on the District books, and it is assessed to-day at $100,000. The prevailing idea that property is paying on a 60 per cent assessment in the city of Washington is not true. If you are going—as will be be found on page 56—if you are going to assess $1.50 on each $100 against each piece of property and against all personal property, then in 1887 you assessed it until you got up to one-half of $3,000,000, and in 1902 you are going to assess it at $1.50 until you get up to one-half of about $10,000,000.

You see where that principle and method finally leads to. It means that you will go on and on until, having abandoned every principle of taxation, after having abandoned every known principle of imposing the burdens of permanent improvements, until in the city of Washington you will have found the road to practical confiscation of property.

Coming now to a remark made yesterday in regard to taxing personal property, the gentleman from Illinois [Mr. CANNON] yesterday explained the amendment to this bill under which personal property is to be assessed. It was said that it was a reenactment of the law of 1877.

Nobody can tell, in my judgment, what that law means with reference to taxation, and yet we propose to reenact it by amendment to this bill. As to the taxation of corporations, it means one of two things, and I call the attention of the members of this committee to the propositions that may be evolved from that amendment. It means under one construction that every corporation that does a dollar's worth of business in the District of

Columbia, whether it is organized under the laws of the United States or under a State law, shall be assessed $1.50 on its capital stock. If it means that, then if the General Electric Company, with its capital of thirty or forty million dollars, should come into the city of Washington and open an agency, it would be assessed $1.50 on the entire capital stock authorized.

Now, it means that, or else it means that there shall be $1.50 assessed on the capital stock of every corporation organized under the laws of the United States. In 1877 there was not a general corporation law of the United States and there was not any general corporation law of the District of Columbia. If it deals with the corporations that come in here and organize under the law passed by Congress last year, for business here and elsewhere—organized as they organize in every State in the Union—it means that every one of those corporations would immediately dissolve and go to some State.

Take either horn of the dilemma you please—and I do not believe in passing an act and saying that the Senate will cure the defect—if you mean that the corporations that do business here, whether their life comes from Congress or not, shall be taxed 1½ per cent on the total value of their stock, then you would absolutely prevent any corporation organized under State laws from opening an office in the city of Washington.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I hope the gentleman will be allowed to conclude his remarks without charging up the time to either side. I ask unanimous consent that, without charging it to either side, the gentleman be allowed to conclude his remarks. He is speaking upon a very interesting subject.

The CHAIRMAN. The gentleman from Tennessee asks that the gentleman from New Jersey may be permitted to continue his remarks without charging the same to either of the gentlemen in charge of the time, the result of which will be to carry general debate past 4 o'clock to the extent of the time that the gentleman from New Jersey uses. Is there objection? [After a pause.] The Chair hears none.

Mr. McDERMOTT. Mr. Chairman, this is a very important matter. This body is an intelligent one. Many of its members have had questions of taxation to consider, and to send this bill over to the Senate with a rider that no man can tell the meaning of is not very intelligent legislation. It is vicious legislation. It is a vicious attempt on the part of the House to do that which it does not understand, and I now challenge anyone to say what, under the law of 1877, is the rule of taxation of corporate property in the city of Washington.

I do not mean to say that there exists any single rule. There are various kinds of assessment; one is for the street railroads, one is for the electric companies, and one for the banking corporations; and these various rules ought at some time to be revised and codified. But here you have a proposition, and I ask any member of the committee on the floor of this House to explain it to us. Is there any member of the committee who can tell what this amendment does for foreign corporations? I ask the chairman of the committee, the introducer of the bill, to furnish me with that information. What does that clause do with reference—taking it for an illustration—to the General Electric Company, incorporated with a capital of thirty or forty million dollars, perhaps more, if that company should open an office in the city of Washington to transact business here?

Mr. BELL. Mr. Chairman, I do not rise to answer the gentleman's question, but I wish to suggest that the court that passed upon this bill said that the bill was a good law; that it was the usual statute in pretty nearly every State in the Union, but because the Commissioners of the District had destroyed the equalization board so that the man whose property was taxed could not go before any equalization board and object to the taxation, that therefore the collection could not be made. But the court pronounced that law a good law—the usual law in pretty nearly every State in the Union.

Now, the provision in assessing corporations is that it shall be assessed in bulk. That is the usual way.

Mr. McDERMOTT. On the capital stock.

Mr. BELL. That is, if the corporation is domiciled in the District of Columbia that the corporation itself shall be assessed for the value of the stock just the same as other people, and not the shares of the stock itself. Now, I understand that is the usual law and in the gentleman's own State.

Mr. McDERMOTT. New Jersey has grown rich by assessing corporations, but not in that way. They tax the franchise, tax it one-tenth of 1 per cent on all capital stock that is issued up to the amount of $5,000,000, and thereafter it becomes a nominal tax.

In the State of New Jersey all corporations that have invested a certain percentage of their capital stock in manufacturing are exempted from franchise taxation. Under a constitutional provision that all taxes shall be levied by a uniform rule and according to the value of the property, our court of last resort sustained that tax, saying distinctly that it would not be sustained but for the fact that it was a license or franchise tax and not a property tax.

The tax you proposed here is upon the value of the capital stock of a corporation which, as you say, is a citizen of the District. If this bill passes, then very soon you will not have any corporation that will be a citizen of the District, unless it be a corporation that has received from Congress some privilege and can not get away. Therefore you will not add to the revenues of the District.

Mr. PALMER. What would happen to a foreign corporation?

Mr. McDERMOTT. In answer to that question, let me take New Jersey as an illustration. She is a good illustration in this—that she has been successful in wiping out her State debt; there has not been a dollar of State tax levied there for over sixteen years upon property outside that owned by corporations. In the case the gentleman proposes, let a tax be imposed according to gross receipts within the District. That would be a fair franchise tax upon any foreign corporation transacting business here. But if you propose to tax the entire capital stock, leaving the assessment of the market value (which never can be proved or disproved in nine cases out of ten) to the vagary of the local assessor, who may put it upon the tax bills at any figure he guesses at, you drive away domestic corporations, and you practically prohibit every corporation having its residence outside of the District from transacting business here.

The proper tax upon corporations within this District would be a tax upon gross receipts on business done within the District. That is the proper form of taxation, and the only kind by which you will ever collect any revenue from that source.

Mr. PALMER. The rule in our State is to tax a foreign corporation on the proportional part of its capital stock employed in the State.

Mr. McDERMOTT. In that case it would be almost impossible for the assessor to ascertain anything about the value of the stock.

Mr. PALMER. The taxation was imposed by the terms of the law upon corporations doing business in the State; but that provision has been construed by our supreme court as meaning only that portion of the capital stock employed in business within the State.

Mr. LITTLEFIELD. When the gentleman says "capital stock," he means "capital," I presume.

Mr. PALMER. We use capital and capital stock as synonymous. We undertook to tax the Standard Oil Company on its entire capital stock of—I do not know many millions, possibly thirty or forty. The act of assembly, literally construed, provided for that. But the supreme court held that we could not tax the Standard oil company except on that portion of its capital stock employed in the State of Pennsylvania.

Mr. McDERMOTT. In other words, the Standard Oil Company, doing business in the State of Pennsylvania, which has a constitutional provision similar to that of New York and New Jersey and practically all the States of the Union, that property shall be assessed according to its value, the court ruled that inasmuch as the Standard Oil Company was not a creature of the Pennsylvania law it must be assessed only according to the property which it had within the State; and if you choose, in ascertaining the value of that property, to take the stock as representing it, you assess the portion of stock employed in the State.

But you could not take $100,000 worth of property represented by the Standard Oil Company's ownership of lands within the State of Pennsylvania and then say that it had invested $100,000 of its stock in Pennsylvania; but as the market value of the stock was over $700 a share you would make an assessment accordingly. What the court in Pennsylvania held, and must necessarily have held, under the Federal Constitution, was that you should assess the property in the State according to its value.

If you attempted anything more you would simply confiscate the property. It must be recollected that property within the State of Pennsylvania is guarded, first, by the constitution of the State, and, second, by the Constitution of the United States. But the application of the rules of legislation in a matter of taxation to property in the State of Pennsylvania is entirely different to the rule which would be applied by a court in this District, where the power of Congress is practically unlimited.

Mr. PALMER. I am not antagonizing the gentleman's proposition. I think it is a sensible proposition that a foreign corporation should not be taxed in the District of Columbia on its entire capital stock, but should be taxed on its gross earnings within the District, or on that portion of its capital stock actually invested in the District.

Mr. McDERMOTT. The method of assessing in Pennsylvania is practically under the same idea and ruling, and Pennsylvania was one of the earliest States to assess all property according to

value. A franchise tax can not be imposed upon a foreign corporation upon the basis of an assessment of all its issued or authorized stock.

Mr. PALMER. Yes; and I would like to ask one question. How is the property assessed in the District of Columbia? Is it supposed to be assessed at its true market value?

Mr. McDERMOTT. There is one of the great troubles about the assessment of property in the District of Columbia. In Philadelphia you have a common council or some other body that makes up the annual budget. Then your assessors go out and ascertain the value of the property. You apply one to the other and fix the rate. Here you say to the assessor: "We are going to spend $10,000,000 this year in the District of Columbia. The Federal Government will pay one half. You assess a dollar and a half against enough property to make up the balance."

Mr. PALMER. I do not understand what you mean by assessing a dollar and a half.

Mr. McDERMOTT. Every man is to be assessed $1.50 on every hundred dollars.

Mr. PALMER. Then the amount of tax rate depends upon the amount of the assessment.

Mr. McDERMOTT. The bulk raised depends on the total of the ratables assessed.

Mr. PALMER. It depends on the amount of the assessment, does it not?

Mr. McDERMOTT. It depends on the amount of the assessment.

Mr. PALMER. Yes.

Mr. McDERMOTT. Let me illustrate. Treating the ratables—that is, all the property, personal and real—within the District of Columbia as a unit—and I am illustrating it in this way—taking all the property not owned by the Government of the United States within the District of Columbia as a unit, belonging to one man or to one corporation, when the assessor came to assess that he would not assess it as he would in the State of Pennsylvania, by finding out what the value of it was, but he would say how much, at a dollar and a half a hundred, shall I assess the entire property of the District of Columbia in order to raise $5,000,000; and therefore his assessment would put his mental inquiry, not to the ascertainment of the value of property which it is the duty of an assessor to ascertain, but to the inquiry of how much in the aggregate must I assess all the property not owned by the Government in order to raise, at $1.50 a hundred, $5,000,000. It is vicious in its principle; unheard of in any municipality in these United States, I venture to say; bad in its application, and I trust the day will come when Washington will be relieved from it.

Mr. McCLEARY. Mr. Chairman, I yield ten minutes to the gentleman from Pennsylvania [Mr. MORRELL].

Mr. MORRELL. Mr. Chairman, with all due respect to the Committee on Rules, I beg to take exception to the manner of attaching this amendment to this bill. It simply means to go back to a system of legislation which has received the evil comment of every legislative body. It is going back to the old system of logrolling, as it was commonly called. I also beg to take exception to the fact of this committee usurping the powers of the legislative subcommittees of the District of Columbia Committee. I fail to see why those committees, if they have been properly requested so to do, should not have reported a bill covering this personal tax. I should also like to call attention of the members of this House to those who are to be affected by this tax. The corporations are to be affected by this personal tax.

Certain people who come from a distance are to be affected by this tax, but those coming from a distance affected by this tax—this personal tax—in its present form number scarcely 100. Now, we have also affected by this tax those who have spent their lives in the service of the United States, both in the Army and the Navy. The retired Army officer and the retired Navy officer expect to and do make their homes in Washington. They have lost to a great extent their associations with the States of their birth, and they come to Washington to make it their home. Surely it is not the desire of Congress to tax those people. There is another class of people, namely, the Government employees, likewise living in Washington, who have scraped together perhaps during a long period of service sufficient money to purchase their own little home. Surely the Government does not desire to put a personal inquisitorial tax on that class of people. Then we have also the storekeepers and the merchants, both those who are attracted here to supply the wants of these few tax jumpers, as we might term them, and also those who are attracted here to supply the wants of the other two classes. Surely we do not want to drive them out of business by a personal tax.

Mr. PAYNE. May I ask the gentleman a question?

Mr. MORRELL. Certainly.

Mr. PAYNE. Do you not think these people have been almighty lucky that they have not had to pay any personal tax during the last twenty-five years, different from the citizens of the United States generally in that respect?

Mr. MORRELL. Well, because they have not been obliged to pay a tax for the last twenty-five years is no reason why they should pay it now.

Mr. PAYNE. Is there any reason why they should not be obliged to pay taxes as every other citizen of the United States and every State in the Union—a tax on personalty as well as on realty?

Mr. MORRELL. There is no more reason why they should pay it this year any more than any other year.

Mr. PAYNE. Do you not think they ought to be exempted from all taxes, real and personal?

Mr. MORRELL. Yes; if it was possible to carry on the District government without taxing them I would be in favor of not taxing them.

Mr. PAYNE. Of course the General Government could pay it all.

Mr. MORRELL. Yes.

Mr. PAYNE. And these poor corporations and these gentlemen who have located here could get along without paying anything.

Mr. MORRELL. I am in favor of a limited taxation, but not of the character proposed in the present law.

Mr. SIBLEY. I should like to ask my colleague if he does not think that Washington would soon become the largest city in America if those who lived here were exempted from all taxation, both real and personal?

Mr. MORRELL. I do. But I should also like to ask the gentleman, does he not think that Washington would cease to increase in the ratio that it has been doing if this personal tax was enforced?

Mr. SIBLEY. I should hope not. I should hope that Washington is not dependent upon immunity from taxation for its growth. I think it has too many other advantages.

Mr. MORRELL. I think to a very great extent it is.

Now, Mr. Chairman, we have heard a good deal about this theory of pay as you go. There is no large municipality in this country that pays as it goes. No big business enterprise, no railroad ever was built that paid as it went. Neither does the Government of this country pay as it goes. I have here a statement showing the surplus and deficit at the beginning of each fiscal year up to December, 1901, from July 1, 1889, and the extraordinary expenditures for the same period paid wholly or in part from the District revenues.

This shows that to-day, if the extraordinary expenditures were not included in the District of Columbia budget for this year, we would have a difference between $782,436, which has been expended for these extraordinary improvements, and $716,155, which is the deficit to-day, and which we are trying to make up. Therefore it is not fair, in my judgment, that the Commissioners should be blamed for extravagance. It is not fair that the Committee on the District of Columbia should be placed in the light of spending more money than it has revenue, when these extraordinary expenditures are forced upon the District by the Government. I know of no other municipality in this country where such extraordinary expenditures as the increasing of the water supply and the extension of streets are met directly each year by taxation.

Now, Mr. Chairman, we are also told that this new adjustment of taxation which is in progress will yield a sufficient revenue to supply the deficiency that is at present worrying the members of the Committee on Appropriations. I sincerely trust that this law in its crude condition—because it is crude—will not be attached to this appropriation bill without being amended so as not to be inquisitorial in its conditions or exacting as it is at present.

Mr. McCLEARY. Mr. Chairman, I yield to my colleague on the committee [Mr. BURKETT] such time as he desires.

Mr. BURKETT. Mr. Chairman, I do not know that at this time I care to go into any discussion of the merits or demerits of the proposition to tax personal property. I take it from what has been said that the majority of this House believe that whether a man's money is invested in personal property or in real estate, if he is going to ask protection at the hands of the Government for that property he ought to pay some of the cost of that protection.

One or two things were said by the gentleman from New Jersey [Mr. McDERMOTT] of which I wish to speak. The first is why we should do what he called an unseemly thing in making permanent improvements by these appropriations from year to year. He argues that the money should be borrowed and bonds issued and paid in later years or during a series of years. I desire to call the attention of the gentleman, if he is here, and the attention of the House to this proposition: Take the illustration that he used of the sewer system. For a good many years we have had here in Washington a very good sewerage system. It has answered the demands very well.

Some eight or ten years ago a commission was appointed, who laid out a great plan of sewage disposal, what they called a great

sewage-disposal system, and they said that ultimately we ought to have that system. Now, there were two ways to accomplish that. There was no immediate necessity for it, as is true of some of these other improvements; that is, while it was desirable and a good thing and ultimately we want to reach that ideal sewage-disposal system here in Washington, yet its immediate completion was not particularly necessary.

It was estimated that it would cost about $5,000,000 to complete that sewage-disposal system. Congress could have permitted the borrowing of the money and the issuing of bonds, and could have undertaken that gigantic proposition all at one time just as is done in the majority of instances in other cities, as the gentleman from New Jersey has suggested. But Congress did not do that.

Congress said they would begin it, and that they would keep it up until that sewage-disposal system was completed, building part of it from year to year as we had the money to do it. Now, whether or not that was the better way, that is the policy that Congress has adopted and is the plan we are working on now, and the present bill only continues that established policy. In my judgment, after thinking of it considerably, under our peculiar circumstances it is the better policy, as I am going to try to explain. This year, for instance, in carrying out that sewage-disposal system about $400,000 are appropriated, and from year to year we have appropriated something like that amount. For example, here is a sewer that is called the boundary-line sewer, which runs clear out east of the city and finally into the river. It is probably 4 or 5 miles long, as I understand it. That was begun at the river and we are gradually extending that sewer, building it back further every year as we have money to do it with. In a few years we will have it completed.

There is another sewer in connection with this system on the west side of the city, and from year to year we are appropriating more money to do some portion of the work upon that. When we get it finished we will have it all paid for. The gentleman from New Jersey [Mr. McDERMOTT] says that these are permanent improvements, and that we ought to borrow money and pay interest on it and do all the work at once.

The facts are, if the gentleman will investigate, that we have been able, without raising the taxes on the people of this District to an unseemly figure, to go on with these improvements from year to year and pay for them out of the current revenues, and have been able in this way to appropriate about all the money that the city officials could use advantageously in developing this system of improvements. We might have borrowed the money, but would it have been cheaper? We would have been paying interest on it. Is it not better to put as much money as we can put into this sewage-disposal system from year to year? At the end of twelve or fifteen years we will have this sewage-disposal system completed for all time to come and every foot of it paid for.

Mr. PALMER. Why not let posterity pay for some of it?

Mr. BURKETT. I will come to that. I am willing to do a little something for posterity.

Mr. PALMER. What has posterity ever done for us in the way of paying for improvements?

Mr. BURKETT. I am coming to the posterity part of this matter in a moment. This is our present policy, and of course you may ask the question, Is it the best policy? In answering this question we should always bear in mind the peculiar and unusual circumstances and conditions that pertain here. There is no city in the world in the position of the city of Washington. The United States Government pays one-half of the expenses. There is no city governed like Washington, for the Congress of the United States is the common council.

One administration comes in and another administration goes out; one party comes into control and another party goes out as the politics of the country change. One Congress might plan one thing and another something else; but, sirs, if Congress shall ever start upon that policy of permitting this District to bond itself for the things that the people of this District believe they ought to have or are persuaded they ought to have, then, sir, we will soon have reached such a gigantic system of bonding that posterity will never be able to pay out.

We, as the representatives of this country, coming from all the States of the Union, from the Atlantic to the Pacific, are the guardians of this city. I, for one, think we ought not to begin a bonding system or establish a precedent of this kind for future Congresses to follow or hide behind in what might at some time be reckless and extravagant. Congress legislates for the people of the District of Columbia, but is not responsible to them on election day, and every precaution should be taken to prevent any opportunity for undue expenditure and consequent heavy burdens of taxation. So long as we go on a cash basis there can be no danger. But if we shall once start on the bonding system we will reach in this District a bonded indebtedness that the people will never be able to pay out.

Now, let me reply to the gentleman about leaving something for posterity to do. There will always be plenty for posterity to do. This is the capital of the nation, and there will never come a time when there will not be expenditures of an extraordinary nature. Let me suggest to him this. In this matter of public roads, for instance, that we are building. These are not necessities. Congress knows it is not a necessity to extend Connecticut avenue or Massachusetts avenue away out into the country, but we are doing it. We know it is not a necessity to extend the county roads out to the District line, but we are doing it. We are anticipating the future in this.

But every one of us is doing something for the future. We ought to. We want to leave conditions for the future better than we received them. There will be abundance for posterity to do, as I have said, as this capital grows and as its population is increased. There will be improvements from year to year, and as much as the people will be able to pay for as they are made. The gentleman from New Jersey would complete them all at once and pay for them as years go on; on the other hand, we are making them as the years go on and paying cash as we go.

Mr. PALMER. Are these paid for half and half, for the grading of these roads, by the District and by the Government? Does the District pay one half and the Government of the United States the other half, or do the landowners through whose land the roads are laid pay something on account of the improvement?

Mr. BURKETT. The District pays half, and half is paid by the Government.

Mr. PALMER. If you lay out Connecticut avenue, or any other street, and improve the value by 400 or 500 per cent, the landowner gets the unearned increment, does he not? Why should not the landowner whose land is thus improved be laid under the same contribution that is laid in every civilized country upon the people whose land is thus to be improved?

Mr. BURKETT. Well, the gentleman's question, as I understand it, is: Why not make the landowner pay? You might just as well ask me why we do not make the property owner pave the streets and build the sidewalks, as they do in my city, and I presume in yours.

Mr. PALMER. Why should they not do so?

Mr. BURKETT. Why, because we have adopted here a different policy. When you go to build a sidewalk here the Government and the District pays half, and when you go to pave any of the streets in the city they pay it all. Out where I live the property owner pays for it all. That is the policy here as differing from the policy prevailing in most cities I know anything about.

Mr. LACEY. If the gentlemen will permit me, Mr. Chairman, the effect of this is to induce men who have vacant lands to urge a system of improvements, knowing that no charge is assessed on their property, and thus we are stimulating building streets out into the country beyond where the houses are. Is not that the fact?

Mr. BURKETT. That is the fact in some particulars. But I may say to the gentleman that there are a great many streets in the District paved entirely by private enterprise. Of course, the House will understand this. Here is the capital city. By the Constitution Congress has full power to legislate exclusively for the District of Columbia. We are interested in making this capital city a beautiful city; we are interested in governing it as we want it governed; we are interested in paving it as we want it paved; we are interested in having the streets as wide as we want them—in short, the Congress of the United States comes here to legislate for this city, for all the people of the United States, because it is their capital. For myself, as it has been thought in the past, no doubt, when this policy was established, if we are to construct these improvements, if we are to say how much they shall be from year to year, how good they shall be, what they shall be, it is proper that we should help pay for them. Congress in the past has established this policy, and also that we shall pay for these improvements as they go on.

Mr. McDERMOTT. Let me direct your mind to this, not representing the individual taxpayer in the matter of these improvements: The Federal Government pays one-half of them. Now, if you get this into your mind and make the calculation, I am honestly of the conviction that you will find the result will be this: If you impose the cost of these permanent improvements wholly upon the individual taxpayer and let him pay them according to the rule by which permanent improvements are paid for in every other city, and if the Federal Government contributes nothing, the citizen paying into a sinking fund the amount of interest that has to be met every year, extending over a period of years, the cost would be less to this generation and also to the next generation.

Mr. BURKETT. Well, now, it appears that the gentleman is misapprehending the fact. The gentleman does not undertake to say that we can do just as much improvement and just as good improvement as we are doing in the District of Columbia now if the Government should not contribute anything to the improvements, and at the same time the taxpayer would pay less taxes than now?

Mr. McDERMOTT. I say that taking as an illustration the improvement of the waterworks. Under the law now it is to cost $4,000,000, and the Government pays $2,000,000. Then divide it into five assessments, and assess 4 per cent upon the District of Columbia, upon the private property owner; I say it would be better for the private property owner, for their prosperity, if the Government should subtract or rather withdraw its contribution of $2,000,000 and allow the people to create a sinking fund which would be redeemable, say, in fifty years, and allow the people owning the property in the District of Columbia to sustain the expense of the entire waterworks. It would be a great deal better and would impose less burden upon them than the present method of assessment.

Mr. BURKETT. I must admit that I am unable to see how you can ever make $4,000,000 payable easier in fifty years than you can by paying it at present, if you are able to pay it, and when you get some one else to pay one-half of it. I am unable to see how the District of Columbia, without any contribution from the General Government, could pay any cheaper for the water system in fifty years, and have to pay twice as much then as they will have to pay now, than they can pay under the present system when the Government contributes to it.

Mr. McDERMOTT. I will tell the gentleman how. You would rather have a sinking fund imposed upon your property, even if it runs eighty years, than to be forced to pay for it in four installments. Gentlemen must recollect, further, that there is imposed on the people of the District of Columbia a general expense account fixed by Congress that the people have nothing to do with. If they had anything to do with it, they would cut it in two, as does any other municipal government in the country.

Mr. BURKETT. If there was nothing for the District of Columbia to do but to build a water plant, if there was nothing for the District of Columbia to do but to build a sewage system, if the question was whether they should pay for it in four years or in a longer time, it might be easier or more convenient for them to have the longer time; but that does not get down to the bottom of the question for this reason: A man is not taxed any more in this city than a man that lives out in another city in the United States, and I doubt if he is taxed as much.

Now, so far as we are able to go on and anticipate these improvements, such as building the sewerage system and completing the water plant; so long as we can follow the present plan to complete these things as needed and pay for them as we go and at the same time not impose on the taxpayers of this District a burden larger than the taxpayer pays in the average city of the United States, I do not understand where the taxpayer of this District has anything to complain of.

Mr. McDERMOTT. Do you know of any city where they allow you to fix the tax rate because somebody pays a higher rate in another city?

Mr. BURKETT. No; nobody claims that.

Mr. McDERMOTT. The rule is to make the tax rate as low as possible.

Mr. BURKETT. The rule here is to develop and beautify the city as much as possible, and not be burdensome beyond reason to the people. I say that as long as under the present policy we can go on building up and developing this city, making the permanent improvements that are necessary and pay for them as we go, and at the same time are not unduly—and by unduly I mean taxing any higher than they are taxed in other cities—so long as by that plan and under that system we are not unduly taxing the taxpayer, they have nothing to complain of.

Mr. McDERMOTT. Does the gentleman know of any other city in the United States where they are taxed $1.50 on a hundred dollars, as in the District of Columbia?

Mr. BURKETT. They do not pay that in the District of Columbia.

Mr. McDERMOTT. Because the law is tentative, but does the gentleman know of any city where they collect a tax of $1.50 cents on the hundred dollars?

Mr. BURKETT. I know of a number of cities in the United States where the tax on the actual valuation is higher than it is in the District of Columbia.

Mr. McDERMOTT. I would like to have the gentleman state if he knows of any city where the tax is $1.50 on the full value.

Mr. BURKETT. They do not pay that here on the full value.

Mr. McDERMOTT. But that is the proposition in this bill.

Mr. BURKETT. That is what the law has been since 1877, and you have been paying on a 65 per cent valuation. Now, let me read what it says here:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the support of the government of the District of Columbia for the fiscal year ending June 30, 1878, there shall be levied upon all lands outside of the cities of Washington and Georgetown held and used solely for agricultural purposes a tax of $1.25 on each $100 of the assessed value thereof, and upon all other real and personal property in said District, excepting only the real and personal property of the United States and that hereinafter stated, a tax of $1.50—

On what?—

on each $100 of the assessed value thereof.

And that "assessed value thereof" is about 60 or 65 per cent.

Mr. McDERMOTT. What is the sworn duty of the assessor in assessing the value?

Mr. BURKETT. There is nothing said about that here.

Mr. PALMER. Suppose a man has got a hundred-dollar Government bond?

Mr. BURKETT. Oh, the gentleman does not want to use that as an illustration.

Mr. PALMER. Well, suppose he has a mortgage bearing 4 or 5 per cent interest, what will he have to pay on that?

Mr. BURKETT. If it is assessed at its full value, he would have to pay the tax on it.

Mr. PALMER. How could you get the assessor to assess it for any less than that? I am talking about a good mortgage. Take Pennsylvania Railroad stock or the Chicago and Northwestern stock.

Mr. BURKETT. As a matter of fact, the citizens of this District have not been taxed for the full value under the law.

Mr. PALMER. But you are proposing to tax him $1.50 on every $100.

Mr. BURKETT. Yes; and he ought to be taxed to that extent.

Mr. PALMER. I will simply repeat the question of the gentleman from New Jersey. Do you know any place in the world where there is imposed a personal tax of $1.50 on every $100?

Mr. BURKETT. I do not know any place in the world where property is not taxed to the same extent that it is taxed here, on an equal assessed valuation.

Mr. PALMER. But you are proposing to assess the property at its full value.

Mr. WARNOCK. Let me say that there is not a city in Ohio where people do not pay a tax of from 1 to 3 per cent on the full face value of every good mortgage that they own.

Mr. PALMER. How many are honest enough to make the return and pay the tax?

Mr. WARNOCK. A good many.

Mr. BURKETT. Now, I want to go just a step further and suggest one other thing which so far as I have heard has not been brought out in this debate.

In 1877, as has been shown, this general taxing law, as printed in the RECORD this morning, was passed. It has been on the statute book since 1877, and Judge Clabaugh, in the decision rendered the other day, says that it is a good law, an equitable law. Now, gentlemen attack this law and argue as if we were trying to legislate somewhere along that line. We are only undertaking to do what the judge in making that decision said should be done; we are undertaking to create offices to put that law into effect.

Mr. McDERMOTT. Though I dislike to interrupt the gentleman again, will he allow me a single remark? With regard to the judicial opinion to which he has just referred, I do not know what right a judge has to say whether a law is a good and equitable law or not. It is his business to apply the law to particular cases and to decide whether the law is constitutional. But a judicial declaration that a particular law is a good law and is proper legislation is of very little force.

Mr. BURKETT. Very well, I will waive that proposition.

Mr. McDERMOTT. One further question: Does the amendment to be proposed by the gentleman from Illinois [Mr. CANNON] impose this year's taxation alone on personal property, or does it impose every year's taxation that would have been imposed under the law of 1877 if that law had been valid and had been enforced? In my opinion and according to my reading of its provisions it imposes all the taxes that could have been imposed if the law had been valid and the necessary machinery in operation.

In other words, you propose, under the amendment of the gentleman from Illinois, to impose taxation for all past years. That is my view of the reading of the act. Therefore you will impose, in some cases, a taxation of 10 or 20 per cent. I only state this for the purpose of getting the view of the gentleman, and to illustrate that this is not a proper method of legislation.

Mr. BURKETT. I will come to that matter directly. Let me continue the point which I was discussing.

This law of 1877 was passed, covering both personal property and real property. We have been operating under that law. Some personal taxes have been collected under that law during all these years since its enactment. We have assessed and levied taxes, real and personal, during all these years. Several acts have been passed amending the assessment laws pertaining to real estate. For instance, in 1892 a little clause was inserted in a sundry civil appropriation bill providing that the President should appoint three assistant assessors to equalize the taxation on real estate. Two years later, in 1894, an act of considerable proportions was passed providing for the appointment of three assessors to take the place of those provided for by the law of

1892. So that during all this time, or at least since 1892, we have had the machinery to carry on the real-estate side of this law of 1877.

Now, in 1878, as has been stated here, Congress passed the organic law of the District of Columbia, which contained a provision authorizing the Commissioners to abolish any office or to consolidate any two or more offices. The exact words of the part of section 9 pertaining thereto are as follows:

And said Commissioners are hereby authorized to abolish any office, to consolidate two or more offices, reduce the number of employees, remove from office, and make appointments to any office under them authorized by law.

On December 21, 1878, after the passage of that act, the Commissioners of the District did abolish two of the assessors that had previously been provided for and consolidated the other office of assessor with the office of treasurer and the office of the superintendent of assessments and taxes under the name of "treasurer and assessor's office." Observe that these officers went on and assessed personal and real property.

In 1892 and in 1894, as I have stated, the law was changed and the machinery was created for equalizing taxes upon real estate. But nothing was ever done in that respect in reference to personal estate. Some persons, however, paid their taxes on personal property; and we have made appropriations from year to year with reference to that object. For instance, I find that we provided an appropriation of $1,500 to pay somebody to go around and coax the people into paying personal taxes in this District; and some persons have paid those taxes.

Some, however, said a year ago "We will not pay this personal tax; you can not collect it; it is not legal." The matter was taken before the courts. The attorneys of the District undertook to uphold the law. I have here a very able and exhaustive brief by the district attorney, Mr. Andrew B. Duvall. He went into the matter very thoroughly. Judge Clabaugh held in his decision that the personal-tax law, as it stood on the statute books, could not be enforced. Why? Because, as he said, there was nobody to enforce it. Let me read briefly from his opinion:

There is nothing in any act of Congress to suggest the thought that Congress intended to do away with the scheme of taxation which it had set up. I believe that scheme is the law to-day—

Referring to the law of 1877—

and if there was any one to carry it out it would still be in force. In my judgment, the law is absolutely and entirely constitutional. I believe it is a good law and a fair law, and if there was machinery to carry it out, I would unquestionably hold these proceedings could not be maintained. * * * The District Commissioners have abolished the very persons that Congress directed should carry the law into effect, and until they are restored the law can not be enforced.

Judge Clabaugh held that when the Commissioners, back there in 1878, within six months after the passage of that organic law, had by consolidating one assessor in with the treasurer made them the board of assessors, they performed an act of legislation which they did not have any right to do and had destroyed the machinery which Congress had provided for collecting taxes. But in 1892 and 1894, as I have said, Congress provided the machinery to collect the taxes on real estate, and therefore we have had taxes on real estate collected. If there was any lack of machinery as to real estate during some of these years the people did not find it out and it was corrected later. Now, we found out this last winter that we were not able to collect taxes on personal property. A great many people had had a suspicion of it for some time. But then it was definitely announced that we could not enforce collection of taxes levied under that law that has stood since 1877.

Why gentlemen attack it: Some of them say it is drastic. To a man who feels, as some of them have said here, that you ought not to pay any taxes on personal property, of course it is a drastic measure, for it was made to collect them. I do not know that it will be possible to reach all the personal property. I surmise there will be a good many notes, a good many things that will be held out and concealed—as they are in every State, as is the common experience—which will never be reached by this board of assessors.

But, sir, what I desire to impress upon the House is this: That this is not legislating any new tax law onto the District. It is not a new revenue system. It is a law that we have had since 1877, and that nobody ever dreamed was not a tax law—I will not say dreamed, because there were a good many who did, but that nobody ever knew certainly was not a valid and enforceable law until last December, when Judge Clabaugh rendered that decision. Then what is intended by this little addition, this little paragraph, these few lines added to this appropriation bill, is only to correct the error that Judge Clabaugh found in the law last winter. It merely provides a way for the collection of these taxes on property which this law, more than twenty years old, has provided for during all these years should be assessed and should be collected.

Mr. BELLAMY. May I ask the gentleman a question?

Mr. BURKETT. Certainly.

Mr. BELLAMY. What is the estimated value of the personal property that may be reached under this rider?

Mr. BURKETT. Well, I will say to the gentleman that I have tried pretty hard to get an estimate. I can not make any better estimate than the gentleman can, personally. I have asked a good many who ought to know, and for some reason we never have been able to get an estimate. It has been roughly estimated that this will, if enforced, pay in a million of dollars in taxes in round numbers, and some say a million and a half.

Mr. BELLAMY. If that is so, if it brings in a million dollars' worth of taxes, then do you not think the rate of one and a half is too high in the District? You would have a million dollars more than you would need.

Mr. BURKETT. I will say to the gentleman this, that it will not bring any more money than the people of the District are ambitious to spend, if the estimates of the Commissioners are a criterion.

Let me say this in connection with that: The Appropriation Committee in this House—it is a matter now in the House—are met with this proposition: Here is a District with 300,000 people, and their wants are unlimited. They want to build a memorial bridge; they want to establish a great park system; they want to keep these beautiful little parks that we have in the city already going and have flowers, and they want the streets swept and cleaned, and they want pure water, and they want a sewage-disposal system. They are here demanding for the building and improvement of these roads. They came in and asked through their Commissioners for Congress to appropriate $10,000,000 in round numbers.

Your committee said to those Commissioners: "We do not believe that we should; in fact, we believe we are bound not to spend a dollar more than we have in hand. In short, in the past you have run in debt; you have got $14,000,000 of bonded indebtedness, and you owe something like $1,300,000 up at the Treasury, you owe some interest and that sort of thing, and we believe we ought not to appropriate a dollar more than you have in sight." We asked them to cut down their estimates. The committee finally took a hand in the paring and finally we got this bill down practically, as we believe, within the available revenues.

Now, if this would raise a million dollars of personal tax, and if Congress would then give another million of dollars on top of that, as they would be obliged to do under the compact by which the organic act was passed, then we would have $2,000,000 more than we have now, and that would still lack $1,000,000 of doing what the people of this District, through their Commissioners, have asked us to do this year. In short, if a cent and a half on the dollar, or on 65 per cent of that dollar, is not too high taxation, I want to say there is no doubt but what we can go on and spend it legitimately, and spend it for the good and for the beautifying and development of this District, and yet not get beyond the specifications of wants of the District. As one member of Congress, as I have said repeatedly, I am in favor of beautifying this District within reasonable bounds.

I am proud of the city. It is my capital, just the same as it is the capital of all of us, and whenever this city is willing to raise a dollar in taxes I am willing to take another dollar out of the Treasury and do $2 worth of improvement. I am also reminded to suggest that we passed a bill carrying a million and a half of dollars day before yesterday, for which we will have to provide in some way.

Mr. PALMER. Your amendment provides that this act is "hereby declared in full force and effect, and to have been continuously so enforced since its enactment." That was in 1877, which is twenty-five years. Now, under the terms of that act what would hinder you from levying $37.50 on every hundred dollars of personal property in the District, if this act has been continuously enforced since 1877?

Mr. BURKETT. I am glad the gentleman suggested that, for I promised the gentleman from New Jersey [Mr. McDERMOTT] that I would give my idea on it.

Now, if you have taxed personal property in years gone by, if that property has been taxed, the tax stands on the books against the man who owned the property; and whether we pass this law or not, he owes that tax. If in times past a man's property has not been taxed, there is no authority, under this law or any other law that ever I heard of, except as specifically passed for that purpose, to send the assessor out next year and tax a man's personal property ten years ago or five years ago or six months ago. So, in my judgment, this law is not retroactive in that respect. You can not collect any more taxes than have been assessed in times past; and if they have been assessed they are a debt, and they are due, and the owner has got to pay them, and he ought to pay them.

Mr. SIMS. Is it not a common thing that many States have laws by which they back assess property that has not been assessed; and what is to hinder from back assessing the property here, within the limitation?

Mr. GAINES of Tennessee. How much does the present census show there is of personal property in the city of Washington that is taxable? How much was shown by the last census? The gentleman can answer the two questions.

Mr. BURKETT. Well, I do not know that the information is published. At least I have not seen it, and in all our examinations we have not found it.

Mr. GAINES of Tennessee. I think that information has been made public, and it would certainly disclose a great deal if we had it here. I think the gentleman could get it by telephone from the Bureau.

Mr. BURKETT. We have asked for that several times, and we received the response that it had not been published. That was the reply that was made only the other day.

Mr. GAINES of Tennessee. I am satisfied that if you go there and tell them you want to base legislation on it, Mr. Merriam will set somebody at work to give you the information at once.

Mr. BURKETT. I will say to the gentleman that it is very questionable in my mind, if that is true, whether we ought to go into the rating question under this legislation.

Mr. GAINES of Tennessee. Go into what?

Mr. BURKETT. Into the rating question of what should be assessed. We ought not to change the rate, on this bill, even if we knew just how much taxes would be raised. In short, we are only seeking, in this legislation that we hope to pass in connection with this bill, to enforce the old law. If it is not a good law there will be plenty of people to come here next year and advise us of the fact that they have been assessed too much. There will be plenty of people who will be in favor of reducing taxes, whereas there are very few, so far as we can find out, who are willing to help us and encourage us in really trying to impose proper taxes.

Mr. GAINES of Tennessee. Is not personal property taxed at all in the District?

Mr. BURKETT. Some of it; yes. As some one has said here to-day, street-car companies are taxed 4 per cent on their gross income. Insurance companies are taxed 1½ per cent on premiums, and loan and trust companies, I believe.

Mr. GAINES of Tennessee. I mean what we ordinarily term personal property.

Mr. BURKETT. In the main, no; it is not.

Mr. SIMS. Is there any law here providing for the back assessment of property that has escaped taxation?

Mr. BURKETT. I will say that I have not looked this up thoroughly, and this is entirely offhand; but I do not believe that under this law you can go back and assess any property that has not been assessed in times past.

Mr. SIMS. Does not that offer a premium, then, to escape? And if you have a law that will not allow you to back assess, where property has escaped, will not that offer a premium to hold out and dodge?

Mr. BURKETT. You mean in the future?

Mr. SIMS. If this law passes.

Mr. BURKETT. There is plenty of inducement to escape taxation. They have escaped in the past, not for the sake of getting out of it in the future, but for the sake of getting out of it at that time; and if they have escaped in the past, I do not see how under this law you can go back by virtue of this reenacting clause and make good any failure to assess property in the past. I do not see how this clause which puts the old law into force has any effect in that line whatever. Whatever you might have done under that law of 1877 if the machinery had never been abolished you can do now with that machinery rehabilitated, and no more, in my judgment.

Mr. SIMS. Why not let it provide, if it does not provide, for back assessment, where the property has escaped taxation?

Mr. BURKETT. That might be well enough; but on the back-tax question, I think if this tax law itself is not good that it ought to be brought up at some time and amended on its own merits when it comes from the proper committee. It has been on the statute books since 1877. We have taxed real and personal property under it, and there has never been anybody to come in here and attack that law.

Mr. SIMS. Does the gentleman say a great deal has been collected under this law?

Mr. BURKETT. Yes; I understand there has been collected a great deal of personal tax under the law.

Mr. SIMS. Why not have it as perfect as you can get it, and have a back-tax provision that will secure the matter hereafter?

Mr. BURKETT. Well, that is for the House to say.

Mr. SIMS. What does the gentleman say?

Mr. BURKETT. I think if this Government has not got the tax assessed for years and years it ought not to go back. In short, if the Government has not provided the proper machinery for proper assessments in years gone by it is of doubtful propriety, in my mind, to go back, at least very many years back.

Mr. SIMS. Then why not fix it so that it can be attended to in the future, by compelling the assessor to have them assessed?

Mr. BURKETT. Well, I do not know as to that being a good provision. I do not know of any State that has any such provision.

Mr. SIMS. I do not know of any State that has not.

Mr. GAINES of Tennessee. The State of Tennessee in one case got over $300,000 in back taxes.

Mr. WARNOCK. The State of Ohio allows them to go back for five years.

Mr. BURKETT. Since I think of it and understand the question, that statement was incorrect. Some States have that sort of a law.

Mr. McDERMOTT. If the gentleman will permit me, I am not fighting the tax upon personal property. Now, the proposed amendment the gentleman understands is not to assess back taxes. Let me say it is not for that, but it is "for all purposes."

That for all purposes of assessment and collection of taxes upon personal property in the District of Columbia the act of Congress approved March 3, 1877, entitled "An act for the support of the government of the District of Columbia for the year ending June 30, 1878, and for other purposes," as amended by specific acts of Congress, is hereby declared to be in full force and effect, and to have been continuously so in force since its enactment (in 1877). And that the board of assistant assessors created under the act of Congress approved August 14, 1894, be, and they are hereby, clothed with the duties and power of the assessors mentioned in the first-named act.

Now, if the act is to be present declaratory legislation, said to be in force and to have been continuously in force, and the duties under it are imposed upon the board, necessarily under the act these men perform the duties not only then present incumbent upon the board, but those that have been neglected in the past, otherwise our declaration that it should have been continuously in force for the use of the present assessment can not be the purpose. Therefore, as it is drawn, no matter what the intention was, it does not confer power upon the board of assistant assessors to assess property away back from here if it had not been assessed.

That is the plain reading of this amendment as it is now proposed. On the question of whether this kind of legislation should be adopted, I am not quarreling with the taxation of personal property, but what I state is that it is not getting at it in a reasonable way. We ought to have a law that was a good one.

Mr. BURKETT. I will say to the gentleman from New Jersey that in my opinion if that law is not effective and does not reach property then we ought to go at it and amend it. It is subject to amendment.

Mr. McDERMOTT. But the committee reported it, and I do not see any objection to the assessment. The gentleman argued that taxes have been unpaid for a long time; but is that what you want? It is not a question as to the propriety of the legislation, but what does the legislation mean in the minds of those who recommend it to the House?

Mr. BURKETT. I will say to the gentleman that during these years there have been some taxes assessed and collected and paid into the Treasury. Now we have recognized that law. I will say, also, that we have appropriated money to enforce that law, and we have created the office to do the work from time to time. We have recognized it by appropriations, and a specific fund was raised from that taxation from time to time. In short, Congress has always said, by every syllable and word and sentence of legislation in connection with this thing put upon the statute book—and more than a dozen times it has said—that the law is in full force and effect.

And when the committee wrote out that amendment it did not want to unsay what it had said a dozen times before; it did not want to put these people, who had paid taxes into the Treasury, in a position where they would come in and ask to have those taxes refunded. We did not want claims coming into Congress for the refunding of taxes illegally assessed. That law has been on the statute book, Congress says, in full force and effect during all these years, and we have operated under it.

I do not believe that now we can go back, especially by virtue of this act that we propose to-day, and impose a dollar of tax on anybody that has not been assessed and is not upon the books. If you could do it by the terms of that law before, you can do it when this bill is passed. But by virtue of this clause which we propose to add, showing it has been in full force, there is no question in my mind that it does not give a single additional power that you have not had in the law during all these years.

Mr. COWHERD. Will the gentleman allow me an interruption?

Mr. BURKETT. Certainly.

Mr. COWHERD. One reason why the personal tax has not been collected was on account of a decision of the court in the District that the change in the law that occurred shortly after 1877, possibly in the enabling act of 1878, put it in such a shape that it was not enforceable without some mandatory legislation.

Mr. BURKETT. That may have been one of the reasons why the tax has not been collected; there have been a good many decisions, but no decision holding what the gentleman says until

the decision of the 20th of last December. There have been a good many people who contended that you could not collect the personal tax, and a good many escaped it for that reason; a good many dodged it, but all the time a good many have paid a personal-property tax. I want to say that they criticise us for doing this thing, and yet you have not heard any particular complaint from the District of Columbia Committee.

I think a number of members of that committee will say to the House, as they have said to the Committee on Appropriations, that for five years they have been trying to straighten this matter out. The fact is that when you undertake to make a tax law, if you have ever undertaken it in your legislature at home, if you have undertaken to put into force a complete revenue system at one time, you will realize the difficulty you have been up against. In this way you can force this matter through, legitimately, properly, and give full time to consider it and discuss it; not to amend that law my judgment dictates. But if the judgment of the House may think it should be changed, it is certainly open to amendment. But if we pass this little clause we make that law effective which we have said all these years has been operative and, in fact, supposed was in operation.

Mr. SIMS. Will the gentleman from Nebraska allow me a question?

Mr. BURKETT. Certainly.

Mr. SIMS. From the gentleman's statement it appears that some people who have been assessed have paid voluntarily; that is a fact?

Mr. BURKETT. Yes.

Mr. SIMS. Others who have been legally assessed have refused to pay?

Mr. BURKETT. That is true.

Mr. SIMS. Now, if you do not provide for collecting the revenue from those who have been legally assessed and who have refused to pay, will you not raise an equity in favor of those who have paid voluntarily, so that they will claim that the tax shall be refunded?

Mr. BURKETT. No; you will raise the legal question whether we have a right to enforce the collection.

Mr. SIMS. I understood the gentleman to say that he was not in favor of going back and collecting those taxes.

Mr. BURKETT. No; the gentleman misunderstood me. I said that, if there was any property the assessors had not gotten, I did not believe that we ought at this time to go back and hunt up property that had not been found at that time—at least for any considerable number of years back—and which tax was not collected upon by reason of not having the proper machinery. I did not say that that which had been found and assessed, and was on the books of the treasurer against those individuals—I did not say that that ought not to be paid. I believe in collecting every dollar of the tax that is on the books.

Mr. SIMS. Will not this law authorize such a collection?

Mr. BURKETT. Yes; and it will only raise the question whether this tax has been legally assessed. If it has not been legally assessed, of course it can not be collected. The court has said that it was not a legal assessment.

Mr. BINGHAM. May I ask the gentleman a question?

Mr. BURKETT. Certainly.

Mr. BINGHAM. I asked the same question in committee, and I want to ask it now here in the presence of the whole committee. In the enforcement of the requirements of the act of 1877 wherein there has been laches and neglect, does the reenactment in this bill providing that personal taxes shall be paid go back of this year?

Mr. BURKETT. Do you mean the collecting of taxes heretofore assessed, or the assessment of new taxes?

Mr. BINGHAM. Anything and everything. Do you start de novo this year, or do you run back to 1877?

Mr. BURKETT. I have been trying to give my opinion——

Mr. BINGHAM. I want the matter stated specifically.

Mr. BURKETT. I will state to the gentleman what I think this law will do. This clause which we propose to add to the existing law does not confer one additional right on the District, nor does it take away any right of any individual under the law of 1877. We simply, by this little clause, which we propose to add, create officers for the enforcement of the law of 1877.

Mr. BINGHAM. How far back do you run?

Mr. BURKETT. How far back does what run?

Mr. BINGHAM. Your enforcement of the law of 1877.

Mr. BURKETT. Certainly; it runs back just as far as any assessing officers during all these years would have had the right to go.

Mr. BINGHAM. Then, if the gentleman's position is correct, you can enforce upon the residents of this city the payment of taxes from 1877.

Mr. BURKETT. If the tax has been levied and stands against them, if it was levied legally, I answer yes. Of course, there may arise a question of the legality of the assessment. Suppose, for instance, a tax was levied in 1899——

Mr. BINGHAM. I do not care when it was levied; 1877 was the date of the act.

Mr. BURKETT. And suppose that tax stands on the books as an assessment against an individual, John Smith. Now, if under the law you can go back to the time before it was declared there was no machinery for the enforcement of the law and can put the law in force, you can, in my judgment, collect the tax if this clause is enacted.

Mr. BINGHAM. Then this personal tax may run back to 1877. Is that so?

Mr. BURKETT. If it was legally assessed. But the courts have held that in certain cases this tax was not legally assessed.

Mr. BELLAMY. May I ask the gentleman a question?

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENTON. I yield to the gentleman from Missouri [Mr. DE ARMOND] thirty minutes or so much thereof as he may desire.

Mr. DE ARMOND. Mr. Chairman, the question which is now before the committee and which will later come before the House would seem to the uninitiated to be a very simple one. It is whether personal property in the District of Columbia shall be subject to taxation as is personal property in the States. If one had not heard here in the discussion of this question or had not read in the newspapers that personal property ought to be exempt from taxation in this District in order to attract here as permanent residents the wealthy men of the country, he could not realize, I think, that such a claim could be entertained or would be advanced by anybody.

The people who are to be attracted here by exemption from taxation, it must be supposed, are to come mainly from the different States of the Union—States having in this body their Representatives and at the other end of the Capitol their Senators. Every rich man who is to be attracted to Washington by exemption from taxation is a man whose personal property is to be taken out of the taxable wealth of the neighborhood in which he now lives. In other words, each vote and every act here to entice these men from the States in which they now dwell to the city of Washington is an effort, and, if accomplished, will be a deed, to take from the taxable wealth of the several communities represented here and to add it to the nontaxable wealth of the great national capital.

Now, at first blush it would seem to me, as merely an ordinary Representative of a country constituency, that there is nothing of fairness or justice, but everything of the opposite of fairness and justice, in this claim and effort at tax exemption for the rich. Attracting wealthy people to the capital by the bait of freedom from taxation and thereby throwing heavier taxes upon the people and the property of the various districts which we represent, enticing those best able to pay taxes, those having the most upon which to pay them, to leave those several communities and come here—legislation in this direction is directly against the interests of our several constituencies, and is, in my judgment, a direct and positive wrong to them.

Passing from that question, why should there be here an exemption from taxation which does not exist elsewhere? It is not because taxation here is heavier than it is elsewhere, for precisely the reverse is true. The limit of taxation in this city, and in the District of Columbia generally, is $1.50 per year on $100; upon agricultural lands, $1.25 upon the $100.

It has been stated in this debate, stated time and again in this House, and is well known, that generally—in every district represented on this floor, I believe I may say—a large share of the people pay a higher rate of taxation than is exacted from the citizens of Washington or the District of Columbia; and it may be said with truthfulness that in a large majority of the Congressional districts the people are taxed very much more than those of Washington City—sometimes two or three or four times as much. Then the claim can not be made that taxation ought to be lowered here because taxation here is excessively high, for, in fact, it is low here and not high.

Another view of the matter. Why should this city of Washington be made an abiding place, through partial and unjust legislation, for the wealthy people of the land, to say nothing of the matter of taxation? What good can come to the country? What good can come to the average American citizen or the average American taxpayer from having congregated in the city of Washington as large a proportion as possible of the wealthy men of the land? I am not going to indulge in any harangue against wealth or any criticism of wealthy people.

I merely say in passing that it can not be best for the masses of the people, who are poor, to gather here in the capital city, and use extraordinary and unjust means to bring here to the capital city an ever-increasing proportion of the wealthy men of the country. They will not be content merely with exemption from taxation, if you give it to them, but they will desire and urge

that new avenues be opened to them by legislation for adding to their large holdings. They will desire and urge that this legislation be passed for their benefit and that legislation be defeated because it will not, according to their view, inure to their benefit.

Then you have, if the proposition here submitted and which I hope will be adopted should fail, first, a continuance of a policy or practice of directly by legislation against the interests of the masses of the American people, advertising that the wealthy can by coming here be exempt from taxation; secondly, you would continue to draw them here at the expense directly of the several communities from which they come, and the expense indirectly of the entire Union, the District of Columbia excepted.

Having gathered the rich here in large numbers—I think they are gathering here now faster than fast enough for the good of the country—having gathered them here in large and ever-increasing numbers, who has a doubt that legislation will be influenced more and more and more and more as the years go by by special interests, represented by millionaires drawn here to promote those interests at the expense of the general public?

I think there is every reason why some such legislation as that proposed for collecting taxes from personal property should be adopted, and I think there is no fair or substantial reason against it.

As to whether expenses for permanent improvements should be paid as the improvements are made, or whether those expenses should be extended along through the years and paid gradually, that is a side question which has no bearing upon the main proposition. If that question were to be discussed I think there would be found two sides to it. There are two sides, I would say, to this question of whether permanent improvements should be paid for at the time they are made or payment should be extended through a number of years.

Theoretically, I think the extending of them through a number of years may be correct; there is a good deal of argument or of plausibility for that view. Against that proposition, however, there is this: The people of the present are making the improvements; the people of the present are determining that they shall be made, and if the policy be adopted of calling upon the people of the future, who now are voiceless, to pay for them, the result is likely to be—there is at least danger it will be—that useless liabilities will be incurred, that works not wise or necessary will be projected and carried forward, and that there will be extravagance and waste in their conduct.

As has been well said by the gentleman from Nebraska [Mr. BURKETT] and others, so long as the levy of taxes here is not excessive, so long as permanent improvements made from year to year may be met and paid for year by year as they are made, without any hardship on the citizen taxpayer, there does not seem to be good reason, any substantial reason, for departing from that practice of pay as you go, in order to secure or adopt one theoretically more correct, but practically more burdensome, probably, to the people of the District, and practically more injurious in its general effects.

The ease with which this rule was adopted, the ease with which the House has come to the proposition of providing for putting into operation the law already existing for the levying and collecting of personal taxes, is a suggestion to the House, I think, of how easily the House, when it chooses to do it, when the majority of the members choose to exert themselves, may pass any law, may consider any matter in which the House is interested, any matter which the majority of the House thinks ought to have consideration. The present opportunity to do what ought to be done has been brought about by reporting and adopting a rule, and while not generally in favor of "rules" I am heartily in favor of this one, because I think it is right. But the same thing could be done, if the majority of the House desired to do it, without a rule.

It would only be necessary for an amendment to be offered, as it will be offered later along in accordance with the provisions of this rule—to offer it anyhow, rule or no rule—and if it be ruled out of order, as it might be, for the majority of the House, or the majority of the committee examining and passing upon the question for the time being, to say: "We will consider this; this is a matter of too much importance to be swept aside by rule or ruling; this is a matter of great public importance, and now is the opportunity to consider it, probably the only opportunity to consider it and deal with it, and therefore we will take it up now and now will dispose of it."

Everybody in this country, I think, Mr. Chairman, has a kindly feeling toward this great capital city and a pride in it. Yet, sometimes it suits the purposes of some persons—I have no doubt some of them are sincere in it—to talk about hostility to Washington City and about indifference to the future and the welfare generally of this beautiful capital city. There may be somewhere a feeling of hostility to it and of indifference concerning it; but, generally speaking, I am satisfied that the disposition in legislative halls and among the people who send legislators here is to deal fairly and justly with Washington. And the city has been dealt with fairly and justly and most generously. Half of all the debts, half of all the outlay from year to year for many years in this city, has been met out of the public Treasury.

The argument is made in the way of justification for this system and for its continuance that the Government owns half or more than half of the property in the District, and therefore ought to pay half or more than half of the taxes. This is merely an incidental matter now, because the question of adjusting that is not up. But that argument, in my judgment, is wholly fallacious and utterly without foundation. I do not say that the Government of the United States does not own any property in the city of Washington which ought to be the subject of taxation, and which, properly treated, would be the subject of taxation; but I do say that the great bulk of all its property, the enormous preponderance of everything owned by the Government in this District of Columbia would, by any just canon of taxation, be free from taxation, and would not be taken into account at all in determining the amount of taxable property.

Here is the Capitol, in which we are supposed to be legislating to-day, a very fine structure, occupying a fine site, surrounded by fine, valuable grounds. If you estimate it all simply as private property it is very valuable; but is it private property? Is it such property as anywhere, by any nation, by any lawgivers, would be regarded as property that ought to be listed with the taxable property of the locality in which it is situated? In the States they do not so estimate the statehouse; in the cities they do not so estimate the town hall.

In the counties they do not take into account, in making up the total valuation of taxable property, the court-house, the jail, or any of the other structures or property belonging to the public. Who owns this Capitol and these grounds? And what applies to this applies to all the other public reservations in the city—to the various parks, the streets, the various public buildings. Who owns them? Why, the people of the United States, including the people of the District of Columbia. The people of the whole country own them. The ownership, if you were to divide it up, would be among all of them as citizens, all of them as taxpayers, all of them as property owners, on whatever basis you choose.

Now, the other property in the District is upon an entirely distinct basis. Take a house and lot down here upon a beautiful avenue, worth, say, a hundred thousand dollars. Who owns that house and lot? Is it owned by all the people of the United States, or all the people of the District of Columbia, or the general public? Is it owned for public purposes? Is it used for public purposes? Not at all. It is private property, owned by Mr. A, as the adjoining private property is owned by Mr. B, and the next by Mr. C. It is subversive of all principles upon which just taxation is based, it is contradictory of all sound reason, as it seems to me, to talk about the Government of the United States owning half the property in the District of Columbia and therefore being bound, as a matter of right, to pay half the taxes, or to put up a dollar for every dollar that the taxpayers in the District of Columbia put up in the way of tax money.

Then there is another view of it. If it were not for these public buildings and these parks and these streets, the ownership of the fee to which, I suppose, resides in the General Government, if it were not for these things where would all your other private property be? What the Government has done, what the Government owns, what the Government is, has made this capital city of Washington what it is. These public buildings, these public parks, maintained at public expense, these magnificent streets and avenues, these, the creations of the Government, have made the city of Washington what is, have been, and are, the principal factors in the creation of its taxable property. If the Capitol had been located 20, 30, 40, or 50 miles away, the forest trees would grow upon these hills to-day and the lowlands would be covered with swamps, as they were before the Government filled them up and made them suitable sites for public and private buildings, parks, and streets.

As a matter of fact, the Government taxes itself for the benefit of Washington because it has made other property than its own valuable. It has made a little strip of land 25 feet front by 100 feet deep worth $10,000 or $100,000; and because it has done that, gentlemen say that, as a matter of right, every time there is a dollar of tax collected from that property the Government should put up another dollar. They must assume against the fact that the Government is the owner of its property in the same sense as the private citizen is the owner of his property. There is no city in the land, there is no city in any land, I think, that has ever been dealt with so munificiently as the General Government has dealt with the city of Washington, and is dealing with it to-day.

In addition to all this, according to the philosophy of some gentlemen, Washington is not only to be the asylum of the wealthy, but it is to be the Mecca to which the wealthy are to be invited from all over the land; to this city of the Government's lavish

expenditure of the public money; to this Capital, where there is everything that money can bring, where there are advantages enjoyed by hardly any other city in the Union; to this city some say the rich must be bribed to come. Already this city is exempt from taxation over $1.50 on a hundred dollars' worth of property; and yet talk about hardship upon the citizen, talk about corporations being unwilling or unable to live here, when taxation almost everywhere in the world, everywhere in the American world, is higher, imposed higher in order to support the local government.

Here taxes are all aggregated and bulked and limited, as I have stated, but in many places in the Congressional districts, even in the country neighborhoods and small towns, the taxes are very much higher. Speaking of my own State, about which I know more than any other, the taxes are 40 cents on the hundred dollars for school purposes, and the people voluntarily, year after year and year after year, by vote at a formal election, by ballots regularly cast, tax themselves another 60 cents, making the taxation a dollar for school purposes.

Schools are maintained here out of the $1.50. Magnificent buildings are erected in the District for the schools—erected for the people in the District, local and personal for the District—erected out of this fund. The police force is paid out of this fund, though a heavy charge upon other municipalities. Here, too, is the water system and the fire department. All these things—everything corresponding to the city tax, county tax, State tax, township tax, local and special taxes—all these are met and covered by a $1.50 tax on the hundred dollars in the District of Columbia.

As to the question of whether this personal tax should reach back, it seems to me that the man who has not paid the tax which the law has imposed upon him ought not to be exempt simply from the fact that he has not paid. If Mr. A and Mr. B owned personal property of the same quality and value and assessed at the same rate and Mr. A paid his tax for years and years and Mr. B did not pay, it seems to me that as between A and B, as a measure of justice between citizen and citizen, as between the citizen and the Government, the delinquent taxpayer ought to be required to pay.

Mr. McDERMOTT. My views of the question of taxation within this District were in the direction of the gentleman's remarks when I first looked into the matter, but I changed my mind, and I suggest this question: There are 275,000 people at present within the city of Washington, and of those not more than 10 per cent, I believe, are what are called the luxurious; 90 per cent in the District of Columbia work for a living. It is not the resort of those who have all their time. Now, the extraordinary part of it is this, that with a city of 275,000 people, they are taxed $8,000,000 and over for the local government of the District.

Does that come from the fact that the Federal Government is located here? If not, then I suggest to the gentleman to find any municipality in the world where the cost of municipal government for 275,000 people is 30 per cent of $8,000,000, including interest upon their debt. I give the gentleman an illustration of what we have in the heaviest taxed place in this country, and taxed heavy because the railroad terminals property worth $50,000,000 or $60,000,000 is exempt, where in Jersey City the tax levy is but slightly over two millions and a half, including the interest on the funded debt.

Mr. BENTON. I desire to call the attention of the gentleman from New Jersey to the fact that of this eight million, $1,500,000 is for interest on the sinking fund, and no part of that for running the government of the District.

Mr. McDERMOTT. Then if you put it at $15,000,000 that makes it practically three to four times more for municipal expenses than can be found in any city of equal population in this country.

Mr. DE ARMOND. That raises another question that I have not the time nor the accurate information to discuss. The people of the District of Columbia are governed by Congress instead of governing themselves. My colleague [Mr. CLARK] introduced a bill that gives to the people of the District of Columbia local self-government, which may be denominated, perhaps, A bill to change from the Empire to the Republic, in the capital city of the Republic. There is opposition to that in this House and in the Senate. There is opposition to that in the city of Washington, and while I believe my colleague is right in theory, and that the effect would be good in practice, I am not very hopeful that the change will be made.

Now, what have been some of the reasons against that change? I intend to dwell on this only a moment, and would not have adverted to it, but it arises out of the suggestion made by the gentleman from New Jersey [Mr. McDERMOTT]. Usually—at least that is our theory of government, and I believe in it—usually people are best governed when they govern themselves, and usually taxation and consideration for taxpayers are better balanced when the people levy the taxes and expend the taxes and see what is done with the tax money than when somebody abroad, somebody not directly interested, has the handling of it all.

If the people of the city of Washington were to determine more things for themselves perhaps there would be an improvement in this respect. If the government is extravagant and wasteful, it is the extravagance and wastefulness of an alien power, an extravagance and wastefulness imposed by men from the four quarters of the Union, on the people of the District of Columbia and upon the people of the whole Union of States. If the people of the District of Columbia are victims of bad legislation and bad government, they deserve our sympathy; they deserve more than our sympathy, because we have the power to extend them relief, and what they deserve of relief we should bring to them.

Mr. McDERMOTT. Will the gentleman allow me another interruption?

Mr. DE ARMOND. Yes.

Mr. McDERMOTT. In that line, if the alien power imposes any burden on these people which is unjust; if the seven millions could be reduced by self-government two and a half or three millions, should not the alien power that imposes the burden bear one-half of it?

Mr. DE ARMOND. No.

Mr. McDERMOTT. Or else restore to the city self-government?

Mr. DE ARMOND. Yours might be the correct conclusion providing the lawmakers responsible for that condition of things were those to bear one-half of the expense; but instead of correcting the injustice, if one exists, it makes another and greater injustice for them to throw that burden onto their constituents.

Now, I think a remedy might be found in allowing the people of Washington to govern themselves. I do not mean that the United States or Congress, inasmuch as the seat of Government is here, ought not to have control in a good many matters, but in a good many other matters, I think, the citizens of the city of Washington might be very well trusted to govern themselves.

Two or three objections are made to this, but they all may be concentrated into one, and if that is a correct one it would suggest that instead of relief coming in the way and to the extent the gentleman from New Jersey would like to have it come the abuse would become greater. The objection to the people of the city of Washington assuming their own government is that the poor of the city, or, as a good many people express it, "the poor whites and the negroes would rule;" that then taxation would be excessive, and the citizen's property would be virtually confiscated.

I do not concede that is true. I do not know but it may be true to a certain extent. I do not know whether it is true or not; but I do not know why, upon the one hand, the citizens of Washington should be denied the right to govern themselves and why, upon the other hand, they should be protected by arbitrary government against the inability to govern themselves, if they are unable, while other communities are left to grapple with a trouble far greater and of the same general character.

Take the poor white man, if you please. Is wealth to be a test? Is a man unfit for self-government if he is poor? Is it true that the poor people in the country desire to rob the rich people of the country; that they would not be just, would not be fairly wise in making and administering the law? No man can afford to subject that argument to such analysis, or to any analysis, and then avow himself a believer in it. We can not rest upon the theory that only the rich people of the land are qualified to govern it.

The great bulk of the people are poor or in moderate circumstances only. It is the history of our country, as the history of all others, that in this class of people, people of moderate circumstances—the working people—lies the hope and reposes the pride of every nation that has accomplished anything in the world, every nation that will accomplish anything good. [Applause.]

Now, then, take the colored people—the negroes. Is there any particular reason why here, in the capital city, whatever danger or menace or harm can come from the participation of the colored brother in the exercise of suffrage should be removed, while the people of whole communities, State after State, are left to grapple as best they can with that problem through the years, and, maybe, through the ages? I think not. [Applause.]

[Here the hammer fell.]

Mr. BENTON. I hope now the gentleman from Minnesota [Mr. McCLEARY] will use some of his time.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. McCLEARY] is exhausted.

Mr. BENTON. I consulted with the gentleman and supposed that we were going to run the debate until 5 o'clock. I have still requests covering about thirty-five minutes more.

The CHAIRMAN. The debate can be extended by unanimous consent.

Mr. McCLEARY. I ask unanimous consent that the time for closing debate be extended until 5 o'clock to-day.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the time for closing general debate be extended until 5 o'clock to-day, the time to be divided, as the Chair supposes, upon the same terms as heretofore. Is there objection?

Mr. LIVINGSTON. Before that permission is granted, I wish to ask whether the gentleman proposes that we go on with the bill after 5 o'clock to-day?

Several MEMBERS. Oh, no.

Mr. LIVINGSTON. It is understood distinctly that at 5 o'clock we shall adjourn?

Mr. BENTON. That is my idea. I do not know what the gentleman from Minnesota thinks.

Mr. McCLEARY. It is the purpose, as I understand, that at 5 o'clock the committee rise, and that after the disposition of ordinary matters on the Speaker's table the House adjourn.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota? The Chair hears none; and it is so ordered.

Mr. McCLEARY. I now yield ten minutes to the gentleman from New York [Mr. PERKINS].

Mr. PERKINS. Mr. Chairman, the gentleman from Missouri [Mr. DE ARMOND] who just sat down said that the measure now presented shows how easy it is to legislate. I wish to suggest not the ease of legislation, but the possible value of the legislation which we are asked to pass resulting in anything.

I do not care to make any opposition to the measure in itself; but I do wish to state for the consideration of the committee very grave doubts as to what will come from it. If the members of the Committee on Appropriations indulge the hope that by the reenactment of the law of 1877 any large deficit in the amount of taxes collected from the District of Columbia is to be filled, I fear they will find themselves sadly disappointed. It is useless to pass a bill without considering the results of similar legislation elsewhere.

The gentleman from Nebraska said, "Why should we not pass this bill? It is the mere reenactment of an old law." Sir, I gravely fear that those who have spoken so earnestly in favor of this proposition as merely the reenactment of an old law will find that they are sadly disappointed in the results. The old law is simply the law that is found in pretty nearly every State—the law that is found in the State of New York, where I live, which says, "All property, real and personal, shall be taxed equally." That sounds well. It may be said "that all men are equal," and that sounds well. But, Mr. Chairman, the experience of all public bodies shows that a tax upon personal property held by individuals has never been to any considerable extent enforced. It never will be enforced, and it never can be enforced. The District of Columbia is not going to be an exception to the operation of the law as it has worked in every other State in this land.

If the gentlemen of the Appropriations Committee, instead of asking us to reenact the old law, had brought in a bill to reach the objects of taxation which experience shows can be reached, certainly everyone would gladly vote for it. What can be reached? The tax on corporations can be enforced, is enforced, because the objects of such taxation can be reached with the same certainty as real estate or franchises.

There is to come before this House next Monday, as I understand, a bill proposing to authorize an increase in the capital stock of the gas company of this city by $10,000,000, upon a statement that this amount represents what the gas company, holding a franchise—a public franchise—has made in addition to the dividends it paid to stockholders. Here is a thing that could be reached with certainty and with propriety.

Take also the tax on successions. There we come to the one time in a man's whole history when his personal property can be got at—when it goes through the courts—when the exact amount of his personal estate can be ascertained and be made to pay a tax. But we have here a proposition merely to reenact the old law in reference to the taxation of personal property. I have seen myself how such a law operates. I know gentlemen get up here and say, "In my State, or in my city, or somewhere else, there is a tax on personal property." But I will ask any member of this House what is the amount of personal property that is brought within the reach of the assessor and collector by means of the imposition of a tax on the personal property in the hands of individuals?

Gentlemen say, Will men evade it? Why, it is too easy to evade it. It is not a tax that depends on honesty; it requires no lack of honesty to escape it; it requires no more than the ordinary means that any man takes to avoid taxation on personal property. I will illustrate by the city of Rochester, where I live, and the members of this committee will find that the same thing will occur in the city of Washington when they seek to enforce this tax law, reading as it does. There is, for instance, to-day in New York State a tax on the statute book such as we are going to enact here, taxing all property, real and personal, equally.

What is the practical result after fifty years of endeavor? The real estate in Rochester is of value about one hundred and ten or one hundred and twenty million. The assessments on franchises, the franchise tax on the street railways, are imposed and collected. But what is the amount that stands on the books to-day of personal assessment under just such a law as we are going to enact here? Between five and six millions. How much is owned by people in Rochester? I can name a dozen people myself who between them own $50,000,000 of personal property, and we have 175,000 people besides. But it can not be reached, Mr. Chairman. Let them attempt to enforce this tax here. First comes the business man, we will say.

Now, in Rochester there is a great shoe manufacturer. He has a half million dollars in his plant, and the assessors say, "Why does the poor owner of real estate pay all the taxes; why is there no assessment on personal property?" The result is they send notice to the shoe manufacturer, or the clothing manufacturer, saying, "Your stock is worth half a million dollars, and we are going to assess you."

Now, what happens? I have seen it in my own experience. The man comes in and he says, "I employ 600 hands in the city of Rochester. The tax I would be forced to pay on that assessment would be $10,000. All I have to do is to move to the village of Batavia or to the village of Rockport, or to other villages that are crying out with open hands that they will receive me and give me a site for nothing, and I will take my 600 men with me," and the next day the office of the assessor is crowded with people saying, "In God's name, are you going to ruin the city of Rochester; are you going to drive away every great industry?"

Then let us take a man who is not in business. Here is an instance that I know of. There is a man there who is worth $3,000,000. The law provides there, as it must here, that deduction can be made for debt. He went to the assessor's office and said: "It is not fair that I should be taxed on $3,000,000, and I will not pay it. If you want to assess me for $50,000, I will pay it and say nothing. If you want to assess me for $3,000,000, I will telegraph down to New York and I will buy $3,000,000 of stock of New York Central road or some other road which pays its general tax to the State, and I will run in debt for $3,000,000, and you can not assess me for one cent."

Now, there is not a man in the District of Columbia who, if he wants to evade his tax on mortgages or stock or any other property that under the provisions of this bill is assessable, can not get rid of it just as easily as turning over his hand. So I say, gentlemen, that if this bill is to be passed in this form, with the hope of the Appropriations Committee that they will get any large sum from it, they will be sorely disappointed; and I want to say a word, too, about this thing, because, gentlemen, when you pass bills—and heaven knows we pass a good many of them in Congress as well as elsewhere—that are contrary to the general laws of trade, that seek to run counter to the laws of trade, we all know how easy it is to escape them. The distinguished chairman of the Committee on Appropriations said yesterday that he believed in a bill that would relieve the man who buys a small house and impose a tax upon the rich man who has his property in securities.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCLEARY. I yield the gentleman two minutes more.

Mr. PERKINS. Now, gentlemen, that argument, although it has been made by many distinguished gentlemen as well as the chairman of the Committee on Appropriations, I submit is wholly fallacious. Why does a man who has $10,000 buy a 4-per-cent bond and pay $10,000 for it? If he was to be taxed 1½ per cent there is not in Washington or in the United States a man fool enough to pay $10,000 for a bond on which he would get 4 per cent interest, out of which would go 1½ per cent to the taxgatherer. He pays $10,000 for property of that sort because he knows it will not be taxed and he can avoid taxation. But does the real estate man suffer any loss? Not one dollar.

Suppose you go to buy a piece of property in the city of Washington that pays a rental of $400, do you pay $10,000? Not one whit. You say there is a tax on that of 1½ per cent, and instead of paying $10,000 for the property that pays $400 income you buy it for $6,000, and that is so in every city in the land. There is not a man who when he buys real estate does not buy it with the knowledge of the tax falling upon it and does not receive the corresponding diminution in price. Now I say, Mr. Chairman, that if I buy a house paying $400 for $6,000, I have no right to turn around to the man who pays $10,000 for property on which no tax is collected and say that I am wronged.

I buy it with that knowledge and subject to that understanding; and, Mr. Chairman, in closing I do not speak in opposition to this bill. I am perfectly willing to vote for the measure of the Appropriations Committee; but I say that unless they bring in

legislation which shall, by imposition upon corporations, upon franchises, upon inheritances, reach personal property as it can be reached, this bill will not modify the condition of affairs in the District of Columbia by 5 per cent; and the gentlemen on the Appropriations Committee, if they are rushing in with the hope, as they say, that they are going to get a million dollars from this bill, will do well if they get $100,000.

[Here the hammer fell.]

Mr. BENTON. I yield twenty minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Chairman, this bill has been discussed pretty thoroughly, and if there is anyone who desires to speak I will yield back the time; if not, I will go ahead.

Mr. BENTON. I have promised some time to the gentleman from New York [Mr. CREAMER], but I do not see him present at this moment.

[Mr. GAINES of Tennessee addressed the committee. See Appendix.]

Mr. BENTON. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. CREAMER].

[Mr. CREAMER addressed the committee. See Appendix.]

Mr. BENTON. I have ten minutes more time, and I yield it to the gentleman from Massachusetts [Mr. THAYER].

Mr. THAYER. Mr. Chairman, complaint is going up all over this country against the petty annoyance to which citizens of the United States are subjected on their return from visits abroad, not only on account of the law in force, which prohibits every man and woman from bringing home even a respectable wardrobe, but also places a duty upon little trinkets and souvenirs which may be brought as remembrances of the places they have visited.

In the five minutes allotted to me I have not the time to go into a discussion of the matter, but in order that we may uphold the hands of the Secretary of the Treasury, who, I believe, is honestly endeavoring to ferret out those who are violating the proprieties of the positions which they hold in executing what I believe to be an unnecessary and annoying statute—in order, I say, that we may sustain the hands of the Secretary of the Treasury and that he may know the annoyances that people are subjected to on returning from foreign countries without any purpose to transgress the letter or spirit of the law, who are annoyed by the improper execution of the law in the hands of those at the custom-houses—I wish to read in this presence a letter I received the other day from one of the most prominent men in my city. This letter shows how the law is executed by some of those who are holding positions of trust at the custom-houses throughout the country. This letter is as follows:

WORCESTER, MASS., *April 12, 1902.*

Hon. JOHN R. THAYER.

MY DEAR SIR: I wish to subscribe myself to the following facts for your consideration: I sailed from New York (Ward Line steamer *Yucatan*) February 6, 1902, with my wife, for El Paso, via Habana and Vera Cruz, Mexico. We arrived in El Paso Friday night, February 21, with this experience at the custom-house: Hand baggage was passed all right. Upon opening the trunk in baggage room was asked if I had anything dutiable. I replied, "No."

One Thomas L. Dwyer opened my trunk. In top tray was my wife's sealskin sack, which had been worn for eight or nine years. He also took out some little leather souvenirs, which cost me $3; a souvenir spoon, which cost me 67 cents, and a plate of china, that was painted by my wife here in Worcester last fall. Value of all articles, $4.12, plus the duty, $1.62. And then I was told that I should have to pay four times that amount, or $22.96, and they keep the articles in question, or pay 5 times, or ——, and they would be released, which I did.

The point may arise that my statement was not true when I said that I had nothing dutiable. Will say that I made inquiries at three different stores where I bought the little leather trinkets. They told me there was no duty. When I bought some cigars, they told me that I would have to pay duty on all over 50. Therefore I brought only 45 over the line. I was told that Mexican drawn work and opals were dutiable. Therefore I made no purchases.

Now, what I have to complain of is as follows: First. I do not understand why my wife's sealskin sacque was seized, because I have the addresses of other parties who had sealskin garments that were on the same train and were passed at the same time without any trouble, mine being the only one detained. To prove that my wife had the sacque when she left New York were a number of persons who sailed from New York the same time that we did, and which I had steamer *Yucatan's* sailing list to prove; and these persons were willing to make affidavits that my wife had the sacque on leaving New York February 6.

Yet the only satisfaction I could get was that I would have to wait until the next day to see "somebody" to make a sworn statement when they said the sacque might be released (and right here I wish to remark that I have found in my experience through custom-houses that the proper officials to whom matters are referred is never where he can be got at, and that being the case, think it would be a very good plan to have some one in authority present); this of course could not be done, as we could not wait over, having accommodations secured on the "Sunset Limited" leaving that night for California.

Secondly. I want to know what redress I have for paying a fine on a plate of china painted by my wife here in Worcester during 1901?

Thirdly. I want to know if a custom official is supposed to use care in examining a trunk, or whether he is supposed to throw things out on the floor and cause me at least a three-dollar bill for unnecessary laundry work?

Fourthly. I want to know what redress I have for the breaking of the end of a feather boa which cost me $15, and is practically ruined?

Fifthly. I would like to know if customs officials are supposed to speak courteously? I would say in justice that the other officials were very courteous, but this man (Dwyer) was very much inferior to any human beings I saw on my trip even in Yucatan.

I readily understand "that ignorance of the law is no excuse."

However, two years ago my wife came in with this sacque through the port of New York from Bermuda without a particle of trouble, and never having heard that the sacque should have been declared before I left New York was the reason why it was not done.

The sacque we finally received at Pasadena, Cal., after a good deal of time, trouble, and expense, and when received by us it was done up in a very close, hard package without the least bit of care, and in paper torn in five places, so that the sacque was exposed and the garment was very much injured.

This is a letter which I received from a very influential man belonging to the Worcester Woolen Mills Company in Worcester, Mass.

Mr. KLEBERG. Why did not this gentleman, who says he was abused there, apply to the proper authorities, the Secretary of the Treasury or some officer in that Department, instead of bringing that letter here into the House?

Mr. THAYER. This was a letter he wrote to me personally. He says the reason he made no complaint at El Paso, where he received this treatment, was because he had secured transportation that night which he must use, and it would be greater inconvenience for him to remain there than to pay the $22.90 which he did.

Mr. KLEBERG. It seems to me this is a sensational way of calling attention to this, and that the proper way would have been, if his rights were transgressed, to have presented the matter through the proper channels, to the Secretary of the Treasury or the Department of Justice, or someone who could remedy the wrong. I do not want to protect the officials of Texas. I know nothing about them, but I have not heard such charges against them, and if the officials down there did this it seems to me this party should represent that to the proper authorities and not inject this letter into the RECORD.

Mr. THAYER. I understand that there is a provision in the law now that anyone taking furs out of this country must declare that fact before they leave, even though they are half worn out. This party neglected to do it, or not having it in mind——

Mr. KLEBERG. It seems like the officials have simply done their duty, and that this is an imagined wrong, from what I gather from the letter.

Mr. THAYER. I wish to say to my friend from Texas that this is not applicable especially to El Paso, but all along the coast, and from Maine to New Orleans we get complaints almost every day of these little petty annoyances that come to our people returning to this country. It is not alone applicable to El Paso, but it is the same in the city of Boston, where the people are annoyed in the same way.

Mr. KLEBERG. I do not want to interpose any objection to that or to undertake to defend the actions of the officials at El Paso. All I want to do is to assure the gentleman that he ought to get at the matter properly, and if they have acted wrong, if they have done as indicated by this letter, which reflects upon the performance of their official duty, it should have been referred to the Secretary of the Treasury or the Attorney-General, or some official who has charge of action in such cases.

Mr. THAYER. That may be true. I am not objecting to that. But this simply leads me further to say that the attention of the Treasury Department has now been called to this matter, so that in six months, at least, from now Mr. Thomas L. Dwyer, of El Paso, can be reached, if these facts can be substantiated, and this gentleman says he will go to El Paso, if necessary, and testify to these facts at any time he is required. When I have put the data here before Congress the Secretary of the Treasury will be able to get at the facts, and if this case can be followed up at least one official may be made an example of.

Mr. KLEBERG. Of course, the gentleman knows that the collector of customs must execute the law as he finds it.

Mr. THAYER. Certainly.

Mr. KLEBERG. It seems to me that if there is any fault it is the law, and not the official.

Mr. THAYER. It is the fault of both. I think we are rich enough, grand enough, and strong enough not to put these petty annoyances on every man and woman who returns to this country with a few trinkets or an extra suit of clothes. We can get along very well without the few thousand dollars we collect in duties by inconveniencing and annoying so many of our well-disposed people. In the first place, we treat them as thieves attempting to smuggle goods into the country, and, secondly, after making them make a declaration, their word is not taken, but their baggage is overhauled and they are treated as ordinary prevaricators, to be watched, searched, and detained, and their trinkets and souvenirs confiscated. It is all a penny wise and pound foolish performance.

Mr. KLEBERG. That is the fault of the law and not the fault of the officer.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAYNE. I would suggest to my friend from Massachusetts, if he is really in earnest and wants the facts investigated, that he should go to the Secretary of the Treasury with it and should make his complaint to the Secretary of the Treasury. As the gentleman has now submitted the matter it will be buried in the RECORD. If he really wants this official investigated, make a complaint against him to the proper authorities, who have the power to remove the official. If after investigation the facts are found to be correct——

Mr. THAYER. I will say to the gentleman from New York that quite a number of things I have attempted to make public have been buried in the RECORD here, and can not get beyond it.

Mr. PAYNE. That is right. Now, in regard to this law limiting personal baggage to $100, it arose from this state of facts. Investigation showed that a great many worthy people had taken advantage of a former provision of the law that allowed them to bring in personal belongings.

One citizen of my own State had brought in two or three hundred pieces of dress goods, dress patterns in different pieces, and matters of that kind, and the duty thereon amounted to over $5,000.

One of these officials under that law thought that that was not a reasonable amount of clothing to bring in for a family, and exacted the full duty, something over $5,000. That citizen of my State brought action against the collector and recovered the full amount of the duty which he had paid. The court held that the amount was reasonable, considering his station in life. In considering this personal clause, it was thought best and proper to limit the amount.

The limit was fixed in the law at $100 of personal effects that anybody might bring in. Gentlemen will remember that it is but a very small number of people comparatively that this affects. Perhaps not a hundred thousand of our people visit Europe a year and bring back these various items of personal apparel and goods, and the rest of the 70,000,000 people, who are obliged to stay at home and never have the luxury of buying garments abroad, when they do buy goods of the same kind have to pay the full duty and tax exacted upon them.

So in that view of the case it does not seem to be a very great hardship to require people going abroad to pay duty on the articles they bring back. In enforcing the law you must take human nature as you find it; you can not expect every official, and especially ordinary officials, to be up in all the amenities of life. They can not always use the best jugment and the best common sense in dealing with people.

Perhaps they get suspicious of some people, and perhaps they get it by association with people that come from abroad in bringing back articles that they smuggle in. They may, in carrying out the law on some occasions with some individuals, make mistakes and may not be inclined to believe always the declarations made by the party coming in. If there is any flagrant case of violation of the law, I repeat to my friend from Massachusetts, the proper way is to go to the Secretary of the Treasury and not bury his complaint here in the CONGRESSIONAL RECORD.

Mr. THAYER. I would like to ask the chairman of the Ways and Means Committee if he believes in the law which exempts only $100 of personal apparel coming in from another country, and also whether it is necessary for a person to make declaration of a half-worn-out fur garment before he goes away in order to exempt him from paying duty on it when he returns? I want to ask the gentleman if he will not bring in some measure to rectify that?

Mr. PAYNE. So far as the regulation of the Treasury Department is concerned, I will say no; I will not bring in such a measure, or recommend any measure of that kind to be reported. As far as the $100 limit is concerned, I maintain that the party who goes abroad is put on an equality with the 70,000,000 people who stay at home, and he has no just cause of complaint, whether the limit is $100 or $250.

I have been to Europe myself, and when I came back I never brought $100 worth of the ill-fitting garments that some people on shipboard had with them. [Laughter.] I never had occasion to do that. Uncle Sam's garments were good enough to wear over and wear back again. Still, I was not looked upon as being entirely the most shabbily dressed man on shipboard when I came back. [Laughter.] I think the average American citizen can get along well enough, and if he wants more, if he wants to buy his wife or his family an entire outfit, let him do as the rest of us do—if we buy them abroad, pay the duty on them. [Laughter and applause.]

Mr. KLEBERG. Mr. Chairman, I agree entirely with what the gentleman from New York has stated. There may have been some abuse. But as to this official—if he is the gentleman I think he is, he is a Republican, and I am not here to make any defense of the officials who are in office and have done anything wrong—but if he is the gentleman I have in mind, I do not think he has violated his oath or his duty, but on the contrary has done his duty under the law.

Mr. PAYNE. The right and manly thing to do is to bring the matter before the Secretary of the Treasury and let him call on the official and investigate it; and then the official will have a right to show his side of the case, and it will not be an ex parte investigation. If the official is to blame, let him go; if he is not to blame, let him be exonerated.

The CHAIRMAN. The time of the gentleman from New York has expired, and the time for general debate has expired.

Mr. McCLEARY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GILLETT of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 14019, the District of Columbia appropriation bill, and had come to no resolution thereon.

DIPLOMATIC AND CONSULAR SERVICE IN CUBA.

Mr. HITT. Mr. Speaker, by direction of the Committee on Foreign Affairs, I report an appropriation bill from that committee.

The SPEAKER. The gentleman from Illinois, chairman of the Committee on Foreign Affairs, reports a bill to the House, which the Clerk will read by title.

The Clerk read as follows:

A bill (H. R. 13996) making appropriations for the diplomatic and consular service in the Republic of Cuba.

The bill was ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman from Tennessee reserves all points of order.

Mr. HITT. Mr. Speaker, the committee have unanimously agreed to the report, and are desirous that it shall be passed at the earliest moment, in view of the fact that the 20th of May is near, when we want to be on hand at the installation of the republic.

ORDER OF BUSINESS FOR TO-MORROW.

Mr. GRAFF. Mr. Speaker, in order that the consideration of the bill which we have been considering to-day in Committee of the Whole may be continued to-morrow, I ask unanimous consent that Saturday next be substituted for to-morrow for the consideration of bills on the Private Calendar.

There being no objection, it was ordered accordingly.

PROTECTION OF GAME IN ALASKA.

The SPEAKER laid before the House the following amendment of the Senate to the bill (H. R. 11535) for the protection of game in Alaska, and for other purposes:

Page 6, line 2, after "act" insert: "*: Provided further*, That nothing contained in the foregoing sections of this act shall be construed or held to prohibit or limit the right of the Smithsonian Institution to collect in or ship from the district of Alaska animals or birds for the use of the Zoological Park in Washington, D. C."

Mr. CUSHMAN. I move that the House concur in the Senate amendment with the amendments which I send to the desk.

The amendments were read, as follows:

Amend in line 16, page 4, by inserting after the word "publish" the following:

"*Provided further*, That hides, heads, and parts of game animals and birds taken prior to the passage of this act may be shipped out of Alaska at any time prior to July 15, 1902."

Also in line 12, page 4, after the word "collection," insert "and shipment."

Mr. UNDERWOOD. I wish to inquire whether these amendments have been agreed to by the committee that reported the bill?

Mr. CUSHMAN. This bill was reported by the Committee on the Territories, of which I am a member, and these amendments are satisfactory to that committee.

The SPEAKER. The Chair will call the attention of the gentleman from Washington to the fact that his proposed amendments apply to a section of the bill upon which both Houses have agreed, and not to the amendment of the Senate. The gentleman's amendments, therefore, are out of order.

Mr. LACEY. I ask unanimous consent that the amendments be considered. There is a fact that has come to the attention of the committee——

The SPEAKER. The Chair believes that even the proceeding by unanimous consent can not be used to change the text of a bill upon which the two Houses have agreed.

Mr. LACEY. Then the bill had better go to conference.

Mr. RICHARDSON of Tennessee. As I understand, conferees have no power to change the text of a bill as agreed to by both Houses.

Mr. LACEY. I know; but they always do, when it is necessary.

Mr. PAYNE. Is that the gentleman's experience—that "they always do?"

Mr. LACEY. They often do.

Mr. PAYNE. I think the House had better look carefully at the conference reports brought in by my friend from Iowa.

Mr. LACEY. Oh, no; because I never take advantage of the House. But we have heard instances——

Mr. PAYNE. If there are any "instances," I hope my friend will do his duty and see that nothing of that kind gets into a bill coming from conference.

Mr. LACEY. I was about to explain——

The SPEAKER. What is the motion of the gentleman?

Mr. LACEY. I simply asked unanimous consent that the House nonconcur and send the bill to conference.

Mr. CUSHMAN. That is perfectly satisfactory.

The SPEAKER. What is the proposition of the gentleman from Washington [Mr. CUSHMAN]?

Mr. CUSHMAN. I move that the House nonconcur in the amendment of the Senate and ask a conference.

The motion was agreed to.

The SPEAKER subsequently announced the appointment of Mr. KNOX, Mr. CUSHMAN, and Mr. BRICK as conferees on the part of the House.

SENATE BILLS REFERRED.

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

S. 312. An act providing that the circuit court of appeals of the eighth judicial circuit of the United States shall hold at least one term of said court annually in the city of Denver, in the State of Colorado, on the first Monday in September in each year, and at the city of St. Paul, in the State of Minnesota, on the first Monday in June in each year—to the Committee on the Judiciary.

S. 3316. An act to amend an act entitled "An act to create a new division in the western judicial district of the State of Missouri," approved January 24, 1901—to the Committee on the Judiciary.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Invalid Pensions was discharged from the further consideration of the bill (S. 4319) granting an increase of pension to Helen G. Heiner; and the same was referred to the Committee on Pensions.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HEDGE, for ten days, on account of important business.

To Mr. SCOTT, for four days, on account of important business.

To Mr. LEVER, for ten days, on account of important business.

And then, on motion of Mr. MCCLEARY (at 5 o'clock and 5 minutes p. m.), the House adjourned.

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. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 12913) to authorize a resurvey of certain lands in the State of Wyoming, and for other purposes, reported the same without amendment, accompanied by a report (No. 1840); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BELMONT, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 2082) to establish a fish hatchery and fish station in the State of Maryland, reported the same without amendment, accompanied by a report (No. 1845); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. NEEDHAM, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 13875) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona, reported the same without amendment, accompanied by a report (No. 1846); which said bill and report were referred to the House Calendar.

Mr. MERCER, from the Committee on the District of Columbia, to which was referred the bill of the House H. R. 11849, reported as a substitute in lieu thereof a bill (H. R. 14147) to amend an act for the prevention of smoke in the District of Columbia, and for other purposes, approved February 2, 1899, accompanied by a report (No. 1847); which said bill and report were referred to the House Calendar.

Mr. DAVIS of Florida, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 2826) for the establishment of a fish-cultural station in the State of Florida, reported the same without amendment, accompanied by a report (No. 1848); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 4069) to establish a fish hatchery and fish station in the State of South Carolina, reported the same without amendment, accompanied by a report (No. 1849); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SUTHERLAND, from the Committee on Irrigation of Arid Lands, to which was referred the bill of the House (H. R. 3088) to regulate the use by the public of reservoir sites located upon the public lands of the United States, reported the same with amendments, accompanied by a report (No. 1851); which said bill and report were referred to the House Calendar.

Mr. HITT, from the Committee on Foreign Affairs, to which was referred the bill of the House (H. R. 13996) making appropriations for the diplomatic and consular service in the Republic of Cuba, reported the same without amendment, accompanied by a report (No. 1854); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BRUNDIDGE, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 2025) to provide for the examination and classification of certain lands in the State of California, submitted the views of the minority of said committee (Report No. 1785, part 2); which said views were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. LITTLEFIELD, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 4992) to provide an American register for the bark Homeward Bound, reported the same with amendments, accompanied by a report (No. 1839); which said bill and report were referred to the Private Calendar.

Mr. MARTIN, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 12952) authorizing the Secretary of the Interior to issue patent to the Rochford Cemetery Association to certain lands for cemetery purposes, reported the same with amendment, accompanied by a report (No. 1852); which said bill and report were referred to the Private Calendar.

Mr. DICK, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 619) providing for the recognition of the military service of officers and enlisted men of the First Regiment Ohio Volunteer Light Artillery, reported the same with amendment, accompanied by a report (No. 1853); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. LITTLEFIELD, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 7919) to provide an American register for steamer Eagle, reported the same adversely, accompanied by a report (No. 1841); which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 3788) to provide an American register for the ship Antiope, reported the same adversely, accompanied by a report (No. 1842); which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 6035) to provide an American register for the ship Melanope, reported the same adversely, accompanied by a report (No. 1843); which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the Senate (S. 2705) to provide an American register for the bark Admiral Tromp, reported the same adversely, accompanied by a report (No. 1844); which said bill and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MERCER, from the Committee on the District of Columbia: A bill (H. R. 14147) to amend an act for the prevention of smoke in the District of Columbia, and for other purposes, approved February 2, 1899, in lieu of H. R. 11849—to the House Calendar.

By Mr. PEARRE (by request): A bill (H. R. 14148) for the

appointment of a railroad commission in and for Washington, and for other purposes—to the Committee on the District of Columbia.

By Mr. FOSS (by request): A bill (H. R. 14163) to amend an act entitled "An act for the protection of persons furnishing materials and labor for the construction of public works," approved August 13, 1894—to the Committee on the Judiciary.

By Mr. BURK of Pennsylvania: A joint resolution (H. J. Res. 187) requesting the President to issue a proclamation declaring the shipment of horses and mules contraband of war—to the Committee on Foreign Affairs.

Also, a joint resolution (H. J. Res. 188) of welcome to Stephanus J. Paulus Kruger—to the Committee on Foreign Affairs.

By Mr. RAY of New York: A resolution (H. Res. 235) for the consideration of S. 3653—to the Committee on Rules.

By Mr. PEARRE: A joint resolution of the legislature of Maryland recommending the purchase of the Chesapeake and Delaware Canal—to the Committee on Railways and Canals.

Also, a joint resolution of the general assembly of Maryland to complete the inland waterway connecting Chincoteague Bay and Delaware Bay—to the Committee on Railways and Canals.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BEIDLER: A bill (H. R. 14149) granting a pension to Mary G. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14150) for the relief of the heirs of John Byrnes—to the Committee on Claims.

By Mr. BOREING: A bill (H. R. 14151) for the relief of the estate of Caroline Thompson—to the Committee on War Claims.

Also, a bill (H. R. 14152) for the relief of Densmore & Adams—to the Committee on Claims.

Also, a bill (H. R. 14153) granting an increase of pension to William L. Brown—to the Committee on Invalid Pensions.

By Mr. HALL: A bill (H. R. 14154) granting an increase of pension to John Klinger—to the Committee on Invalid Pensions.

By Mr. HEDGE: A bill (H. R. 14155) granting an increase of pension to Edwin Lake—to the Committee on Invalid Pensions.

By Mr. HOLLIDAY: A bill (H. R. 14156) granting an increase of pension to John W. Landis—to the Committee on Invalid Pensions.

By Mr. JACKSON of Maryland: A bill (H. R. 14157) for the relief of James G. James and William J. Thomas, surviving executor of Edward Thomas—to the Committee on Claims.

Also, a bill (H. R. 14158) granting a pension to Charles H. Jones—to the Committee on Invalid Pensions.

By Mr. LONG: A bill (H. R. 14159) granting an increase of pension to Lewis Myers—to the Committee on Invalid Pensions.

By Mr. MINOR: A bill (H. R. 14160) granting an increase of pension to Ira J. S. Holmes—to the Committee on Invalid Pensions.

By Mr. RAY of New York: A bill (H. R. 14161) granting a pension to Charity A. Seibell—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 14162) for the relief of Mattie H. Ligon—to the Committee on War Claims.

By Mr. FEELY: A bill (H. R. 14164) for the relief of Charles W. Carr—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of Northwestern Manufacturers' Association, of St. Paul, Minn., approving the reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. ALLEN of Kentucky: Resolutions of United Mine Workers' Union No. 1705, of Providence, and No. 1124, of Dekoven, Ky., and Hod Carriers' Union No. 9057, of Henderson, Ky., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of Sheet Metal Workers' Union No. 78, of Hopkinsville, Ky., in favor of the exclusion of Chinese laborers, etc.—to the Committee on Foreign Affairs.

By Mr. BARTLETT: Petition of J. S. Raley, J. W. Amason, and other citizens of Macon, Ga., in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. BEIDLER: Papers in support of House bill granting a pension to Mary G. Williams—to the Committee on Invalid Pensions.

Also, resolutions of Iron Molders' Union No. 27, Lake Seamens' Union, and Pearl Lodge of Machinists, all of Cleveland, Ohio, protesting against the immigration of illiterate persons—to the Committee on Immigration and Naturalization.

By Mr. BENTON: Resolutions of Mine Workers' Unions Nos. 1870 and 1453, of Minden Mines, Mo., for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BOREING: Petition of Dunsmore & Adams to have refunded to them tax paid on spirits destroyed by fire in warehouse—to the Committee on Claims.

By Mr. BRISTOW: Petitions of citizens of New York and other States and members of the National Afro-American Council, asking for the passage of House bill 10793, relating to the "Jim Crow" law—to the Committee on Interstate and Foreign Commerce.

By Mr. BURK of Pennsylvania: Petition of the Commercial Exchange of Philadelphia, Pa., favoring such legislation as will bring to the commercial interests of this country uniform inland rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Philadelphia, Pa., in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

Also, petition of volunteers of the Eighth Army Corps, asking relief for such soldiers as served beyond the time of their enlistment in the Philippines—to the Committee on Military Affairs.

Also, petitions of citizens of the Second, Third, Fourth, and Fifth Congressional districts of Pennsylvania, declaring sympathy with the South African Republics; also, resolutions of a meeting of citizens, in relation to the war in South Africa, declaring horses and mules to be contrabands of war, and inviting Paul Kruger to visit America—to the Committee on Foreign Affairs.

By Mr. CANNON: Papers to accompany House bill 14119, granting an increase of pension to John B. Calby—to the Committee on Invalid Pensions.

By Mr. CURTIS: Petition of people of Kansas, for Congressional intervention in behalf of the people of the South African Republic and Orange Free State—to the Committee on Foreign Affairs.

Also, resolution of Brotherhood of Railroad Carmen of Topeka, Kans., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, resolutions of Madison Post, No. 187, Grand Army of the Republic, Department of Kansas, favoring the construction of war vessels in the Government navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Retail Clerks' Union of Horton, and Locomotive Firemen, of Horton and Topeka, Kans., for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petitions of citizens of Topeka and Atchison, Kans., against the Government building the Pacific cable—to the Committee on Interstate and Foreign Commerce.

By Mr. DOVENER: Petition of Burley Clemens and 50 other citizens of Moundsville, W. Va., in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

Also, petition of A. S. Province and 50 other citizens of New Cumberland, W. Va., in favor of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. GARDNER of New Jersey: Petition of citizens of Mount Holly, N. J., favoring the passage of House bill 10793, prohibiting the use of "Jim Crow" cars in interstate business—to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM: Resolution of Lieutenant Ezra S. Griffin Post, No. 139, of Scranton, Pa., Grand Army of the Republic, Department of Pennsylvania, favoring House bill 3067, relating to pensions—to the Committee on Invalid Pensions.

By Mr. GREEN of Pennsylvania: Paper to accompany House bill 5998, granting an increase of pension to George S. Buzzard—to the Committee on Invalid Pensions.

By Mr. HEDGE: Petition of citizens of Fort Madison, Iowa, in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. HULL: Resolution of Group 1 of the Iowa Bankers' Association, Council Bluffs, Iowa, in opposition to the passage of the so-called Fowler bill—to the Committee on Banking and Currency.

By Mr. JACKSON of Kansas: Petitions of Mine Workers' Unions No. 445, of Nelson, and No. 1661, of Weir, Kans., for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. JACKSON of Maryland: Paper to accompany House bill granting a pension to Charles H. Jones—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Resolutions of the John Ennis Democratic Club, of Brooklyn, N. Y., favoring the passage of House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. LONG: Resolutions of the Southern Kansas Millers' Club, urging the adoption of reciprocal trade legislation and the ratification of reciprocal treaties—to the Committee on Ways and Means.

By Mr. McANDREWS: Petitions of all of the various branches of the Holy Name of Jesus societies, of Chicago, Ill., favoring the erection of a statute to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. MORRELL: Petition of American Circle, Brotherhood of the Union, of Pennsylvania, favoring the passage of the Valley Forge National Park bill—to the Committee on Military Affairs.

Also, petition of the Commercial Exchange of Philadelphia, Pa., favoring such legislation as will bring to the commercial interests of this country uniform inland rates—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the California State League of Republican Clubs, favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

Also, papers to accompany House bill 11385, granting an increase of pension to Eleanor H. Hord—to the Committee on Invalid Pensions.

By Mr. OTJEN: Resolutions of Building Trades Council of Milwaukee and vicinity, Wisconsin, against combinations on the necessities of life—to the Committee on the Judiciary.

Also, petition of J. H. Newman and others, of Milwaukee, Wis., in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Way and Means.

By Mr. PATTERSON of Pennsylvania: Resolution of Polish Society of Minersville, Pa., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, resolutions of Retail Clerks' Union No. 225, of Pottsville; United Mine Workers' Union No. 1500, of Mahanoy City; No. 1479, of Centralia; No. 1517, of Ashland; No. 1534, of Heckscherville; No. 863, of Forestville, and No. 1562, of Pottsville, Pa., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. RAY of New York: Petition of Charity A. Seibell, widow of Joseph S. Seibell, Binghamton, N. Y., to accompany House bill granting her a pension—to the Committee on Invalid Pensions.

Also, petitions of citizens of Ithaca and Ludlowville, N. Y., for the repeal of the tariff on beef, veal, mutton, and pork—to the Committee on Ways and Means.

By Mr. RICHARDSON of Alabama: Petition for the relief of Mattie H. Ligon, of Alabama—to the Committee on War Claims.

By Mr. RIXEY: Papers to accompany House bill for the relief of Thomas O'Connor—to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of the Harmonia Singing Society, of New York, favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. THAYER: Resolutions of Bay State Lodge, No. 73, of Worcester, Mass., Brotherhood of Locomotive Firemen, favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

Also, resolutions of the same lodge, in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, petition of residents of Millville, Mass., favoring House bills 11535 and 11536, for the protection of birds—to the Committee on Agriculture.

By Mr. WANGER: Resolutions of Colonel Croasdale Post, No. 256, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

Also, petition of H. H. Lipkowitz, of Quakerton, Pa., asking that the duty on beef, veal, mutton, and pork be repealed—to the Committee on Ways and Means.

SENATE.

FRIDAY, *May 2, 1902.*

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. CULLOM, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

BUFFINGTON-CROZIER GUN CARRIAGE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 24th ultimo, copies of official reports in regard to the Buffington-Crozier disappearing gun carriage made to the Department or to the Board of Ordnance and Fortification; which, on motion of Mr. ALLISON, was, with the accompanying papers, referred to the Committee on Appropriations, and ordered to be printed.

EASTERN CHEROKEE INDIANS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of The Eastern Cherokees *v.* The United States; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

ROBERT C. JAMESON.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Robert C. Jameson, administrator of David Jameson, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, 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 disagreed to the amendment of the Senate to the bill (H. R. 11535) for the protection of game in Alaska, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KNOX, Mr. CUSHMAN, and Mr. BRICK 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. 13169) relative to third and fourth class mail matter; and

A bill (H. R. 13650) to correct the military record of James M. Olmstead.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of Lodge No. 414, Brotherhood of Locomotive Trainmen, of Decatur, Ill., and a petition of Local Division No. 404, Brotherhood of Locomotive Engineers, of Chicago, Ill., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the adoption of any substitute therefor; which were ordered to lie on the table.

Mr. FAIRBANKS presented petitions of Local Division No. 221, Brotherhood of Locomotive Engineers, of Huntington; of Lodge No. 361, Brotherhood of Locomotive Firemen, of Washington, and of Lodge No. 16, Brotherhood of Locomotive Firemen, of Terre Haute, all in the State of Indiana, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the adoption of any substitute therefor; which were ordered to lie on the table.

Mr. PLATT of New York presented a petition of the Audubon Society of the State of New York, of Round Lake, N. Y., praying for the enactment of legislation providing for the protection of game in Alaska, etc.; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Twenty-seventh Assembly Republican Club, of New York City, N. Y., praying for the enactment of legislation to increase the salaries of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Liberty, N. Y., praying for the repeal of the tariff duties on beef, veal, mutton, and pork; which was referred to the Committee on Finance.

Mr. BURNHAM presented a petition of Iron Molders' Local Union No. 334, American Federation of Labor, of Laconia, N. H., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented petitions of the Woman's Christian Temperance unions of Antrim, Woodsville, Colebrook, and Exeter, all in the State of New Hampshire, 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 Lodge No. 301, Brotherhood of Railroad Trainmen, of Woodsville; of Lodge No. 46, Brotherhood of Locomotive Firemen, of Woodsville; of the Central Labor Union of Concord; of Carpenters and Joiners' Local Union No. 538, of Concord; of Bricklayers' Local Union No. 4, of Concord; of Bricklayers' Local Union No. 2, of Portsmouth; of Brewery Workmen's Local Union No. 229, of Portsmouth; of Carpenters and Joiners' Local Union No. 931, of Manchester; of Lodge No. 235, Brotherhood of Railroad Trainmen, of Manchester; of Carpenters and Joiners' Local Union No. 579, of Nashua, and of Lodge No. 266, Brotherhood of Railroad Trainmen, of Nashua, all in the State of New Hampshire, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. KEAN presented petitions of Local Division No. 53, Brotherhood of Locomotive Engineers, of Jersey City; of Lodge No. 592, Brotherhood of Railroad Trainmen, of Jersey City; of Lodge