of pension to William Long—to the Committee on Invalid Pensions.

By Mr. WANGER: A bill (H. R. 15224) granting an increase of pension to Nicholas Reinhart—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Tennessee: A bill (H. R. 15225) for the relief of the estate of Richard B. Owen, deceased—to the Committee on War Claims.

By Mr. SIMS: A bill (H. R. 15226) granting a pension to John M. Countess, alias John Martin—to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 15227) granting an increase of pension to Sydney R. Grigg—to the Committee on Pensions.

By Mr. TAWNEY: A resolution (H. Res. 316) to pay Harrison Edelin for services as janitor—to the Committee on Accounts.

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. ALEXANDER: Resolutions of South Park District Taxpayers' Association, of Buffalo, N. Y., favoring a bill to authorize the Mather Power Company to construct experimental span in Niagara River at Buffalo, N. Y.—to the Committee on Interstate and Foreign Commerce.

By Mr. BOWERSOCK: Resolutions of American Association of Nurserymen, of Rochester, N. Y., favoring the enactment of House bill 10999—to the Committee on Interstate and Foreign Commerce.

By Mr. CANNON: Petitions of Louis F. Stenlee and 12 other citizens of Danville, Ill.; J. J. Schubert and 6 other citizens of Kankakee; Andrew J. Westbery, of Rankin; Courtney & Layton and B. F. Marple, of Potomac, Ill., favoring the enactment of House bill 178, reducing the tax on alcohol—to the Committee on Ways and Means.

By Mr. DALZELL: Resolution of the Trades League of Philadelphia in favor of bill for the reorganization of the consular service, etc.—to the Committee on Foreign Affairs.

Also, petition of 7 druggists of Pittsburg, Pa., for reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. DOVENER: Resolutions of Mine Workers' Union No. 1401, of New Cumberland, W. Va., for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GRAHAM: Petition of D. A. Vanasdale, W. G. Minnick, A. Armor, and 3 other druggists of Allegheny, Pa., urging the passage of House bill 178, for reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. HENRY of Connecticut: Petition of retail druggists of Thompsonville, Conn., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. HITT: Petitions of druggists of Dixon, Freeport, and Rochelle, Ill., favoring House bill 178, for reduction of tax on alcohol—to the Committee on Ways and Means.

By Mr. HOWELL: Petition of the Woman's Christian Temperance Union of Hoboken, N. J., favoring an increase in the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. HULL: Petition of George Judd and other citizens of Des Moines, 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. LACEY: Petition of W. Painter, of Lynnville, Iowa, for modification of the tax on alcohol—to the Committee on Ways and Means.

By Mr. LITTLEFIELD: Resolutions of the Board of Trade of Rockland, Me., in favor of a law to pension men of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, petition of druggists of Livermore Falls, Me., for the passage of House bill 178, reducing the tax on alcohol—to the Committee on Ways and Means.

By Mr. PADGETT: Papers to accompany House bill relating to the clalm of Jane Henry—to the Committee on War Claims.

By Mr. PALMER: Petition of George Joslin and other citizens of Luzerne County, Pa., urging the passage of Senate bill 1890, the per diem pension bill—to the Committee on Invalid Pensions.

By Mr. RAY of New York: Petitions of druggists of Ithaca and Oxford, N. Y., in favor of House bill 178, for the repeal of the tax on alcohol—to the Committee on Ways and Means.

By Mr. RUSSELL: Petition of J. T. Baker and 8 other druggists of Willimantic, Conn., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. STEPHENS of Texas: Papers to accompany House bill No. 15152, granting a pension to William T. Edgerman—to the Committee on Invalid Pensions.

SENATE.

MONDAY, *June 23, 1902.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

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

NAVAL APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14046) making appropriations for the naval service 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 6, 10, 11, 22, 35, 41, 44, 48, 49, 59, 60, 63, 65, 66, 67, 69, and 78.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 8, 14, 15, 16, 17, 18, 19, 20, 28, 31, 32, 33, 34, 36, 42, 45, 51, 53, 54, 55, 62, 68, 70, 71, 72, 73, 74, 75, 79, 80, 81, 83, 84, 85, 86, 87, and 90; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Including the purchase of necessary land, $640,000: *Provided*, That the accounting officers of the Treasury Department are hereby authorized and directed to allow, in the settlement of the accounts of disbursing officers of the Government, all expenditures heretofore made for land purchased for use as naval coal depots;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter stricken out insert the following: "One clerk in charge of distribution of books at $1,200;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the following: "$31,402.52;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "To complete building numbered 19, $60,000; extension to dispensary building, $1,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Condemnation of land adjacent to the Norfolk Navy-Yard: The Secretary of the Navy be, and he is hereby, authorized, in his discretion, to cause to be commenced, within three months after the passage of this act, proceedings for the condemnation of the following tract of land, or so much thereof as he may deem necessary, for the use of the United States for the Norfolk Navy-Yard, and for other naval purposes, namely, the tract of land known as the Schmolles property, containing some 272.4 acres, more or less, in Norfolk County, Va., and adjacent to the Norfolk Navy-Yard, under the act of Congress approved August 1, 1888, entitled 'An act to authorize the condemnation of lands for sites of public buildings, and for other purposes,' and other laws of the United States, so as to completely vest in the United States the title of said land; and all such proceedings shall be reported to Congress at its next session by the Secretary of the Navy."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "to complete purchase of land heretofore condemned and partially appropriated for, $25,950;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Publication of the American Ephemeris and Nautical Almanac: Hereafter there shall be published of the American Ephemeris and Nautical Almanac 2,500 copies, 500 of which shall be for the use of the Senate, 1,000 for the use of the House of Representatives, and 1,000 for distribution or sale by the Navy Department."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows:

On page 64 strike out lines 5, 6, and 7 and insert in lieu thereof the following: "In all, pay Marine Corps, $1,331,129.23;" and the Senate agree to the same.

On amendments numbered 1, 7, 9, 13, 24, 25, 26, 37, 38, 39, 40, 43, 46, 47, 52, 56, 57, 58, 61, 64, 76, 77, 88, 89, 91, 92, and 93 the committee of conference have been unable to agree.

EUGENE HALE,
GEORGE C. PERKINS,
B. R. TILLMAN,
Managers on the part of the Senate.

GEORGE EDMUND FOSS,
ALSTON G. DAYTON,
ADOLPH MEYER,
Managers on the part of the House.

The report was agreed to.

Mr. HALE. I move that the Senate still further insist upon the amendments not agreed to and ask for a further conference with the House on the disagreeing votes thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate at the further conference, and Mr. HALE, Mr. PERKINS, and Mr. TILLMAN were appointed.

AGREEMENT WITH CHIPPEWA INDIANS.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 4284) entitled "An act to amend an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,'

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approved January 14, 1889;" which was to strike out all after the enacting clause and insert a substitute:

Mr. QUARLES. I move that the Senate nonconcur in the amendment of the House of Representatives and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees, and Mr. QUARLES, Mr. CLAPP, and Mr. JONES of Arkansas were appointed.

HOUSE BILLS REFERRED.

The bill (H. R. 14247) to authorize the Charleston, Suburban and Summerville Railway Company to construct and maintain two bridges across Ashley River, in the State of South Carolina, was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 14802) for the purchase of real estate for revenue and customs purposes at Wilmington, N. C., was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

HERMAN D. CROW.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Attorney-General submitting an estimate of appropriation for inclusion in the general deficiency appropriation bill for the payment of Herman D. Crow for legal services rendered the United States from October 5 to October 10, inclusive, 1901, during the illness of the United States district attorney for the district of Washington; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed the following bills:

A bill (S. 3375) relating to the construction of a dam across Rainy River;

A bill (S. 3746) to amend section 2593 of the Revised Statutes, relating to ports of entry; and

A bill (S. 6178) to amend section 4 of an act entitled "An act to provide for a permanent Census Office," approved March 6, 1902.

The message also announced that the House had passed with an amendment the bill (S. 1026) to fix the compensation of district superintendents in the Life-Saving Service; in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13676) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1903, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to 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; further insists upon its disagreement to certain other amendments of the Senate to the bill upon which the committee of conference were unable to agree; agrees to a further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. HEMENWAY, and Mr. MCRAE managers at the conference on the part of the House.

The message further announced that the House insists upon its disagreement to the amendments of the Senate to the bill (H. R. 12804) making appropriations for the support of the Army for the fiscal year ending June 30, 1903, Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL, Mr. CAPRON, and Mr. HAY managers at the conference on the part of the House; adheres to its disagreement to the amendments of the Senate Nos. 13 and 14; recedes from its disagreement to the amendment of the Senate No. 15, and agrees to the same with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HEPBURN, Mr. FLETCHER, and Mr. DAVEY of Louisiana managers at the conference on the part of the House.

The message further announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 619) providing for the recognition of the military service of the officers and enlisted men of the First Regiment Ohio Volunteer Light Artillery; and

A joint resolution (H. J. Res. 197) making certain appropriations of April 17, 1900, for printing United States maps available for the fiscal year 1902.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the President pro tempore:

A bill (S. 282) providing for the appointment of James W. Long, late captain, United States Army, a captain of infantry, and for placing his name on the retired list;

A bill (S. 4923) to ratify and confirm a supplemental agreement with the Creek tribe of Indians, and for other purposes;

A bill (S. 5718) providing for the sale of sites for manufacturing or industrial plants in the Indian Territory;

A bill (S. 5906) declaring the Osage River to be not a navigable stream above the point where the line between the counties of Benton and St. Clair crosses said river;

A bill (H. R. 3442) to correct the record of John O'Brien;

A bill (H. R. 3641) for the allowance of certain claims for property taken for military purposes within the United States during the war with Spain, reported by the Secretary of War in accordance with the requirements of an item contained in the sundry civil appropriation act approved June 6, 1900, authorizing and directing the Secretary of War to investigate just claims against the United States for private property taken and used in the military service within the limits of the United States, etc.;

A bill (H. R. 4636) to authorize the Secretary of the Treasury to adjust the accounts of Morgan's Louisiana and Texas Railroad and Steamship Company for transporting the United States mails;

A bill (H. R. 9723) correcting the record of Levi Wells;

A bill (H. R. 9870) to correct the military record of Reinhard Schneider;

A bill (H. R. 11725) to amend section 4139 and section 4314 of the Revised Statutes;

A bill (H. R. 13204) to provide for refunding taxes paid upon legacies and bequests for uses of a religious, charitable, or educational character, for the encouragement of arts, etc., under the act of June 13, 1898, and for other purposes;

A bill (H. R. 15004) to authorize the Minneapolis, Superior, St. Paul and Winnipeg Railway Company, of Minnesota, to build and maintain a railway bridge across the Mississippi River;

A joint resolution (S. R. 92) providing for the publication of 200,000 copies of the Report on the Diseases of the Horse;

A joint resolution (S. R. 100) authorizing the Secretary of War to furnish condemned cannon for an equestrian statue of the late Maj. Gen. William J. Sewell, United States Volunteers; and

A joint resolution (H. J. Res. 200) amending "An act 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," approved June 6, 1902.

PETITIONS AND MEMORIALS.

Mr. PENROSE presented a petition of Tin City Division No. 565, Brotherhood of Locomotive Engineers, of Newcastle, Pa., 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.

He also presented resolutions adopted at a meeting of the Mount Oliver Turn Verein, of Philadelphia, Pa., expressing sympathy with the people of the South African Republic and the Orange Free State; which were referred to the Committee on Foreign Relations.

He also presented a petition of 35 citizens of Philadelphia, Pa., praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a petition of the Federal Trades and Labor Council, American Federation of Labor, of Allentown, Pa., 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 5 citizens of New Hope, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the island possessions of the United States; which was referred to the Committee on Pacific Islands and Porto Rico.

Mr. QUARLES presented a petition of the convention of the Congregational churches of Milwaukee, Wis., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the common council of Milwaukee, Wis., praying for the enactment of legislation granting pensions to certain persons employed in the Life-Saving Service; which was referred to the Committee on Pensions.

He also presented a petition of the convention of the Congregational churches of Milwaukee, Wis., praying for the enactment of legislation providing post exchanges with reading rooms, etc.; which was referred to the Committee on Military Affairs.

He also presented a petition of the convention of the Congregational churches of Milwaukee, Wis., praying for the enactment of legislation to prohibit gambling and the sale of lottery tickets by telegraph; which was referred to the Committee on the Judiciary.

He also presented a petition of the convention of the Congregational churches of Milwaukee, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors at immigrant stations and Soldiers' Homes; which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Wisconsin and a petition of 40 citizens of Mayville, Wis., praying for the enactment of legislation providing for a reduction of the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented petitions of the Wisconsin Sunday Rest Day Association; of Local Union No. 375, Retail Clerks' International Protective Association, of Marinette, and of the convention of the Congregational churches of Milwaukee, all in the State of Wisconsin, praying for the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented petitions of Lodge No. 438, of Manitowoc; of Lodge No. 300, of Milwaukee; of Local Lodge No. 10, of Milwaukee, and of Local Lodge No. 248, of Milwaukee, all of the International Association of Machinists, in the State of Wisconsin, praying for the passage of the so-called eight-hour bill; which were referred to the Committee on Education and Labor.

Mr. PLATT of New York presented a petition of sundry citizens of Seneca Castle, N. Y., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a memorial of Bartenders' Local Union No. 40, of Dunkirk, N. Y., remonstrating against the enactment of certain legislation to regulate the sale of intoxicating liquors in the District of Columbia; which was ordered to lie on the table.

Mr. ALLISON presented a petition of E. M. Hancock and sundry other citizens of Waukon, Iowa, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented petitions of Federal Labor Union, No. 7146, of Boone; of Bricklayers' Local Union No. 7, of Muscatine; of Local Division No. 125, Brotherhood of Locomotive Engineers, of Clinton; of Hawkeye Lodge, No. 27, Brotherhood of Locomotive Firemen, of Cedar Rapids; of Lodge No. 515, Brotherhood of Railroad Trainmen, of Fort Madison; of Lodge No. 244, Brotherhood of Boiler Makers and Iron Ship Builders, of Sioux City; of Retail Clerks' Local Union No. 395, of Centerville; of Barbers' Local Union No. 19, of Oskaloosa; of Retail Clerks' Local Union No. 389, of Boone; of Typographical Union No. 75, of Burlington; of Coopers' Local Union No. 74, of Keokuk; of Bricklayers' Local Union No. 11, of Boone; of Tailors' Local Union No. 72, of Dubuque; of Tailors' Local Union No. 160, of Cedar Rapids; of Bricklayers' Local Union No. 6, of Council Bluffs; of the Masons' International Union, of Cedar Rapids, of Box Makers and Sawyers' Local Union No. 11, of Muscatine; of Retail Clerks' Local Union No. 379, of Albia; of Leather Workers' Local Union No. 86, of Burlington; of Retail Clerks' Local Union No. 30, of Des Moines; of Retail Clerks' Local Union No. 474, of Keokuk; of Carpenters and Joiners' Local Union No. 767, of Ottumwa; of Carpenters and Joiners' Local Union No. 106, of Des Moines; of Leather Workers' Local Union No. 46, of Waterloo; of Carpenters and Joiners' Local Union No. 948, of Sioux City; of Carpenters and Joiners' Local Union No. 597, of Centerville, and of Bricklayers' Local Union No. 1, of Cedar Rapids, all in the State of Iowa, 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 resolutions of George W. S. Dodge Post, No. 132, Department of Iowa, Grand Army of the Republic, of Nashua, and of A. M. Taylor Post, Department of Iowa, Grand Army of the Republic, in the State of Iowa, expressing sympathy for the Army of the United States in the Philippine Islands; which were referred to the Committee on the Philippines.

He also presented a petition of sundry citizens of Davenport, Iowa, praying for the establishment of a parcels-post system; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Local Division No. 113, Brotherhood of Locomotive Engineers, of Des Moines; of L. B. Beardsley Lodge, No. 86, Brotherhood of Railroad Trainmen, of Perry; of C. H. Barnum Lodge, No. 485, Brotherhood of Locomotive Trainmen, of Carroll; of Local Division No. 211, Brotherhood of Locomotive Engineers, of Eagle Grove; of Hand-in-Hand Lodge, No. 183, Brotherhood of Railroad Trainmen, of Clinton; of Local Division No. 203, Brotherhood of Locomotive Engineers, of Perry; of Belle Plaine Lodge, No. 311, Brotherhood of Locomotive Firemen, of Belle Plaine; of Council Bluffs Lodge, No. 520, Brotherhood of Railroad Trainmen, of Council Bluffs, and of G. E. Boynton Lodge, No. 138, Brotherhood of Railroad Trainmen, of Eagle Grove, all in the State of Iowa, 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.

He also presented a petition of James Harvey Lodge, No. 21, Brotherhood of Railroad Trainmen, of Youngstown, Ohio, praying for the passage of the so-called Grosvenor anti-injunction bill; which was ordered to lie on the table.

Mr. BLACKBURN presented petitions of sundry citizens of Kentucky, praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which were referred to the Committee on Finance.

Mr. HALE presented a petition of the Maine Medical Association, praying for the establishment in the Department of the Interior at Washington, D. C., of a laboratory for the study of the criminal, pauper, and defective classes; which was referred to the Committee on Education and Labor.

He also presented petitions of the American Association of Masters and Pilots of Steam Vessels of the United States, of Winter Harbor; of the Board of Trade of Thomaston; of the Board of Trade of Bangor, and of the Board of Trade of Rockland, all in the State of Maine, praying for the enactment of legislation granting pensions to certain officers and men in the Life-Saving Service; which were referred to the Committee on Pensions.

Mr. BEVERIDGE. By request I present a memorial of representative citizens of the Indian Territory, of both political parties, relative to the election of a Delegate to Congress from that Territory. I move that the memorial and accompanying papers be referred to the Committee on Territories.

The motion was agreed to.

Mr. JONES of Arkansas. I present a paper, being the memorial of S. W. Peel, relative to certain claims of the loyal Creek Indians. I move that the paper be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. FRYE presented petitions of the boards of trade of the State of Maine and of the Board of Trade of Bangor, Me., praying for the adoption of certain amendments to the act entitled "An act to establish a uniform system of bankruptcy throughout the United States;" which were referred to the Committee on the Judiciary.

He also presented a petition of the city council of Chicago, Ill., praying that an appropriation be made providing for an exposition in that city in aid of a home for aged and infirm colored persons; which was referred to the Committee on Appropriations.

He also presented the petition of Robert Schafges and sundry other citizens of Philadelphia, Pa., praying that an investigation be made concerning religious injustice in the Philippine Islands; which was referred to the Committee on the Philippines.

EFFICIENCY OF THE ARMY.

Mr. PROCTOR. I have a communication from the Secretary of War inclosing a copy of a report from Gen. George W. Davis, now in the Philippines, in regard to the general staff bill of the Army, which is before the Committee on Military Affairs, and requesting that it be printed in connection with the testimony of the Secretary of War, of General Miles, and of General Schofield taken before the committee on that bill.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Vermont? The Chair hears none, and the order to print is made.

THE PHILIPPINE SITUATION.

Mr. KEAN. I present a paper, being testimony and statements of witnesses, American and foreign, concerning the conduct of the Army, reconcentration, etc., in the Philippine Islands. I move that the paper be printed as a document.

The motion was agreed to.

SHIP SUBSIDIES.

Mr. CLAY. I hold in my hand two communications relating to ship subsidies that I regard of great value. They are couched in parliamentary and respectful language. I ask that each of them be printed in the RECORD.

There being no objection, the papers were ordered to be printed in the RECORD, as follows:

SUBSIDIES THE CLIMAX OF THE PROTECTIVE SUPERSTITION.

[By Louis F. Post, editor of the Public.]

At the risk of being suspected as a Greek bearing gifts, I should like to ask protectionists—those who believe in protectionism upon principle, of course, and not the trusts that seek protection merely for their own interests and whose members greedily appropriate its benefits to their own private use—to consider very thoughtfully the probable effect of ship subsidies upon the popularity of their cherished doctrine.

Subsidies are unquestionably in line with the protective idea, for they are one of the modes of "encouraging domestic industry" by means of taxation. But they are altogether too candidly direct in method and too recklessly transparent in purpose. The masses of the people may feel their burdens, even under our indirect system of taxation, and are certain to recognize their plundering character. Is it wise, then, for sincerely philanthropic and patriotic protectionists to risk the possibilities of exposure of the essential nature of protection to which this all too candid mode of application will subject it?

For my part, I am quite willing to concede the superiority, for the purpose of protection to home industry, of subsidies paid directly out of the public Treasury over subsidies paid by consumers of domestic goods indirectly to the beneficiaries under compulsion of protective tariffs. The direct subsidy is better for many reasons.

In the first place, it is open and above board. Everybody can know who gets it, and how much he gets. Everybody can know, also, whether those who do get it divide up fairly with their workingmen, according to the true intent of the law. Of the indirect or protective tariff subsidies, that is not true. The beneficiaries can, and in practice actually do, conceal their plunder. It comes from so many individual sources, and in ways so various and complicated, that no one can keep track of it except the beneficiaries themselves. In consequence their workingmen are systematically robbed of the share which protective laws design that they should receive.

The only resource of workingmen is to strike when they suspect an unfair division, and that is very unsatisfactory all around. In this respect alone the direct subsidy has marked advantages over the protective tariff subsidy.

Another of its relative advantages is its effect upon the public at large.

The object of both methods is to encourage domestic production. In this respect the tariff method operates with great and harassing awkwardness. In order to encourage the production of woolen goods, for instance, obstructions are put in the way of the importation of foreign woolens. Those that are imported commercially are subjected to import taxes, which increase the price not only to the amount of the tax, but also to the amount of several commercial profits upon the tax, while those that are imported by travelers cause their owners no end of annoyance, to say nothing of the expense, when they land at a home port.

All this extra cost and annoyance must be submitted to until the domestic product has been brought up to the standard of the competing foreign article. Nor does the burden fall off then. For when the domestic product reaches the foreign standard of quality and price, its protected manufacturers insist upon having the protective tariff continued, to enable them to "invade" foreign markets in the name of American enterprise, this invasion consisting in selling their goods at free-trade prices abroad, while maintaining protection prices at home.

And that is not all. Sheep raisers clamor for protective tariffs on wool, to enable them to force their product upon the domestic woolen manufacturers, who force their product upon tailors. And tailors clamor for protective tariffs upon clothing to enable them to recoup the extra price they have to pay for cloth.

Protective tariffs are thus piled up all along the line, from the item of the growers of the raw materials to that of the last touch upon the finished product. For what? Simply to build up an infant industry, and to enable it to invade foreign markets after it has been built up. Is a more wasteful method conceivable? Compare that expensive and harassing process of indirect subsidies with the direct subsidy and note how indescribably superior the latter is.

Under the direct subsidy nobody would be annoyed by custom-house officers while the infant industry was growing to maturity. The disadvantages under which the American producer labored being overcome by subsidies paid out of the public Treasury, his goods would enter the domestic market at lower prices than the foreign goods.

Consequently, foreign goods would stay out, except to the extent that the domestic producer was unable fully to meet the home demand, which would be only in the infantile years of his industry. During that period he would be encouraged by having as much of the home market secured to him as he could supply; while home consumers would not be pestered with custom-house regulations in order to procure from abroad what he could not supply, nor burdened with excessive prices for either the foreign or the domestic article. And, although the American people would have to pay the direct subsidy, they would not also have to pay interest upon it every time the subsidized goods changed hands in trade, as they must under a protective tariff.

The same advantageous difference would continue after the domestic goods had been brought to the level of the foreign standard, and the home market could be fully supplied. They could then be sold at home at a price low enough to keep out the foreign article, and, thanks to the subsidy, would also be sent abroad to undersell foreign goods in their own market.

Other reasons might be urged were space abundant. But enough has been said to show the superiority of the direct subsidy system. Whether for the purpose of building up an infant industry at home, or of enabling it to invade foreign markets after it is built up, indirect subsidies through protective tariffs are vastly inferior to direct subsidies paid out of the public Treasury.

But the direct subsidy has also great disadvantages. It is simple. It is easily understood. It is manifestly for the benefit of special interests, and not for the general good. And, withal, it is certain, if overdone—a fate which attends upon all protective methods—to end speedily in an outburst of indignant ridicule. These do not sound like disadvantages, and, so far as the public is concerned, they are not. But they are serious disadvantages from the protection point of view. Such a method of encouraging domestic industry might, if once it were adopted, everlastingly discredit the whole protection theory. That is reason enough for the shyness which shrewd protectionists have heretofore exhibited toward direct subsidies for industrial encouragement.

Lately, however, the fat and greedy beneficiaries of protective tariffs, finding no longer any profit for themselves in that method of taxing Peter to enrich Paul, have been turning with favor toward the direct subsidy system. The first step, the sugar bounty, was not encouraging. It was a mistake to begin with a product like sugar. The purely private nature of this bounty was too obvious. For a beginning, shipping bounties are better. The people know but little about the modern shipping business, and they are ambitious to boast of a great mercantile navy. Subsidies for ships, therefore, do not seem so much as bounties on sugar like private gifts, even if the chief benficiaries of the subsidies are to be the great trust magnates of the country.

But if the system of subsidies once takes root in shipping bounties, is anyone so fatuous as to believe that it will end there? Let the protective tariff system answer. Its multitudinous ramifications and the horde of beggars in all kinds of industrial exploitation clamoring for its favors abundantly testify that there is no limit to public gifts for private benefit short of the will and ability of the giver.

Let shipowners be subsidized out of the public Treasury, and a cry for similar direct subsidies will go up from every industry that can not make the direct subsidies of the protective tariff serve it. If ships, why not exports? European nations, now cited as examples of ship subsidizers, do subsidize some exports with a view to the commercial invasion of other countries.

Shall we shrink from equipping our exporters for that kind of warfare? It has been seen how one tariff breeds another. Why shall not one subsidy breed another? There is no reason for confining subsidies to the encouragement of international trade. If it is good public policy to subsidize ships for foreign commerce it must be good public policy to subsidize ships and railroads for domestic commerce. If it is good public policy to subsidize commodities for export it must be good public policy to subsidize commodities for home consumption. Does anyone doubt, at any rate, that these extensions of subsidies can be urged as plausibly as the ship subsidy, on grounds of public policy? If, for example, a protective tariff on wool for the protection of American sheep could be made an issue in national politics, why not a subsidy on wool, now that the protective tariff fails to protect it?

Protectionists who believe that protection is a legitimate public policy should make no mistake about the ship-subsidy question. With ship subsidies for a starting point and precedent there will be no end to the objects vociferously seeking subsidies and no conceivable end to those getting them. But long before the possible end is reached the whole thing will strike the American sense of humor as unspeakably ridiculous, and the subsidy system, with the protective system, of which it is part, will collapse.

Since that is a consummation which free traders devoutly wish for, they might be quizzically asked why they object to this protection-destroying system of subsidies. It might be urged that the ship subsidy should be welcomed by them as an ally. But free traders are not playing in a game. They are not opposing protection for sport. They oppose it because, whatever may be the mode of application, it is in practice destructive to wholesome industry and in principle economically false and morally pernicious.

The subsidy movement is the normal culmination of a long era of protection by tariffs. In that era a few gigantic trusts, promoted and buttressed if not caused by protection, have developed. They hold the fate of legitimate industry almost at their mercy, and threaten even the political integrity of the Republic. They have perverted the intellectual standard of schools and colleges. They have polluted the moral atmosphere of churches. They have insinuated their influence into newspaper sanctums. They have dictated policies in legislative assemblies, seated their own professional servants upon the judicial bench, corrupted nominating conventions, and by trick and device diverted the course of public opinion itself. And now, glutted with pelf and drunken with power, they cynically propose to rob the public boldly, directly from the public Treasury, as for a generation they have been robbing it stealthily by means of protective tariffs.

That in doing this they will cause the whole protection edifice to crumble is reasonably to be expected. But that much-desired ending of the most absurd and demoralizing superstition of economic history is not a reason for advocating subsidies as the destructive means. This would, indeed, be doing evil that good might come. Much more to the honor of American intelligence and American sensitiveness to right and justice would it be for American citizenship to condemn the protective scheme with deliberation than to leave it to the fates.

Rather than approve the shipping subsidy, though in the reasonable hope that its development would expose the absurd iniquity of protection and loosen the grasp of that superstition, conscientious and intelligent citizens will demand that the shipping subsidy be condemned because it is one of the forms of that superstition. Free traders would rather kill protection with the club of common sense or the sword of common justice than help to poison it with an overdose of subsidies, however reconciled they might be to seeing it so poisoned by its friends.

SUBSIDY PRETENSIONS—BITS FROM OUR HISTORY OF THIS KIND OF LEGISLATION—FAILURE OF GREAT EXPECTATIONS—PAST EXPERIENCES WITH SHIP SUBSIDIES ARE ANYTHING BUT GRATIFYING TO OUR PRIDE—FIGURES THAT ARE INTERESTING JUST AT THIS TIME—SAME OLD ARGUMENTS USED TO-DAY.

Shipping subsidies are not a new thing to this country. We have experimented with them several times, and always with results anything but gratifying to our pride. In every case the promoters of subsidy schemes in Congress have uttered the ancient and threadbare fallacy about enormous expansion of trade to follow the granting of subsidies, and they have always ascribed the failure of their forecast to insufficient subsidy.

As far back as 1850 Congress voted a subsidy to the Collins line. The subsidy failed to build up a great steam merchant marine, and foreign commerce was not noticeably affected. The venture ended in disastrous failure, bringing ruin to all engaged in the enterprise. In the period from 1848 to 1853 Congress expended more than $15,000,000 in subsidies similar to the subsidy now proposed. During that period our foreign trade went on increasing exactly as if no subsidy had been paid. When the subsidy policy was discontinued, our foreign trade continued to increase more rapidly than before.

From 1858 to 1865 the United States Government gave no subsidies for the ocean mail service. In 1864 a bill was introduced authorizing the payment by the United States of $150,000 per annum for a monthly steamship service between Rio Janeiro and a United States port north of the Potomac River. On reporting the measure favorably, Mr. Alley, of Massachusetts, said:

"Establish this steam communication with South America, and you will not a great while longer see England exporting $28,000,000 worth of merchandise and taking in return less than half the amount, and the United States exporting only $6,000,000, while the import of Brazilian products is over $20,000,000."

The bill became law, and on August 29, 1865, a contract was made with the United States and Brazil Mail Steamship Company for a monthly service between New York and Rio Janeiro. The line continued for ten years, costing altogether $1,500,000. When the subsidy was withdrawn the company suspended operations. So ended the high expectations proclaimed by Mr. Alley.

The following table shows the conditions of trade with Brazil before and after the subsidy:

Year.	Imports.	Exports.
1866	$16,816,803	$5,691,659
1875	42,027,863	7,742,359

The increase of the import trade was due not to the steamship line but to the removal of the duties on coffee and rubber. In 1875 the imports of coffee

were $35,099,274 and of rubber $2,519,437. After the Brazilian line was discontinued our trade with Brazil went on increasing more rapidly than before. Meanwhile the commerce of England with Brazil, without the protection of a Government subsidy, grew much more rapidly than our own.

In 1866 the Government entered into a contract with the Pacific Mail Steamship Company for carrying the mails to Japan and China via Hawaii. The service was to be monthly, with a subsidy of $500,000 per annum.

In the session of 1866-67 Congress released the company from the necessity of stopping at Hawaii, and during the same session voted a subsidy of $75,000 per annum for a distinct service to those islands. This was merely an indirect way of raising the subsidy to the Pacific Mail by $75,000 a year. In 1872 the company offered to run another monthly service to China and Japan for an additional $500,000 a year. With some difficulty a bill authorizing such a contract was passed by Congress in 1873. It was afterwards discovered that bribery had been used to secure the passage of this measure. It was proved that the company had spent more than $1,000,000 to obtain the subsidy. The new contract was abrogated by the Government because of the improper methods used in gaining the necessary legislation, and the subsequent failure of the company to fulfill the conditions of the contract. In 1873 the service to the Sandwich Islands was given up by the Pacific Mail Steamship Company. It had lasted for six years and cost $425,000.

The state of trade with Hawaii before and after the experiment is given below:

Year.	Exports.	Imports.
1867	$846,492	$1,070,252
1873	674,191	1,275,061

The statistics show a decrease in exports of nearly $200,000, and an almost equal gain in imports. In the protectionist view, this is a loss of nearly $400,000. Really it shows that trade was almost stationary, despite the fact of American ships subsidized to carry the flag.

The first contract with the Pacific Mail Steamship Company expired in 1877. The company actually received from the Government during ten years for this service $4,583,333.33.

The statistics of the trade with China and Japan before and after the subsidy are as follows:

Year.	Imports.	Exports.
CHINA.		
1867	$12,112,440	$3,578,808
1876	12,947,633	4,729,892
JAPAN.		
1867	2,618,283	712,024
1876	15,470,047	1,099,696

The only increase in trade of any consequence was in those articles from which the tariff had been removed, viz, tea and raw silk.

The melancholy result of these attempts to build up commerce by paying ships to sail back and forth over the seas ought to be pretty conclusive. But we find people to-day engaged in prophesying the wonderful results that will inevitably follow when their little ship-subsidy scheme is enacted into law, and, what is more incomprehensible, they find people to believe them.

In 1879 it was attempted to revive the scheme to subsidize a line to Brazil, but the Pacific Mail scandal was too fresh in the memory of the people, so the scheme had to be dropped. The same arguments now employed were used then. It was claimed that the only thing that prevented our having an enormous and profitable trade with South America was the lack of subsidized steamers. When these were furnished they were found of no value to our business men, for we had little to export to Brazil and no mails to exchange. Private enterprise was then and is now able to take care of the trade. Our imports have continued to grow, because Brazil has coffee and rubber, which we need. We have sufficient communication with South America, as was shown by the committee of the National Association of Manufacturers which visited South America in 1896. Direct shipping facilities are ample and in excess of demand, while rates are usually lower than freights to and from England. The same is true of communications with European and Asiatic countries. There are more ships than exports to fill them. Freight rates were never so low, and shipbuilding was never so extensive all over the world. Yet the Republicans tell us that we have not ships enough to carry our exports.

ROYAL MEEKER.

JUST A PLUCK-ME GAME—THAT IS ALL THERE IS TO THE SHIP-SUBSIDY SCHEME—REVIEW OF REPORT ON THE BILL—A SALLY INTO THE FIELD OF PROPHECY—ROUTES PROPOSED, AND THEIR RESPECTIVE SHARES OF PLUNDER—ARITHMETIC THAT DOES NOT FIT—FACTS ON THE OTHER SIDE OF THE QUESTION.

The report of the Senate Committee on Commerce deserves to rank high among the prophetic books of the protectionist scriptures. The preamble says:

"The purpose of this bill is, and its reasonably certain results will be within ten years, to establish the maritime supremacy of the United States in the trade on the Pacific with Asia and the Philippines and on the Atlantic in the trade of the Gulf of Mexico and the Caribbean Sea, to establish on a secure basis the trade between the United States and the Republics of South America, and to give the United States a respectable representation in the trade of the North Atlantic. Incidentally it will give to the United States an auxiliary navy second only to Great Britain's, an ocean mail service superior to that of Great Britain, France, or Germany in all respects, except for a few years more, possibly, the service between New York and England and the North Sea ports. It will so extend shipbuilding as to transfer in time—certainly from Germany and possibly from Great Britain—to the United States the center of that industry as the centers of other industries recently have been transferred. Finally, it will give to the United States a measure of maritime independence corresponding to our industrial and agricultural independence. This object and these results are perfectly well understood abroad and afford the reason why the measure is regarded with undisguised apprehension and hostility by the shipping interests of Europe."

It is possible that some, perhaps all, of these prophetic utterances will come true in time, but it requires a degree of genius that can not be distinguished from madness to assert that all this shall result from the passage of this bill. Mr. FRYE certainly does not intend to belittle the importance of his legislative labors.

But this is not the most remarkable paragraph in this remarkable report. It is proposed to establish the following ocean mail routes, some new and some old:

	Subsidy.
ATLANTIC OCEAN.	
Semiweekly to Jamaica[a]	$123,569
Semiweekly to Habana[a]	73,476
Weekly to Mexico[a]	130,104
Semiweekly to Southampton[b]	1,713,863
Once in 10 days to Venezuela[a]	81,288
Fortnightly to Brazil[c]	243,100
Atlantic total	2,335,400
PACIFIC OCEAN.	
Weekly to Manila[c]; Weekly to Japan, China, Hongkong[c]; Weekly to Hawaii[c d]; Fortnightly to Pango-Pango[d]	1,901,952
Fortnightly to Australia[d]	433,000
Pacific total	2,334,952
Grand total	4,700,352

These services are to be performed in a very superior manner by larger and swifter steamers than any now in service, except on the North Atlantic. According to the committee's estimates (made by the Commissioner of Navigation) the cost of building a ship here is at least 30 per cent greater than in England, and wages of American seamen are about 40 per cent greater. England pays $5,536,000 per annum in subsidies. Granting the truth of these statements, it would seem to the man of ordinary intelligence that we would be compelled to pay at least 35 per cent more than England in subsidies in order to overcome her natural and artificial advantages. But Mr. FRYE and his colaborers are not men of ordinary intelligence. By a simple arithmetical miracle, which they have not time to explain, they show how, by paying only $4,700,000 in subsidies to the International, the Pacific Mail, and two or three other lines, it is possible not only to revive our drooping merchant marine but to cause England to retire from the sea. It is so simple and withal so economical that it would be incredible did we not know that HANNA and other philanthropists are willing to risk the people's money in the scheme.

There are some facts, however, which it may be of interest for the people to know before they assent to furnish the funds for carrying out this little miracle.

First. The greater cost of building ships in America is a myth. Tjard Schwartz, the naval constructor sent over here by the German Government, reported to his Government that steamers were being constructed here as cheaply as in Great Britain. The Marine Review, which favors subsidies, says in the issue of November 7, 1901:

"The *Main* was reconstructed at a cost of about $600,000. It was an immense undertaking, and its execution to the satisfaction of the inspectors representing the North German Lloyd Steamship Company, and the surveyors acting for the classification bureau, Germanisher Lloyd, demonstrates that American shipbuilders are skilled in the trade and are strong competing factors with which foreign shipbuilders must in the future reckon. It is reasonable to assume that could the *Main* have been repaired in Germany or England at less cost than that for which the work was performed in the United States the ship would have been taken across the Atlantic."

Second. The cost of running ships under the American flag is also mythical, for our shipmasters hire seamen in the same ports at the same wages as foreign shipmasters.

Third. As there is no limit placed upon the amount to be expended for subsidies, it is probable that the total will be much in excess of $4,700,000 for services much inferior to those foretold by the Committee on Commerce in its sanguine forecast.

Fourth. The sums expended for actual mail service will be a small part of the total amount paid out in so-called mail subsidies, for the reason that vessels are paid for size, speed, and miles sailed, not for service performed.

The United States Government is now paying higher rates for ocean mail service than any other country except, perhaps, France and Italy. The sum paid to the International Navigation Company for full service is $757,000 a year—17 per cent on the total value of the four mail steamers belonging to that company, allowing a capitalized value of $100 per ton, which is greatly in excess of the real value of the vessels. The effect of the pending bill will be to increase the rate of pay to 27 per cent on this watered capital for the identical service.

Last year the Government paid the New York and Cuba Mail Company $201,078 for carrying 1,995 pounds of letters and 30,864 pounds of printed matter, or an average of $6.12 per pound. This is about ninety times the very liberal rates of the International Postal Union. Under the new bill the company will get about the same sum; but if they put on larger and swifter vessels they will collect a higher rate of pay, although the service performed may be actually of less value.

Under the postal act of 1891 the Admiral Line is receiving $117,490 for performing a service worth $2,911.83 at competitive rates; the Oceanic Company is to receive $283,283 for a service worth $8,432.78. The Republican party proposes to increase these extravagant subsidies to a few large shipowners on the plea of building up the American merchant marine. To-day we are compelled to listen to the same arguments which have done service since 1845, when the Collins Line was voted a subsidy. In every instance we have been assured by the advocates of subsidy that the one thing needed to rehabilitate the American merchant marine was a subsidy. The Government has already spent upward of $30,000,000 in these so-called ocean-mail subsidies, and the merchant marine is not yet rehabilitated according to the idea of the subsidy lobbyists.

ROYAL MEEKER.

REPORTS OF COMMITTEES.

Mr. PLATT of New York, from the Committee on Printing, reported an amendment providing that the appropriation for the connected and separate United States and other maps prepared in the General Land Office may be made available for expenditure during the fiscal year 1903, intended to be proposed to the general deficiency appropriation bill, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. PRITCHARD, from the Committee on Pensions, to whom

[a] Under act of 1891.
[b] Increased from weekly service under act of 1891.
[c] New routes proposed.
[d] Increased from once in three weeks under act of 1891.

was referred the bill (H. R. 10005) granting an increase of pension to William A. Henderson, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1739) granting an increase of pension to William S. Frost; and

A bill (S. 4752) granting a pension to Betsey Jones.

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

A bill (H. R. 10462) granting an increase of pension to Mary A. Munson;

A bill (H. R. 12777) granting an increase of pension to George H. Young;

A bill (H. R. 10325) granting an increase of pension to Joseph Stonesifer;

A bill (H.R.10394) granting a pension to William H. Ruggles; and

A bill (H. R. 6009) granting a pension to Absolum Maynard.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them each with amendments, and submitted reports thereon:

A bill (S. 5852) granting a pension to Robert P. McRae; and

A bill (H. R. 1523) granting a pension to Susan J. Taylor.

Mr. PETTUS, from the Committee on the Judiciary, to whom was referred the bill (H. R. 12764) amending the act of March 2, 1901, entitled "An act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain, etc.," reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 6165) amending the act of March 2, 1901, entitled "An act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain, etc.," reported adversely thereon, and the bill was postponed indefinitely.

Mr. BARD, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 13875) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona, reported it without amendment, and submitted a report thereon.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 14732) granting an increase of pension to Grace M. Read; and

A bill (S. 4296) granting a pension to Andrew Ady.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 8712) granting an increase of pension to James S. Young; and

A bill (S. 6123) granting an increase of pension to Thomas L. Collins.

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

A bill (H. R. 2483) granting a pension to James A. Clifton;

A bill (H. R. 2487) granting an increase of pension to William S. Hosack;

A bill (H. R. 10263) granting an increase of pension to Daniel J. Byrnes;

A bill (H. R. 1347) granting an increase of pension to Charles H. Webb;

A bill (H.R. 3825) granting an increase of pension to Lizzie I. Rich;

A bill (H. R. 12056) granting an increase of pension to Warren C. Plummer;

A bill (H. R. 14774) granting a pension to John C. Clarke;

A bill (H. R. 6031) authorizing the payment of part of the pension of Ira Steward to Adell Augusta Steward;

A bill (H. R. 3513) granting an increase of pension to James W. Young;

A bill (H. R. 14206) granting a pension to Mary J. Moore; and

A bill (H. R. 7618) granting an increase of pension to Thomas Sheridan.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with amendments, and submitted reports thereon:

A bill (S. 5639) granting a pension to William H. Durham; and

A bill (H. R. 13355) granting an increase of pension to William H. Snyder.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 6101) granting an increase of pension to Reuben Andrews; and

A bill (H. R. 13367) granting an increase of pension to Jonathan Walbert.

Mr. GALLINGER (for Mr. SIMON), from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4093) granting an increase of pension to William Barrett; and

A bill (S. 5812) granting a pension to Wallace Fairbank.

Mr. GALLINGER (for Mr. SIMON), from the Committee on Pensions, to whom were referred the following bills, reported them each with amendments, and submitted reports thereon:

A bill (S. 5814) granting a pension to Preston W. Buford; and

A bill (S. 3970) granting an increase of pension to Mary Elizabeth Fales.

Mr. GALLINGER. Mr. President, I desire, by unanimous consent, to make a statement, occupying only a minute or two, in reference to the matter of pension legislation.

I wish to state, so that it may be understood, that the Committee on Pensions has held its last meeting, and that no further bills will be reported at this session except those that were ordered reported this morning.

Mr. QUARLES, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 10698) providing for allotments of lands in severalty to the Indians of the Lac Courte Oreille and Lac du Flambeau reservations, in the State of Wisconsin, reported it without amendment, and submitted a report thereon.

He also, from the Committee on the Census, to whom was referred the bill (S. 5348) relating to the Twelfth and subsequent censuses, and giving to the Director thereof additional power and authority in certain cases, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (H. R. 11979) granting an increase of pension to William W. Anderson, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 13598) granting a pension to John J. Southerland;

A bill (H. R. 13848) granting an increase of pension to James H. Chedester;

A bill (H. R. 1456) granting a pension to William G. Miller; and

A bill (H. R. 10856) granting a pension to Jacob Findley.

Mr. McCOMAS, from the Committee on the Judiciary, to whom was referred the bill (H. R. 5809) for the further distribution of the reports of the Supreme Court, reported it with amendments, and submitted a report thereon.

Mr. BURNHAM, from the Committee on Claims, to whom was referred the bill (S. 4367) for relief of the estate of William M. Morrison, deceased, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 9501) to provide for the sale of the unsold portion of the Umatilla Indian Rerservation, reported it without amendment, and submitted a report thereon.

Mr. PLATT of Connecticut, from the Committee on the Judiciary, to whom was referred the bill (S. 6144) to incorporate the Association of Military Surgeons of the United States, reported it without amendment.

Mr. BACON, from the Committee on the Judiciary, to whom was referred the bill (H. R. 12205) to provide for circuit and district courts of the United States at Valdosta, Ga., reported it without amendment, and submitted a report thereon.

Mr. CARMACK, from the Committee on Pensions, to whom was referred the bill (H. R. 14182) granting an increase of pension to Susan B. Lynch, reported it without amendment, and submitted a report thereon.

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

A bill (H. R. 2440) granting an increase of pension to William D. Smith;

A bill (H. R. 5951) granting an increase of pension to Ole Thompson;

A bill (H. R. 4262) granting an increase of pension to Thomas P. May; and

A bill (H. R. 14656) granting an increase of pension to Charles A. Scott.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 4261) granting an increase of pension to Sanders R. Seamonds, reported it with an amendment, and submitted a report thereon.

Mr. PENROSE. I am directed by the Committee on Immigration, to whom was referred the bill (H. R. 12199) to regulate the immigration of aliens into the United States, to report it with amendments. I wish to give notice that I will file a report to accompany the bill at an early day.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. FORAKER, from the Committee on Pacific Islands and Porto Rico, to whom was referred the resolution submitted by Mr. MITCHELL on the 13th instant, authorizing and directing the Committee on Pacific Islands and Porto Rico to investigate, inquire into, and ascertain the general condition of the islands of Hawaii, etc., reported it without amendment, and moved that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate; which was agreed to.

Mr. WETMORE, from the Committee on the Library, reported an amendment proposing to appropriate $5,000 for the purchase of the manuscript index of Discussions of the United States Congress, 1789 to 1900, in three parts, by William A. Peffer, intended to be proposed to the general deficiency appropriation bill, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

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

A bill (H. R. 5888) granting an increase of pension to Peter Poutney;

A bill (H. R. 5961) granting an increase of pension to Charles F. Coles; and

A bill (H. R. 7878) granting an increase of pension to William J. Remington.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally with an amendment, and submitted reports thereon:

A bill (S. 4866) granting an increase of pension to Sara D. Bereman;

A bill (S. 3020) granting an increase of pension to Eliza E. Littlefield; and

A bill (H. R. 7013) granting an increase of pension to Jason E. Freeman.

Mr. FAIRBANKS, from the Committee on the Judiciary, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5732) establishing a regular term of United States district court in Lewisburg, W. Va.; and

A bill (S. 5914) establishing a regular term of United States district court in Addison, W. Va.

Mr. QUAY. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 5956) to provide for the allotment of the lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes, to report it with an amendment. I desire to say that I will submit a written report hereafter.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

LIST OF CLAIMS.

Mr. HALE, from the Committee on Appropriations, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the Senate a schedule of all claims allowed by the accounting officers of the Treasury under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, since the allowance of those heretofore reported to Congress at the present session; also a list of judgments rendered by the Court of Claims not heretofore reported to Congress.

INDIAN DEPREDATION CLAIMS.

Mr. HALE, from the Committee on Appropriations, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General be directed to transmit to the Senate a list of judgments rendered by the Court of Claims in favor of claimants in Indian depredation cases requiring an appropriation by Congress.

LIST OF JUDGMENTS.

Mr. HALE, from the Committee on Appropriations, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General be directed to transmit to the Senate a list of judgments rendered against the United States by the circuit and district courts of the United States under the provisions of the act to provide for bringing suits against the Government of the United States, approved March 3, 1887, not heretofore reported to Congress.

ASSISTANT CLERK TO COMMITTEE.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. PROCTOR on the 19th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Agriculture and Forestry be, and it is hereby, authorized to employ an assistant clerk, to be paid from the contingent fund of the Senate, at the rate of $1,440 per annum, until otherwise provided for by law.

COURTS IN PENNSYLVANIA.

Mr. McCOMAS. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 2066) to change the terms of the district court for the eastern district of Pennsylvania, to report it favorably without amendment, and to 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.

Mr. McCOMAS. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 2063) amending an act creating the middle district of Pennsylvania, to report it favorably without amendment, and I am also instructed to ask for its present consideration.

The Secretary read the bill.

Mr. JONES of Arkansas. It is impossible to hear what is going on; there is so much confusion in the Chamber. I should like to know what bill this is.

Mr. McCOMAS. I can explain it in a moment. In the middle district the circuit and district courts of the United States are to be held at the points named—Scranton, Harrisburg, and Williamsport—and that the terms shall be changed for holding courts as there stated. It also provides that the records shall be kept at the original point, Scranton; but the records of the late courts of the western district at Williamsport shall remain there.

Mr. JONES of Arkansas. Does it come from the Judiciary Committee?

Mr. McCOMAS. From the Judiciary Committee. It has passed the House.

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

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

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

ISABELLA BULLOCK.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. CARMACK on the 19th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Isabella Bullock, widow of John H. Bullock, late a laborer of the United State Senate, a sum equal to six months' salary at the rate he was receiving at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

BILLS INTRODUCED.

Mr. HANSBROUGH introduced a bill (S. 6228) to establish Portal, N. Dak., a subport of entry and extend thereto the privileges of the first section of the act approved June 10, 1880; which was read twice by its title, and referred to the Committee on Commerce.

Mr. McENERY introduced a bill (S. 6229) granting a pension to Patrick W. O'Donnell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PETTUS introduced a bill (S. 6230) for the relief of Augustin Walsh; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6231) authorizing Robert A. Chapman, of Alabama, his associates and assigns, to use the waters of the Coosa River, in Alabama, for the purpose of generating electricity; which was read twice by its title, and referred to the Committee on Commerce.

Mr. McLAURIN of Mississippi introduced a bill (S. 6232) for the relief of I. I. Barber; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MONEY introduced a bill (S. 6233) for the relief of the estate of Franklin S. Whitney, deceased; which was read twice by its title, and referred to the Committee on Claims.

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

A bill (S. 6234) for the relief of the legal repretentatives of William R. Boice, deceased;

A bill (S. 6235) for the relief of the trustees of the Madison Female Institute;

A bill (S. 6236) for the relief of the legal representatives of Samuel R. Grundy, deceased;

A bill (S. 6237) for the relief of the legal representatives of Richard M. Robinson, deceased;

A bill (S. 6238) for the relief of the legal representative of Robert D. Salmon, deceased;

A bill (S. 6239) for the relief of the legal representatives of John G. Holloway, deceased, and others;

A bill (S. 6240) for the relief of the legal representatives of John C. Reed and Julia A. Reed, deceased;

A bill (S. 6241) for the relief of the trustees of the Bloomfield Lodge, No. 57, Free Ancient and Accepted Masons; and

A bill (S. 6242) for the relief of the drafted men of Pendleton and other counties, in the State of Kentucky.

Mr. BLACKBURN (by request) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6243) for the relief of the trustees of the Emory Methodist Episcopal Church South, and of the Methodist Episcopal Church, Washington district, Baltimore Conference;

A bill (S. 6244) for the relief of Thomas S. Lutterloh;

A bill (S. 6245) for the relief of J. S. Neal;

A bill (S. 6246) for the relief of the Cape Fear and People's Steamboat Company; and

A bill (S. 6247) for the relief of G. W. Ebert.

Mr. JONES of Arkansas (by request) introduced a bill (S. 6248) for the relief of Robert L. Lindsay; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6249) for the relief of the heirs of Benjamin F. Ball, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. GAMBLE introduced a bill (S. 6250) to regulate the use by the public of reservoir sites located upon the public lands of the United States; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PENROSE introduced a bill (S. 6251) for the relief of Jacob Johnson; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6252) to reimburse the State of Pennsylvania for money expended in 1864 for militia called into the military service by the governor under the proclamation of the President of June 15, 1863; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

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

A bill (S. 6253) granting an increase of pension to William C. McEuen;

A bill (S. 6254) granting a pension to Mary T. Brown;

A bill (S. 6255) granting an increase of pension to James P. Alsover; and

A bill (S. 6256) granting an increase of pension to Martha C. Kuhn.

Mr. PENROSE 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. 6257) granting an increase of pension to Mary B. Keller;

A bill (S. 6258) granting an increase of pension to Joel Henry;

A bill (S. 6259) granting an increase of pension to Daniel Shelley;

A bill (S. 6260) granting an increase of pension to Joseph Harvey Tomlinson; and

A bill (S. 6261) granting an increase of pension to Joseph E. Carr.

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

A bill (S. 6262) granting an increase of pension to Charles C. Chesley; and

A bill (S. 6263) granting a pension to Rachel E. Bullard.

Mr. McMILLAN introduced a bill (S. 6264) for the extension of Maryland avenue east of Fifteenth street to M street northeast, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. SIMMONS introduced a bill (S. 6265) for the relief of the trustees of the Diocese of East Carolina; which was read twice by its title, and referred to the Committee on Claims.

Mr. McLAURIN of Mississippi introduced a bill (S. 6266) granting a pension to Jefferson Davis; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 6267) granting an increase of pension to Martha J. Hebbard; which was read twice by its title, and, with an accompanying paper, referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 6268) to provide for the erection of a Government building suitable for the permanent installation of the valuable collections donated to the Philadelphia Museums by foreign governments, and of commercial interest to the manufacturers of the United States; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. DANIEL (by request) introduced a bill (S. 6269) for the relief of John A. Fairfax; which was read twice by its title, and referred to the Committee on Claims.

ARTURO R. CALVO.

Mr. PROCTOR. I introduce a joint resolution and ask for its present consideration.

The joint resolution (S. R. 118) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point, Arturo R. Calvo, of Costa Rica, was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he hereby is, authorized to permit Arturo R. Calvo, of Costa Rica, to receive instruction at the Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby: *And provided further*, That in the case of the said Arturo R. Calvo the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

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

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

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

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. FORAKER submitted an amendment proposing to appropriate $1,000 to pay A. H. Howe for expenses incurred and for services in filing and indexing the records, briefs, and arguments of counsel in the insular cases in the October term of the Supreme Court of the United States, etc., intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. PRITCHARD submitted an amendment proposing to appropriate $1,500 to pay Calvin J. Cowles, late assayer in charge of the United States assay office at Charlotte, N. C., for services from July 1, 1875, to October 16, 1876, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CARMACK submitted an amendment proposing to appropriate $750 to pay Dennis M. Kerr for services as assistant clerk of detail to the Committee on Pensions, and also to appropriate $500 to pay John H. Walker for extra services as clerk to the Committee on Pensions, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Pensions, and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to appropriate $10,865.31 to pay the legal representative of the estate of James W. Schaumburg, deceased, etc., intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Claims.

Mr. MASON submitted an amendment directing the Secretary of the Treasury to make a full and complete examination into the claim of Joseph W. Parish against the United States for balances alleged to be due him by virtue of the contract made by J. W. Parish & Co. with Henry Johnson, a medical storekeeper, acting on behalf of the United States March 5, 1863, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. QUARLES submitted an amendment proposing to appropriate $1,748,364 to refund to the State of Wisconsin for expenses incurred in raising volunteers, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FAIRBANKS submitted an amendment proposing to appriate $50,000 for the construction of a suitable and commodious fireproof building for the use of the Department of Agriculture, on the grounds of the Department of Agriculture, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HANSBROUGH submitted an amendment proposing to appropriate $1,339.72 to pay Roland C. Nichols, late receiver of public moneys and special disbursing agent at the land office at Peavey, Alaska, etc., and also to appropriate $1,339.72 to pay Albert E. Rose, late register of the land office at Peavey, Alaska, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MASON submitted an amendment proposing to appropriate $50,000 for the improvement of the Ohio River between Cairo and Mound City, Ill., intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. DANIEL submitted an amendment proposing to pay certain permanent and temporary employees of their respective departments for work performed by them in excess of the regular working hours during the period of the war with Spain, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate $160,000 to pay certain persons for services, materials, etc., furnished to the Pan-American Exposition, as per schedule to be filed, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

INDUSTRIAL PLANTS IN INDIAN TERRITORY.

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

Resolved, That the Secretary of the Senate be directed to return to the House of Representatives the enrolled copy of the bill (S. 5718) "providing for the sale of sites for manufacturing or industrial plants in the Indian Territory," and request the House of Representatives to vacate the action of the Speaker in signing said enrolled bill, and to return said enrolled bill and the message of the Senate agreeing to the amendment of the House of Representatives to said bill to the Senate.

Mr. JONES of Arkansas. I desire to enter a motion to reconsider the vote by which the Senate concurred in the amendment of the House of Representatives to the bill (S. 5718) providing for the sale of sites for manufacturing or industrial plants in the Indian Territory.

The PRESIDENT pro tempore. The motion to reconsider is entered.

BEILINBERG AGAINST SCOTT.

Mr. BAILEY. I submit a resolution which I ask may lie on the table. I shall call it up to-morrow morning.

The PRESIDENT pro tempore. The Senator from Texas submits a resolution, which will be read.

The Secretary read as follows:

Resolved by the Senate of the United States, That the Secretary of State be, and he is hereby, requested to transmit to the Senate all of the papers in the case of Beilinberg against Scott, including all communications sent to and received from the ambassador of the United States to Mexico in respect to the same.

Mr. TELLER. We have been heretofore in the habit of "directing" the Secretary of State.

Mr. BAILEY. It would please me very much more to have the Senate "direct" than to "request," and when the resolution is before the Senate I will gladly accept the suggestion of the Senator from Colorado.

The PRESIDENT pro tempore. The resolution will go over at the request of the Senator from Texas.

EMPLOYMENT OF STENOGRAPHER.

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

Resolved, That the Committee on Patents be, and it is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such testimony as may be taken by the committee or its subcommittee in connection with bills pending before it, and to have the same printed for its use, and that such stenographer be paid out of the contingent fund of the Senate.

CALIFORNIA NATIONAL PARKS.

Mr. BARD. I move that the bill (H. R. 14511) to authorize the relinquishment to the United States of claims and patented lands within the national parks in the State of California, and to permit the settlers and owners thereof to secure other lands, outside of said parks, in accordance with section 24 of the act of Congress approved March 3, 1891, be recommitted to the Committee on Public Lands.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 9th instant approved and signed the act (S. 312) 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 May in each year.

The message also announced that the President of the United States had on the 21st instant approved and signed the following acts:

An act (S. 2769) to fix the fees of United States marshals in the Indian Territory, and for other purposes;

An act (S. 2921) to place Henry Bieberbick, Julius R. Frederick, Francis Long, and Maurice Connell on the retired list of enlisted men of the Army;

An act (S. 3992) granting an increase of pension to David M. McKnight;

An act (S. 4769) to fix the fees of jurors in the United States courts; and

An act (S. 6030) authorizing the Newport Bridge, Belt and Terminal Railway Company to construct a bridge across the White River in Arkansas.

HOUSE BILLS REFERRED.

The bill (H. R. 619) providing for recognition of the military service of the officers and enlisted men of the First Regiment Ohio Volunteer Light Artillery was read twice by its title, and referred to the Committee on Military Affairs.

The joint resolution (H. J. Res. 197) making certain appropriations of April 17, 1900, for printing United States maps, available for the fiscal year 1902, was read twice by its title, and referred to the Committee on Printing.

LIFE-SAVING SERVICE.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1026) to fix the compensation of district superintendents in the Life-Saving Service; which was referred to the Committee on Commerce.

ARMY APPROPRIATION BILL.

Mr. PROCTOR. I move that the Army appropriation bill be laid before the Senate.

The PRESIDENT pro tempore. The morning business is not yet completed. The Senator from Vermont moves that the Army appropriation bill be laid before the Senate.

Th motion was agreed to.

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

Mr. PROCTOR. I move that the Senate recede from its amendment numbered 13. That matter was before the Committee on Military Affairs this morning and this course was unanimously agreed upon.

Mr. ALLISON. I should like to hear the report from the House read, so as to see what is the status of the bill.

The PRESIDENT pro tempore. The action of the House of Representatives will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
June 20, 1902.

Resolved, That the House insists upon its disagreement to the amendments of the Senate to the bill (H. R. 12804) making appropriation for the support of the Army for the fiscal year ending June 30, 1903, numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25, and requests a conference thereon.

Ordered, That Mr. HULL, Mr. CAPRON, and Mr. HAY be the managers of the conference on the part of the House.

That the House adheres to its disagreement to the amendments of the Senate numbered 13 and 14.

That the House recedes from its disagreement to the amendment of the Senate numbered 15, and agrees to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "; and whenever in the opinion of the President the lands and improvements, or any portion of them, of the military posts or reservations at Indianapolis, Ind., Columbus, Ohio, and Buffalo, N. Y., have become undesirable for military purposes he may, in his discretion, cause the same to be appraised and sold at public sale at not less than the appraised value, either as a whole or in subdivisions, under such regulations as to public notice and terms and conditions of sale as he may prescribe, and the proceeds to be deposited in the Treasury; and a sum of money not exceeding the proceeds of such sale or sales at each of such places, respectively, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of such land at or in the vicinity of Indianapolis, Ind., Columbus, Ohio, and Buffalo, N. Y., respectively, as may be required for military purposes, and for building barracks or quarters on such lands to be devoted to military purposes; and the Secretary of War is hereby authorized to make such purchases of lands for the establishment of military posts at or in the vicinity of such places, respectively."

The PRESIDENT pro tempore. The Senator from Vermont moves that the Senate recede from its amendment numbered 13.

Mr. PLATT of Connecticut. Mr. President, what is the parliamentary situation of the bill? The other day we insisted on our amendments and asked the House for a full and free conference. I should like to know what the House has done.

The PRESIDENT pro tempore. The message of the House has just been read to the Senate.

Mr. PLATT of Connecticut. There was much confusion, and besides——

Mr. TELLER. Can the Chair state what the House did do?

The PRESIDENT pro tempore. The House insists upon its disagreement to about twenty amendments and asks a conference thereon. Then the House notifies the Senate that it adheres to its disagreement to amendments 13 and 14. It also notifies the Senate that it recedes from its disagreement to Senate amendment 15 and agrees to it with an amendment, which amendment has been read to the Senate.

Mr. PLATT of Connecticut. Owing to the confusion, I was not able to catch it, and I wish it might be read again.

The PRESIDENT pro tempore. It will be again read.

The Secretary again read the amendment of the House to amendment numbered 15.

The PRESIDENT pro tempore. The Senator from Vermont moves to recede from amendment numbered 13.

The motion was agreed to.

Mr. PROCTOR. I now move that the Senate disagree to the amendment proposed by the House to Senate amendment numbered 15, insist upon the Senate amendments, except No. 13, from which we have receded, and agree to the conference asked by the House on the disagreeing votes of the two Houses.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Vermont.

Mr. ALLISON. Mr. President, I should like for my own information to know something more as to what will be the status of this bill when the motion of the Senator from Vermont [Mr. PROCTOR] shall have been agreed to? As I understand the situation, this bill was sent to the House of Representatives without in any way dealing with the message sent to us by that body asking a conference, and when the bill reached the House with our request for a full and free conference the House proceeded to consider the bill and paid no attention whatever to the message we sent to them. I understand that is the situation; that is to say, we asked the House for a conference on these disagreeing votes. They did not agree to that conference, but proceeded, in the first place, to adhere to their disagreement to amendment numbered 13 and amendment numbered 14, and to ask for a conference upon certain specific amendments, namely, 1, 2, 3, etc.

Mr. PLATT of Connecticut. They agreed to another amendment, numbered 15, with an amendment.

Mr. ALLISON. Yes; they agreed to amendment numbered 15 with an amendment, but they do not ask for a conference on that amendment.

Mr. PLATT of Connecticut. So I understand.

Mr. ALLISON. The House has asked for a conference upon certain specific amendments, and they adhered to their disagreement to amendments numbered 13 and 14. We having now receded from amendment numbered 13, that takes that amendment out of the field.

Mr. PLATT of Connecticut. But it leaves No. 14 as having been adhered to by the House.

Mr. ALLISON. Yes; adhered to by the House, and it leaves No. 15 amended by the House, but not in conference, as I understand the motion of the Senator from Vermont. Now, it seems to me, Mr. President, that we ought to deal with these questions in order that we may reach a conclusion upon this bill. The House adheres to its disagreement to amendment numbered 14. The motion of the Senator from Vermont does not and can not, so far as I believe, take into consideration amendment numbered 14. So when our conferees meet with the House conferees amendment numbered 14 will not be in conference and it can not be in conference.

I should be glad to know from the Senator from Vermont how he proposes to deal with amendment numbered 14. I think the real parliamentary situation is that if we intend to reach a conclusion upon this bill we ought now to recede from amendment numbered 14, that we should disagree to the House amendment to the Senate amendment numbered 15, and ask for a conference with the House upon that.

That seems to me the way for us to reach a conclusion upon this bill, the House having in the first instance sent with their request for a conference a resolution which was regarded by the Senate as in a sense offensive, as one that ought not to have been sent to us. We appointed a committee to consider that question. Pending that, however, we returned the bill to the House, and they dealt with the bill again. Therefore, as I understand, the original situation has disappeared by the action of the House, and whatever offensive message they sent to us has been now removed from the consideration of this bill. So we are again in a condition of comity with the House respecting the bill, and, being so, I think we ought to so deal with it as to reach the earliest conclusion possible; but I fear that with the motion of the Senator from Vermont we shall not be able to deal with the matter in that way, and therefore I shall move later on, if somebody else does not make the motion, that the Senate recede from its amendment numbered 14.

Mr. PROCTOR. Mr. President, I shall be very glad indeed of any action on the part of the Senate that will clear the atmosphere and put this bill in the way of passing.

As to amendment numbered 13, from which the Senate has receded, I made the motion some days ago to recede from that amendment, but the majority of the committee, and apparently the sentiment of the Senate, was against that. I thought by receding from it then, before the vote of the House of adherence to their disagreement, might have led to an agreement. That, however, is now out of the way.

Amendment numbered 15 is merely the change of one word; it is an increase of the appropriation from $3,000,000 to $4,000,000. The committee did not feel that the House should have acted upon that in this summary way of adhering and stopping us from the simple privilege of increasing an appropriation. There was not on the part of the committee, and certainly not on my part, a desire to insist upon the entire amount, but that we ought to adhere to the principle that we may increase an appropriation without having it stopped in this summary method.

As to amendment numbered 15, the situation is like this: There is an unexpended appropriation of $850,000 for barracks and quarters. Five hundred thousand dollars of that sum is in this bill reappropriated and made available for the construction of the engineering school. It is changed from the proper use of barracks and quarters to military posts. Amendment numbered 15 seeks merely to make the remaining $350,000 of that former appropriation available for a similar purpose. It seemed to us inconsistent that the appropriation of $500,000 should be left free to go into conference and that the remaining appropriation of $350,000 for a similar purpose should be adhered to. The committee had hopes—and they were able to agree this morning unanimously upon the matter—that if the remaining questions should be disposed of it would leave only one amendment, No. 14, and this partial amendment to No. 15 in question; and that perhaps some way may be found within the day to dispose of those satisfactorily.

Mr. PLATT of Connecticut. Mr. President, the Senator from Vermont [Mr. PROCTOR] has not answered the question of the Senator from Iowa [Mr. ALLISON], and that is: "What will be the parliamentary situation as to amendment numbered 14, the House having adhered?"

Mr. COCKRELL. The conferees will have to settle what that is.

Mr. PLATT of Connecticut. Will that amendment be in conference after the House has adhered?

Mr. COCKRELL. Not strictly in conference, but the conferees might possibly, if the matter were intrusted to them—and the Senate can delegate that much of its power to them—be able to settle this much-vexed question satisfactorily for the Senate and the House. If the Senate, however, prefers to take charge of the matter, as it has had it, I am perfectly willing to let the Senate manage it. We thought, however, in the Military Committee, that if this matter could be left in the hands of the conferees we could settle it; but if we have got to explain in the Senate everything there is a possibility of happening we can not do it.

Mr. PLATT of Connecticut. But the question which I asked, Mr. President, was not so much with reference to the contention over these matters between the Senate and the House, as to whether that particular amendment would be in conference? Where will it be? Will it be in the hands of the conferees? Will the disagreeing votes of the two Houses upon that amendment be in conference by passing the motion which the Senator from Vermont has made? I understood that was the question which the Senator from Iowa [Mr. ALLISON] asked, and I have heard no answer to it. As a matter of parliamentary procedure, I think it quite well that it should be determined now.

Mr. PROCTOR. Mr. President, I think the Senator from Missouri [Mr. COCKRELL] has substantially answered the question. The matter will not be in conference strictly; but perhaps a general conference on the bill and a formal discussion of this matter may result in a report to the two Houses that will lead to an agreement.

Mr. TELLER. Mr. President, amendment numbered 14 will not be within the jurisdiction of the conference. Now, what are we to do with it? I do not know but it is correct to say that we may instruct the conferees to take charge of that amendment; but if we do nothing regarding it, it does not seem to me that the conference committee will have any authority whatever to touch that question.

The PRESIDENT pro tempore. The Chair is of opinion that the Senator from Colorado [Mr. TELLER] is entirely right; that the amendment referred to will not be in conference.

Mr. FORAKER. I rise to inquire, Mr. President, what will become of the amendment? My inquiry is as to what is the correct parliamentary practice and what will be the parliamentary result. The two Houses disagree as to an amendment and the House directs its conferees to adhere to their disagreement.

Mr. PLATT of Connecticut. No; the House itself adheres.

Mr. FORAKER. I mean the House adheres, and then it appoints a conference.

Mr. TELLER. It directs its conferees to adhere.

Mr. FORAKER. I do not understand that the House having adhered precludes the House from reconsidering their action and agreeing with the Senate if the Senate also should adhere. We have as much right to adhere as has the House. I have some hesitation about discussing this matter.

Mr. BACON. If the Senator from Ohio will permit me, I should like to read from Jefferson's Manual on this point.

Mr. FORAKER. I should be very much obliged to the Senator from Georgia if he would read something to throw some light on the muddle.

Mr. BACON. I confess, Mr. President, that according to my idea of strict parliamentary law, the point made by the Chair and by the Senator from Iowa [Mr. ALLISON] and reiterated by the Senator from Connecticut [Mr. PLATT] is a good one, and that is, that after adherence there can be no consideration by a conference committee; and I am a little surprised, on turning to Jefferson's Manual, to find a different rule laid down. It is that which I propose to read to the Senate.

On page 138 of Jefferson's Manual, included in our Senate Manual, upon that subject there is this. I shall read a little more than the direct paragraph to which I desire to call attention, because I wish the connection may be properly preserved. At the beginning of the paragraph we find:

A conference may be asked before the House asking it has come to a resolution of disagreement, insisting, or adhering.

I omit the reference to the authorities which are given. The author proceeds:

In which case the papers are not left with the other conferees, but are brought back to be the foundation of the vote to be given. And this is the most reasonable and respectful proceeding; for, as was urged by the Lords on a particular occasion, "it is held vain, and below the wisdom of Parliament, to reason or argue against fixed resolutions and upon terms of impossibility to persuade." (3 Hats., 226.) So the Commons say, "An adherence is never delivered at a free conference, which implies debate." (10 Grey, 137.) And on another occasion the Lords made it an objection that the Commons had asked a free conference after they had made resolutions of adhering.

This is the particular part to which I had reference:

It was then affirmed, however, on the part of the Commons, that nothing was more parliamentary than to proceed with free conferences after adhering (3 Hats., 269), and we do in fact see instances of conference, or of free conference, asked after the resolution of disagreeing (3 Hats., 251, 253, 260, 286, 291, 316, 349), of insisting (Ib., 280, 296, 299, 319, 322, 355), of adhering (239, 270, 283, 300), and even of a second or final adherence. (3 Hats., 270.) And in all cases of conference asked after a vote of disagreement, etc., the conferees of the House asking it are to leave the papers with the conferees of the other.

I have simply read that to show that, while according to what might appear to be the strict rule and according to the logic of the rule, after adherence there can be no further conference, the precedents seem to be the other way.

Mr. FORAKER. I am very much obliged to the Senator from Georgia for calling attention to the parliamentary rule. It discloses that the practice is what I supposed it was—that notwithstanding the House had voted to adhere, yet, as to that disagreeing vote, we could have a free conference according to the correct parliamentary practice. If we did not have a free conference I could not serve on this conference committee to which I have been appointed. Perhaps it will be necessary to make another appointment, in view of the fact that the House now makes this request, but I will not, and no other Senator should, serve on anything less than a full and free conference committee. Of course, the House has the right to recede and the Senate has the right to recede, and each House has receded now from one of the amendments in controversy, leaving only one other as to which the House has voted to adhere, and I understand that has no more effect——

Mr. PROCTOR. The House has receded in part.

Mr. FORAKER. The House has receded in part, but that does not take the matter out of conference. It is conceded by everybody that it is in conference. It is as though they had not proposed an amendment to it; and that being the case, if the practice is accepted, as read by the Senator from Georgia [Mr. BACON], there is no trouble about having a conference, should the motion of the Senator from Vermont prevail, and I hope that it may. If for any reason we should conclude that it is open to a conference, if the conferees of the House should take that position, we can adhere also, or we can recede, or the Senate can take such other action hereafter as it may see fit.

The PRESIDENT pro tempore. The Senator from Vermont [Mr. PROCTOR] moves that the Senate disagree to the amendment made by the House of Representatives to the Senate amendment, insist upon its amendments, and agree to the conference asked for by the House.

Mr. PLATT of Connecticut. Mr. President, the House has asked for no conference on amendment numbered 14. Therefore the motion made by the Senator from Vermont does not seem to include an agreement for a conference on amendment numbered 14; that amendment will not be in conference, as I understand the parliamentary law, and we can pass no bill until all these amendments shall have been disposed of. It seems to me we are getting a little deeper into the trouble rather than getting out of it.

Mr. ALLISON. I only wish to say a word. It seems that amendment numbered 14, especially mentioned by the Senator from Vermont in his motion, does not cure the difficulty. After what has been read by the Senator from Georgia [Mr. BACON] as respects the precedents, I will not interpose the motion to recede from amendment numbered 14 now, but I give notice that I shall do so when an opportunity occurs after the conferees have had a meeting. It is not my wish to interfere with the province of the Military Committee on this bill. I raised the question with a view to make it certain that amendment numbered 14 would not be left in midair, as it seemed to me it was and is, unless some specific action is taken respecting it.

The PRESIDENT pro tempore. Will the Senate agree to the motion made by the Senator from Vermont [Mr. PROCTOR]?

Mr. FORAKER. Mr. President, just a moment. I think it ought to be made to appear specifically that Senate amendment numbered 14 is insisted upon, and I suggest to the Senator from Vermont that he amend his motion by inserting after "Senate amendments" the words "including amendment numbered 14."

Mr. PROCTOR. Very well.

The PRESIDENT pro tempore. The Senator from Ohio [Mr. FORAKER] suggests that the words "including amendment numbered 14" be inserted in the motion of the Senator from Vermont [Mr. PROCTOR].

Mr. COCKRELL. The words "all amendments" include everything.

Mr. FORAKER. I think it does include all; but the Senator from Iowa [Mr. ALLISON] stated, as I understood him, that unless amendment numbered 14 was specifically included it would be regarded as omitted.

Mr. COCKRELL. Mr. President——

Mr. ALLISON. I wish to make a statement, if the Senator will allow me a moment; because in the request of the House they exclude No. 14, naturally the motion of the Senator from Vermont [Mr. PROCTOR] will only include the amendments mentioned by the House; and if we omit to mention amendment numbered 14, of course they would claim that only amendments mentioned in the message of the House would be included in the conference.

Mr. COCKRELL. Will the Senator answer me, is amendment numbered 14 a Senate amendment?

Mr. ALLISON. Certainly.

Mr. COCKRELL. Then, as the Senate insists on its amendments, that certainly includes amendment numbered 14.

Mr. ALLISON. Yes; but that——

Mr. COCKRELL. The action of the House can not stop that from being a Senate amendment. Now, if this amendment is in mid-air, as it is said, then we have spent a great deal of unnecessary time over this question; and it seems we are destined to spend more. Admit that it is in mid-air, that we have got no jurisdiction, then I suggest that the Senate just leave that to the conference committee. Conference committees of the Senate in general have been able to adjust all disputes between the Senate and the House, and the Senate has approved of their action, with scarcely an exception; and yet it is now proposed that this matter is to be taken from the conference, that the conferees that are to adjust it are not to be allowed to do anything with it, and we are to be told that we have got no jurisdiction. Just let us alone now and see if we can not settle it.

Mr. ALLISON. After that appeal of the Senator from Missouri [Mr. COCKRELL], knowing him as I do and how kindly and gently he deals with all these questions, I will not further inject opinions respecting this matter, but I can not yet quite understand why the Senator from Missouri is so sensitive about my asking to have amendment numbered 14 included. If it is true, as he says, that amendment numbered 14 is in conference by the motion of the Senator from Vermont [Mr. PROCTOR], a little insertion will only make it more certain, and it should not provoke suggestions by Senators that we want to take away from the conferees any power that they have or want to exercise. I certainly do not. So I make no further suggestion regarding the matter.

Mr. PLATT of Connecticut. Mr. President, I can not understand how we can grant a conference for which the House does not ask. The House has not asked for any conference on amendment numbered 14. We say that we insist on our amendments and agree to the conference which the House has asked. To what do we agree? We agree to a conference in which amendment numbered 14 is not included, though we may say we include it.

Mr. FORAKER. I insist upon the words "including No. 14" being inserted in the motion of the Senator from Vermont.

The PRESIDENT pro tempore. The Senator from Vermont [Mr. PROCTOR] moves that the Senate disagree to the House amendment to Senate amendment numbered 15; that the Senate insist upon its amendments disagreed to by the House, and that it agree to the conference asked for by the House.

Mr. FORAKER. And I move to amend the motion made by the Senator from Vermont by inserting after the word "amendments" the words "including No. 14."

The PRESIDENT pro tempore. Does the Senator from Vermont accept that modification?

Mr. PROCTOR. I accept it.

The PRESIDENT pro tempore. Then the Chair will put the motion in that way, including Senate amendment numbered 14. The question is on the motion as thus modified.

The motion as modified was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. PROCTOR, Mr. FORAKER, and Mr. COCKRELL were appointed.

OKLAHOMA, ARIZONA, AND NEW MEXICO.

Mr. QUAY. I ask the Chair to lay before the Senate the motion made by me a few days ago to discharge the Committee on Territories from the further consideration of the statehood bill.

The PRESIDENT pro tempore. The motion of the Senator from Pennsylvania was not reduced to writing.

Mr. QUAY. It is in the RECORD.

The PRESIDENT pro tempore. The motion is that the Committee on Territories be discharged from the further consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. MASON. Will the Senator from Pennsylvania yield to me for a moment?

Mr. NELSON. Mr. President——

Mr. MASON. Let me have the floor for a moment, if you please.

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from Illinois?

Mr. QUAY. I yield to the Senator from Illinois, and then I shall desire to address the Senate, I will say to my friend the Senator from Minnesota.

SALARIES OF POST-OFFICE CLERKS.

Mr. MASON. I ask the Senate to resume the consideration of the bill (S. 4949) to provide for the classification of the salaries of clerks employed in post-offices of the first and second classes. I gave notice several days ago that I would make this request.

The bill has been read. It went over by consent. I ask now to have it placed upon its passage. It is on the Calendar of Business under Rule IX. I have had unanimous consent three different times to have it taken up. The RECORD shows that it has been read, and it does not even require further reading.

Mr. JONES of Arkansas. What is the nature of the bill?

Mr. MASON. It simply allows the pay of clerks in first-class offices to be increased by law, at the rate of $100 per annum, up to $1,000, and after that it may be increased by direction of the Department to $1,200. I hope there will be no further objection. I have been waiting for three weeks.

Mr. JONES of Arkansas. I merely wanted to know what the bill was about before I consented to its consideration.

Mr. MASON. It has been read several times. I will ask that it be again read.

Mr. JONES of Arkansas. I ask to have the title of the bill read.

The PRESIDENT pro tempore. The bill will be stated by title.

The SECRETARY. A bill (S. 4949) to provide for the classification of the salaries of clerks employed in post-offices of the first and second classes.

The PRESIDENT pro tempore. Does the Senator from Arkansas desire to have the bill read?

Mr. JONES of Arkansas. No, sir.

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

The PRESIDENT pro tempore. The Committee on Post-Offices and Post-Roads has reported an amendment, which has heretofore been agreed to as in Committee of the Whole.

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

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

OKLAHOMA, ARIZONA, AND NEW MEXICO.

Mr. QUAY. Mr. President, I desire to speak to the motion now before the Senate, that the Committee on Territories be discharged from the further consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

I am a member of the Committee on Territories, and this motion intends no discourtesy to the committee, to any of its members, nor to its distinguished chairman. The procedure is not unprecedented. It is not even uncommon.

The elder members of this body will remember that in the closing days of the first Administration of President Cleveland the nomination of John E. Hartridge to be a United States judge in Florida was sent to the Senate some time before the final adjournment of Congress. Mr. Edmunds, at that time a Senator from Vermont, was chairman of the Judiciary Committee, to which the nomination was referred. Mr. Hartridge was a Democrat. The majority of the Judiciary Committee seemed to think it proper to defer action until after the inauguration of the incoming President, General Harrison. A number of Republican Senators, including both Senators from Pennsylvania, thought that the Democracy were of right entitled to the place, and some of us being personally cognizant of the high character and qualifications of the nominee of President Cleveland, joined earnestly in support of a motion made by one of the Florida Senators to discharge the committee. The effort was unsuccessful. Though a majority of the Senate favored the discharge of the committee, Senator Edmunds handled the affair in his usual masterful manner and prevented a final vote. There was no allegation then that the proceeding was revolutionary nor unduly nor unnecessarily drastic. The Senator from Vermont simply asserted his position, availed himself of his right under the rules of this Senate, and attained his object.

The so-called Sherman anti-trust law was referred by the Senate to the Committee on Finance. It was reported with amendments from that committee by its chairman, Senator Sherman, January 14, 1890. It was considered by the Senate, and March 27, 1890, on motion of Senator Walthall, a member of the Judiciary Committee, it was committed to the Committee on Judiciary by a vote of 31 yeas to 28 nays, Senators Sherman and Edmunds, chairmen, respectively, of the Committees on Finance and Judiciary, voting against committal.

On March 2, 1901, Senator JONES of Arkansas moved to proceed to the consideration of the resolution offered by him over two weeks previously, on February 16, 1901, and then numbered 2413 on the Calendar, discharging the Committee on the Judiciary from the further consideration of House bill No. 10539, amendatory of the antitrust law, and that the Senate proceed to consider the same. After debate, by a vote of 36 nays to 24 yeas, the Senate refused to consider his resolution.

On October 18, 1877, Senator Thurman, of Ohio, moved that the Committee on Privileges and Elections be discharged from the further consideration of the credentials of J. B. Eustis, a Senator-elect from the State of Louisiana. Senator Edmunds, of Vermont, objected to the consideration of the motion on that day, whereupon the Senate, on motion of Mr. Thurman, adjourned.

On October 19, 1877, the Journal reads as follows: "The Senate proceeded to consider the motion yesterday submitted by Mr. Thurman, 'to discharge the Committee on Privileges and Elections from the further consideration of the credentials of J. B. Eustis;' and, after debate, on motion of Mr. Thurman, ordered that the motion lie on the table," but, on December 1, 1877, the committee reported on the credentials of Mr. Eustis.

On November 20, 1877, Mr. Thurman submitted a resolution discharging the Committee on Privileges and Elections from the further consideration of the credentials of M. C. Butler, a Senator-elect from the State of South Carolina.

The resolution went over, was called up November 21, 1877, considered, and agreed to on November 26, 1877, by a vote of 29 yeas to 27 nays.

On October 17, 1877, Senator Edmunds submitted a resolution discharging the Committee on Privileges and Elections from the further consideration of the credentials of William Pitt Kellogg, a Senator-elect from the State of Louisiana. This resolution was withdrawn by Mr. Edmunds on the following day, but not withdrawn until the Senate had decreed by a direct vote "that the said committee shall consider and report upon the credentials of William Pitt Kellogg."

There have been other cases, to which it is unnecessary to recur, in which the present procedure was resorted to where the sentiment of a majority of a committee was believed to be in antagonism to the sentiment of a majority of the Senate.

The Committee on Territories is composed of 11 members. Five of these members waive all question of courtesy and ask to be discharged from the further consideration of the bill. As a matter of fact it has not been considered. The committee have refused it consideration up to the present and have postponed its consideration until next December. We ask to be discharged, because we believe consideration of the bill is unnecessary. It has already been reported favorably and unanimously to the present Congress by a committee of paramount authority—a committee of the whole American electorate, which in the year 1900 passed upon its merits. This committee has risen, but has leave to sit again in 1904.

In the last Democratic national convention there were sitting as delegates the following members of this Senate: JOHN T. MORGAN, Alabama; J. K. JONES, Arkansas; JAMES H. BERRY, Arkansas; J. C. S. BLACKBURN, Kentucky; S. D. MCENERY, Louisiana; MURPHY J. FOSTER, Louisiana; H. D. MONEY, Mississippi; W. A. CLARK, Montana; B. R. TILLMAN, South Carolina; J. L. RAWLINS, Utah; JOHN W. DANIEL, Virginia; T. S. MARTIN, Virginia.

Senator JONES of Arkansas was chairman of the committee on platform and resolutions, and serving under him as members of the committee were Senators BLACKBURN, MONEY, TILLMAN, RAWLINS, and DANIEL. The platform, which was reported by Senator JONES and read to the convention by Senator TILLMAN, contained the following paragraph, which was unanimously adopted, all of the Senators mentioned as delegates voting for it:

> We denounce the failure of the Republican party to carry out its pledges to grant statehood to the Territories of Arizona, New Mexico, and Oklahoma, and we promise to the people of these Territories immediate statehood and home rule during their condition as Territories.

To explain the denunciation of the Republican party prefacing this paragraph of the Democratic platform, recur to the Republican platform of 1896, adopted by its national convention which met at St. Louis, Mo.

The following-named members of this body were delegates to that convention: HENRY M. TELLER, Colorado; F. T. DUBOIS, Idaho; C. W. FAIRBANKS, Indiana; W. J. DEBOE, Kentucky; GEORGE L. WELLINGTON, Maryland; HENRY CABOT LODGE, Massachusetts; JOHN KEAN, New Jersey; T. C. PLATT, New York; C. M. DEPEW, New York; J. C. PRITCHARD, North Carolina; J. B. FORAKER, Ohio; M. A. HANNA, Ohio; M. S. QUAY, Pennsylvania; THOMAS KEARNS, Utah; REDFIELD PROCTOR, Vermont.

Senator FORAKER was chairman of the committee on resolutions and platform, and serving with him on the committee were Senators TELLER and DUBOIS.

Senator FORAKER reported the following provision, which was unanimously adopted, all of the Senators named voting for it with the exception of Senators TELLER and DUBOIS, who had previously assented to it, but subsequently withdrew from the convention:

> We favor the admission of the remaining Territories at the earliest practicable date, having due regard for the interests of the people of the Territories and to the United States.

This promise was broken, this pledge was not fulfilled; hence the challenge in the Democratic platform.

Now, to the Republican national convention, held at Philadelphia in 1900. At that convention there were sitting as delegates Senators CHARLES W. FAIRBANKS, Indiana; ALBERT J. BEVERIDGE, Indiana (the chairman of our Committee on Territories); J. R. BURTON, Kansas; L. E. MCCOMAS, Maryland; H. C. LODGE, Massachusetts; KNUTE NELSON, Minnesota; J. H. GALLINGER, New Hampshire; THOMAS C. PLATT, New York; C. M. DEPEW, New York; J. C. PRITCHARD, North Carolina; H. C. HANSBROUGH, North Dakota; P. J. MCCUMBER, North Dakota; J. B. FORAKER, Ohio; M. S. QUAY, Pennsylvania; BOIES PENROSE, Pennsylvania; THOMAS KEARNS, Utah; F. E. WARREN, Wyoming; C. D. CLARK, Wyoming; and last, but not least, there was with them as a delegate the gentleman who now so wisely and well fills the highest office in this land—Theodore Roosevelt.

Senator FAIRBANKS was chairman of the committee on resolutions. Serving with him on that committee were Senators GALLINGER, MCCUMBER, FORAKER, and PENROSE. Senator GALLINGER was upon the subcommittee which reported to the full committee the following provision:

> We favor home rule for and the early admission to statehood of the Territories of New Mexico, Arizona, and Oklahoma.

This resolution was unanimously adopted by the committee on resolutions and reported to the convention by Senator FAIRBANKS. The question was stated by Senator LODGE, the presiding officer, and the resolution received the votes of the Senators named and that of the present President of the United States. Being in the platforms of both parties, this indorsement of the early admission of these Territories received the pretty nearly unanimous approval of the people of the United States.

Two years have passed since the adjournment of these conventions and the deliverance of these solemn pledges to the people of the United States, and we have already failed to redeem our promise of early statehood. The time has come when both parties must act upon this question according to their respective promises or stand before the people of the United States as self-convicted of treachery, whose declarations of principles are intentionally mendacious. Upon the Republican party especially rests the responsibility, for it has been in control of the legislative and executive branches of the Government and has been able to acquit itself to the people of the United States of every responsibility it has seen proper to assume without the aid or counsel of the opposition.

As a member of the Committee on Territories, my thought was, and four other members of that committee thought with me, that when this bill came from the House of Representatives, where it passed with practical unanimity, having been indorsed in the national conventions of 1900 by 30 members of the Senate, it should be considered at once; and when consideration was refused and afterwards postponed for six months, that it was not improper nor indecorous nor discourteous to anyone to appeal to the Senate to make its face clean before the country. If this course be insulting to the Committee on Territories, as has been urged, then nearly one-half of the Committee on Territories desire to be insulted. They condone the indignity.

It was my opinion originally that a bill might be formulated by agreement which might pass both Houses unanimously at the short session, and that the question might safely be relegated to that time. The indications now are of a very different character, and that position is abandoned. The House of Representatives has acted, and it remains for the Senate to do its duty and for the Republican side of this Chamber to promptly fulfill the pledges of the Republican party to the people of the United States.

Here and now it is declared that if the consideration of this bill is postponed until December next it will not pass this Congress, and an appeal to the future is entered to verify the prediction.

The two great national conventions of 1900, it is to be assumed, thoroughly considered and appraised the claims and qualifications of these Territories to membership in the American Union. It is scarcely necessary, therefore, to more than advert to their existing conditions.

New Mexico has been organized as a part of the public domain for fifty-six years and has been an organized Territory since 1850. Its area is 222,510 square miles, equal to the combined areas of New England, New York, and New Jersey. Its timber lands and its timber are of the best, covering a territory as large as the State of Massachusetts. Its coal lands cover territory thrice as large as Massachusetts. Its present population is about 350,000. It has 363 post-offices.

The cost of its school and educational buildings was two and one-quarter millions of dollars. The tax collected for the support of its common schools in 1901 amounted to above $1,000,000, one-half of which was paid in salaries to teachers, and its school children numbered 70,000. At the time of the taking of the last census the value of its property subject to taxation was between two hundred and fifty and three hundred millions of dollars. It has 3,000 miles of railroad completed and several hundred miles in course of construction. It produced last year one and one-half millions of tons of coal, and minerals of all kinds to an estimated value of $10,000,000. Its cattle number 1,500,000, its sheep 7,000,000, and its wool crop last year weighed 25,000,000 pounds. It still contains 55,000,000 acres of unappropriated public land. Its area subject to irrigation and crop raising is greater in extent than the area of the States of Massachusetts and Connecticut combined, and it has less than $1,000,000 of Territorial debt.

Twenty-one times in as many different Congresses has New Mexico begged for statehood. My friend, the Senator from West Virginia [Mr. ELKINS], informs me that he has for forty years been endeavoring to press her claims, and that one bill failed, after passing both branches of Congress, because it was not taken from the Speaker's table. The present bill for its admission is the forty-sixth that has been presented in Congress. So much for New Mexico.

Arizona has been a Territory since 1863, and has an area of nearly 114,000 square miles, or, in other words, is equal in acreage to New York and New England. Its population numbers 200,000. It has 1,600 miles of railroad in operation; in addition there are nearly 400 miles under construction. It produces every variety of fruits and cereals known to the Temperate Zone. It has almost inexhaustible mines of gold, silver, iron, and coal, and though not a timber State, its forests are of as great extent as those of any of the States. It has nearly 1,000 miles of irrigating canals in operation. The assessed value of property in 1900 exceeded $38,000,000, but the actual valuation of its mining properties alone is far in excess of the figures given. Arizona comes to us as California came, "in robes of freedom, gorgeously inlaid with gold."

Oklahoma is the youngest born Territory, with an area about equal to that of the State of Ohio, largely made up of fertile agricultural lands. Its shipment of cotton in the year 1901 was 268,222 bales. It has 50 incorporated cities and towns and 681 cities and towns listed in the reports recognized by Bradstreet's. It has 202 national and Territorial banks; 22 daily, 168 weekly, 20 monthly, and 4 fortnightly newspapers and periodicals. Its population in 1900 was 398,331. The population has since largely increased and now numbers more than half a million.

At the election of 1900, 72,352 votes were cast for the office of Delegate in Congress. Twelve of the States cast a less number of votes at that election. There are 115,000 pupils in its public schools. Its schoolhouses number 2,000, and their estimated value is $760,972. The taxable valuation of the Territory in 1901 was $60,464,696; its indebtedness, $466,224. The estimated valuation of all property in the Territory is over $300,000,000.

Mr. President, the grounds for this motion have been pretty fully mentioned. They are that a postponement of this bill by the Committee on Territories until the next session of Congress will defeat it; that the motion is not novel nor revolutionary, nor discourteous to the committee, but is the usual remedy for the existing conditions; that no extended consideration is necessary, the bill having been approved by the Republican and Democratic national conventions of 1900, and afterwards at the Presidential election of 1900 by the entire American people. It has also been demonstrated that these Territories have reached the full stature of States, needing only our legislative baptism, and that they are as splendidly equipped for statehood as any Territory ever accepted into this Union.

Every Senator in this Chamber who has resided in a Territory recognizes the difference between the conditions of the Territory and the State in the advancement of civic energies, the stimulus to corporate and business development, and the assurance of commercial stability and establishment of financial confidence. During my service in this Senate many new States have been admitted to this Union. Pennsylvania has welcomed them all and assisted them over the threshold. It is difficult to perceive how

any Senator from any one of those States can resist my proposition.

Whatever the fate of my motion, whatever the fate of this bill, Pennsylvania, the greatest Republican State of the Union, proclaims her fidelity to the declaration of the Republican platform, and no matter what others may do, extends a friendly and helping hand to the youngest children of the Republic.

Mr. BEVERIDGE. Mr. President, I think the merits of the case of the admission of the Territories as States into the Union is not before the Senate upon this motion.

The Committee on Territories have taken definite and affirmative action upon this matter to take up for consideration and hearing early at the next session this bill. When that action was taken it was apparent to the members of the committee and to all Senators that it would be impossible to give any proper consideration, or indeed any consideration at all that can be called consideration to a question so large as this at the present session, or that even if the bill were on the Calendar and there should be any difference of opinion that it could pass at this session.

In short, Mr. President, the condition is merely this, that the committee desires further time for the consideration of this very important measure, and acting upon that have fixed a time early in the beginning of the next session to give the bill consideration and hearing, looking to an early report.

I think it can not be said, Mr. President, that this does any injustice.

Mr. QUAY. Will the Senator from Indiana permit me to interrupt him?

Mr. BEVERIDGE. Certainly.

Mr. QUAY. I merely desire to ask for information what early date in the next session has the Committee on Territories fixed?

Mr. BEVERIDGE. There is no early date fixed.

Mr. QUAY. Is there any date fixed?

Mr. BEVERIDGE. No date, and for a very good reason, Mr. President. It is perfectly impossible to agree upon a date when such a thing will be done. That must be left to the judgment and honor of the Senators who constitute the committee. There are many contingencies, and I expect the Senator in good faith to accept this response. So many contingencies might arise to prevent the fixing of a definite date for a report upon the bill that it would be unreasonable to ask it.

Mr. FORAKER. Before the Senator leaves that point, I should like information, if the Senator would give it, as to what the precise action of the committee was?

Mr. BEVERIDGE. The precise action of the committee was to take up this bill for consideration and hearing early at the next session, and that action of the committee I expect the Senator from Pennsylvania, the Senator from Ohio, and every other Senator to believe will be carried out in perfect good faith.

Mr. FORAKER. What I wanted to have the Senator make plain, if I understood the fact to be so, is that that is the record made by the committee, and the Senator is not simply saying that they wanted to take it up early, but that the committee have passed a resolution expressing, in the exact language employed by the Senator, that the bill will be taken up early at the next session.

Mr. BEVERIDGE. That is the case, Mr. President. I will state to the Senator from Ohio and to the Senate that I am not so familiar with the usages of the Senate as to know whether or not it would be proper to go into the action of the committee, and therefore I was stating, as chairman of the committee for the committee, what the general attitude of the committee was. But since the Senator from Ohio has asked the question, I will state that that is precisely the record made.

Mr. CLAY. Will the Senator from Indiana permit me to ask him a question?

Mr. BEVERIDGE. Certainly.

Mr. CLAY. How long substantially has the bill been before the committee?

Mr. BEVERIDGE. The bill has been before the committee between five and six weeks, I think.

Mr. QUAY. Will the Senator from Indiana state whether the bill has ever been considered at all in the committee?

Mr. BEVERIDGE. Yes; I will state that it has not.

Mr. QUAY. It has not. Also I will ask the Senator whether there have not been several efforts to take up the bill which were voted down by a majority of the committee?

Mr. BEVERIDGE. No, sir; there were but two; one effort made by the Senator from Pennsylvania at the only meeting he ever attended, and the other made by the Senator from Texas [Mr. BAILEY] at the second meeting he had attended.

Mr. BAILEY. That is not a correct statement.

Mr. BEVERIDGE. What is the correct statement?

Mr. BAILEY. When the chairman of the committee states that I have attended but two meetings of the committee he does not state the fact.

Mr. BEVERIDGE. There is no intention to misrepresent the Senator.

Mr. BAILEY. Where there is no intention there ought to be no misrepresentation.

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

The PRESIDING OFFICER (Mr. PERKINS in the chair). The Senator from Iowa will state his question of order.

Mr. ALLISON. I believe it is not in order to state what occurs in a committee room.

Mr. BEVERIDGE. I supposed so, and therefore I was merely replying to the question——

Mr. BATE. Mr. President——

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

Mr. BEVERIDGE. Certainly.

Mr. BATE. I will only say that Senators have already undertaken to state what was done in the committee, and it is proper to have it stated correctly.

Mr. BEVERIDGE. I think both the Senator from Tennessee and the Senator from Texas will agree that there is no intention to incorrectly state the conditions. The Senator from Texas says he has been there more than twice. I stated only a casual recollection, and I thought I was right about it.

Mr. FORAKER. Mr. President, unless some Senator cites some rule which makes it improper for the chairman of a committee, when a motion is made to discharge that committee from the further consideration of a bill pending before it, to state what the committee has been doing with respect to it, I shall not believe there is any such rule, for when it is in order to make a motion to discharge a committee, certainly it is in order for the committee to defend itself and to show that it has not been derelict in the discharge of the duty that has been committed to it.

Assuming that the statements are correct (and of course if they are not they are to be corrected), I do not observe that anything has been stated here that it was not entirely appropriate to state. Certainly it is proper to refer to the fact that a bill has been pending only a certain length of time, and for this, that, or any other reason which would appeal to the judgment of this body he had been unable to bring it forward for the consideration of the committee so as to have action taken upon it in committee.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. The Chair will state to the Senator from Ohio that there is no rule in the rules of the Senate, but there is an unwritten law or custom that the details of the action of a committee shall not be referred to in the Senate.

Mr. FORAKER. I know there is such a rule in the unwritten law, but that is not a rule which applies even as to details of information when it is undertaken to discharge a committee from the consideration of a bill.

Mr. BAILEY. May I be permitted to state to the Senator from Ohio——

Mr. FORAKER. Certainly.

Mr. BAILEY. It is a matter of practice and not a matter of rule, and my own judgment is that when it is necessary to defend against a motion of this kind the committee may, without violating any rule of the Senate, cite the action of the committee. I think, however, that ought never to be gone into unless it is necessary.

Mr. FORAKER. I quite agree as to that.

Mr. BEVERIDGE. I quite agree with that. The Senator will observe it was only for the purpose of answering the questions honorable Senators addressed to me that I made any statement with reference to it, except to state that the committee had resolved to take up the bill for consideration early next session; that they expect to carry out that resolution in good faith, and that they find that it is impossible at this late day in the session, with a near adjournment before us, to give the matter such consideration as a measure of this consequence, or a measure of any large consequence requires at the hands of a committee of the Senate.

I have only two suggestions further to offer. The showing made upon the merits by the Senator from Pennsylvania would indicate that no great injury could occur to these Territories by the very brief delay which will be involved here, since the showing of the Senator is that the condition of these Territories is very magnificent.

Further, the Senator from Pennsylvania says that 46 bills have been presented to a large number of Congresses—twenty-one Congresses, I think he said—and they have failed to act upon them. Then either all those Congresses have been unwise or unjust, or else the very fact of the refusal of twenty-one Congresses to act is a matter of such moment that it would in itself suggest the wisdom of larger and fuller investigation.

I will say in conclusion, Mr. President, that the committee does not find that at this session it can give to the bill the consideration it ought to have, and asks further time. In accordance

with that, a majority of the committee have agreed that it be taken up for consideration promptly at the beginning of the next session.

Mr. BATE. Mr. President, I do not desire to say anything on this question except that which relates to the committee. I do not propose to go into the action of the committee, although I have a certified copy from the chairman of the committee, through the secretary, of the entire proceedings there.

Mr. BEVERIDGE. Mr. President, I hope the Senator will yield.

Mr. BATE. Certainly.

Mr. BEVERIDGE. The Senator's certified copy was furnished him upon a casual inquiry and request, verbally communicated. The Senator says it was under the direction of the chairman. The Senator requested it, and of course I complied.

Mr. SCOTT. We can not hear a word on this side.

Mr. BEVERIDGE. The Senator from Tennessee stated that he had a copy of the proceedings of the meeting, certified under the direction of the chairman.

Mr. BATE. With his consent, I will say.

Mr. BEVERIDGE. Certainly. The Senator made the request of me, and as a matter of course, without a word or thought, I directed that the matter might be given to him.

Mr. BATE. I am not going to use that, though the chairman used the word "directed," which would justify me in doing so. I do not care to go into this matter touching the action of the committee.

The PRESIDING OFFICER. The Chair dislikes to interrupt the Senator from Tennessee, but the Chair would state that the hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 13172) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes.

Mr. QUAY. Mr. President, unless there are Senators who desire to address the Senate at some length on this question, I would ask the Senator from Nevada [Mr. STEWART] to allow the unfinished business to go over for half an hour and probably we can reach a vote.

Mr. STEWART. I think we will get through with the Choctaw treaty in half an hour.

Mr. BATE. Will the Senator allow me a moment? I had the floor when 2 o'clock arrived; and if he will just agree to it, I will have nothing more to say, but will call for a vote. That will end it, I know.

Mr. STEWART. I am afraid we can not get a vote.

Mr. BATE. Well, I have the floor.

Mr. STEWART. There are a great many Senators who desire to be heard on the question, and I understand we will get through with the Choctaw bill in half an hour. It is very important that it should be disposed of. I am urged by the Department to have it disposed of as soon as possible in order that they may close up the business in the Indian Territory. I will give way for the Senator from Tennessee to make a speech.

Mr. QUAY. Will the Senator permit me to make a request for unanimous consent?

Mr. STEWART. All right.

Mr. QUAY. I ask unanimous consent that the pending motion be taken up for consideration after the bill which the Senator from Nevada has in charge is concluded.

The PRESIDING OFFICER. The Senator from Pennsylvania asks unanimous consent that as soon as the unfinished business is disposed of the Senate shall proceed immediately to the consideration of the motion that the Committee on Territories shall be discharged from House bill No. 12543. Is there any objection to the request?

Mr. BEVERIDGE. I hope the Senator will make that request after the unfinished business gets through. I do not believe that I am prepared to assent to it now.

Mr. SPOONER. What is the precise form of the proposition that is pending before the Senate?

The PRESIDING OFFICER. The proper business before the Senate is the unfinished business, which at the hour of 2 o'clock the Chair laid before the Senate.

Mr. SPOONER. What I desire to be informed of is the precise form of the proposition made by the Senator from Pennsylvania which was pending at 2 o'clock. He seems to regard it as in a double aspect or as a double motion.

The PRESIDING OFFICER. The motion of the Senator from Pennsylvania, the Chair will state for the information of the Senator from Wisconsin, is that the Committee on Territories be discharged from the further consideration of House bill 12543, to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments, and be admitted into the Union on an equal footing with the original States.

Mr. QUAY. A part of the motion was that the Senate proceed to the consideration of the bill.

The PRESIDING OFFICER. The Chair will state further that at 2 o'clock the unfinished business, being the bill (H. R. 13172) to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes, was laid before the Senate. Now the Senator from Pennsylvania [Mr. QUAY] asks unanimous consent that after the consideration of that bill the Senate shall proceed to the consideration of his motion.

Mr. BEVERIDGE. I ask the Senator to withhold his request until the unfinished business is disposed of.

Mr. QUAY. Do I understand the Senator from Indiana to object?

Mr. BEVERIDGE. I am not objecting right now, unless the Senator from Pennsylvania compels me to do so.

Mr. QUAY. Then now is the time.

Mr. BEVERIDGE. I can object now, if the Senator desires. I guess I will accommodate the Senator from Pennsylvania and object now, although I was going to ask the Senator to make his motion after the Senator from Nevada gets through with his bill.

Mr. STEWART. Let us go on with the regular order.

Mr. QUAY. I give notice that when the pending bill is through I will move to proceed to the consideration of the pending motion.

AGREEMENT WITH CHOCTAW AND CHICKASAW INDIANS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13172) to ratify and confirm an agreement with the Choctaw and Chickasaw tribe of Indians, and for other purposes.

Mr. STEWART. I ask unanimous consent that the formal reading of the bill be dispensed with, and that it be read for amendment; the amendments not to be confined to the committee, but that anyone who has amendments to offer may present them as the reading progresses and the point is reached in the bill.

The PRESIDING OFFICER. The Chair hears no objection to the request of the Senator from Nevada.

Mr. BAILEY. My attention was diverted for a moment. I did not understand the request preferred by the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada asked unanimous consent that the reading of the bill be proceeded with, and that the amendments of the committee be first considered.

Mr. STEWART. No; I do not make that request. I ask that the formal reading of the bill be dispensed with, and that it be read for amendment, and I do not ask that the amendments of the committee shall first be considered, but when we come to a point where there is an amendment to be offered let it be presented.

The PRESIDING OFFICER. Is their objection?

Mr. BAILEY. Let me make an inquiry of the Senator from Nevada. I believe there is only one amendment to be offered from the committee?

Mr. STEWART. Yes; I have one to strike out.

Mr. BAILEY. I have no objection anyway to the request.

The PRESIDING OFFICER. In the absence of objection, it is so ordered.

The Secretary proceeded to read the bill, and continued the reading to the end of line 18, on page 11.

Mr. JONES of Arkansas. I should like to call the attention of the chairman of the committee to the fact that on page 11, line 17, this bill seems to limit the Indian Territory to one land office, while in the bill which passed the Senate some time ago provision was made for more than one land office. I do not know whether or not the intention is to limit the number to one land office, but it occurs to me that there ought to be a land office in each one of these nations.

Mr. STEWART. There ought to be one in each nation. That is the intention.

Mr. JONES of Arkansas. It seems to me, the way the bill reads on page 11, that the limitation is to one land office in the Choctaw and Chickasaw nations.

Mr. STEWART. There ought to be one in each.

Mr. JONES of Arkansas. In a previous section, which has been passed over, the same language occurs.

Mr. STEWART. The word "both" ought to be inserted in line 17, after the words "opening of," and the word "office" changed to "offices;" so as to read: "the opening of both the land offices," etc.

Mr. JONES of Arkansas. On page 9, line 23, the same language occurs. It reads:

After the opening of a land office for allotment purposes, etc.

Mr. PLATT of Connecticut. It says further:

In both the Choctaw and the Chickasaw nations.

Mr. JONES of Arkansas. That is true.

The PRESIDING OFFICER. Does the Senator from Arkansas offer an amendment?

Mr. PLATT of Connecticut. The language is:

After the opening of a land office for allotment purposes in both the Choctaw and Chickasaw nations, etc.

Mr. JONES of Arkansas. I think it ought to read differently. It ought to read that—

After the opening of land offices for allotment purposes in both the Choctaw and Chickasaw nations, etc.

Mr. PLATT of Connecticut. That is the way it does read.

Mr. JONES of Arkansas. No; it says:

After the opening of a land office.

It seems to me it should be "land offices" if it is the intention to have a land office in each nation. I should like to have that matter left open for consideration in conference; and if it be considered desirable to have a land office in each nation it can be done.

Mr. STEWART. It is provided for in that way in the bill.

Mr. JONES of Arkansas. I think it is not.

Mr. PLATT of Connecticut. I think the Senator has the wrong bill.

Mr. JONES of Arkansas. On page 11, beginning in line 15, the language is—

If any citizen or freedman of the Choctaw and Chickasaw nations shall not have selected his allotment within twelve months after the date of the opening of the land office in said nations.

Mr. STEWART. On page 11, line 17, after the words "opening of," I suggest that the word "the" be stricken out and the word "such" be inserted, and that the word "office" be changed to "offices;" so as to read, "opening of such land offices in said nations."

I ask, however, that the matter be temporarily passed over.

The PRESIDING OFFICER. The matter will be passed over for the present, and the reading of the bill will be resumed.

The Secretary resumed, and continued the reading of the bill to the end of line 13, on page 16.

Mr. PLATT of Connecticut. After the word "in," at the end of line 13, I move to insert the word "the;" so as to read, "United States courts in the Indian Territory."

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of line 7, on page 18.

Mr. PLATT of Connecticut. In line 7, on page 18, after the word "in," I move to insert the word "the;" so as to read, "citizenship or enrollment by said United States courts in the Indian Territory."

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of line 9, on page 19, section 32.

Mr. PLATT of Connecticut. In section 32, on page 19, in line 6, after the word "in," I move to insert the word "the;" so as to read, "judgments of the courts in the Indian Territory."

The amendment was agreed to.

Mr. BAILEY. Is the bill being read now for amendment, or will amendments be in order after the reading shall have been concluded?

The PRESIDING OFFICER. The bill is in Committee of the Whole and open to amendment at any time during or after its reading.

Mr. BAILEY. Then, it will be just as well that I shall offer my amendment at this point. First, I move, in section 32, on page 19, in line 15, after the word "judgments," to strike out the word "both;" and in the same line, after the word "fact," to strike out "and conclusions of law" and insert the word "only."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 32, on page 19, line 15, after the word "judgments," it is proposed to strike out "both;" and in the same line, after the word "fact," to strike out "and conclusions of law" and insert "only;" so as to read:

In the exercise of such appellate jurisdiction said citizenship court shall be authorized to consider, review, and revise all such judgments as to findings of fact only.

Mr. BAILEY. Mr. President, as it is in order to discuss this amendment at this time——

Mr. JONES of Arkansas. Will the Senator yield to me for a moment?

Mr. BAILEY. I will.

Mr. JONES of Arkansas. I think the amendment I before offered will be consented to without objection. On page 17, line 5, after the word "within," I move to strike out "ninety." I think the time should be made longer than ninety days, and that it would be better to have it six months. I make that motion.

Mr, BAILEY. That can not be agreed to without objection. If the judgments of these people are to be assailed at all, it ought to be done at the earliest possible time.

Mr. JONES of Arkansas. I will withdraw the amendment for the present. I supposed there would be no objection to it. I merely desired that it might go to conference. I do not know whether or not I am in favor of the amendment. I withdraw it, however, for the present.

Mr. STEWART. I think one hundred and twenty days would be long enough.

Mr. BAILEY. Mr. President, this bill as it stands establishes this appelate court, as it is called, though, as a matter of fact, it has no resemblance to an appelate court, and the truth of it is that it is now proposed in its present form because the committee very wisely concluded to doubt whether its original provision was a constitutional one. The original proposition was that the courts must grant a new trial under certain circumstance. The courts have repeatedly held that the legislative department of the Government can not require the judicial department to grant a new trial, and in view of those decisions the committee have devised what they call an appelate court, which, as I said a moment ago, bears very slight or no resemblance at all to a court of appeals.

This appellate court is authorized to review both findings of law and of fact, or, to borrow the exact language of the bill, "to consider, review, and revise" the judgments of the lower court. There is no suggestion that it may reverse or send a case back for a new trial; no suggestion that there may be or must be made a final judgment in accordance with the facts; but it gives the right to "review and revise." My own opinion is that this is a subterfuge that will scarcely mislead a high court of appeals, and it is by no means certain that the committee in framing this provision have escaped the decisions of the courts against legislative demands for new trials in a judicial proceeding.

But the remarkable proposition is that here are judgments, some of them five years old, obtained in a court of competent jurisdiction, which, by the law of Congress, has been authorized to determine all matters in dispute. The people injured by this proceeding raised a great clamor that a vast deal of fraud had been committed against them. I frankly say that, in my judgment, many frauds have been committed against those Indian tribes, and that many people who hold these judgments procured them by false swearing, either on their own part or on the part of their witnesses. There is not a Senator in this Chamber who would go further to relieve those Indian tribes of such judgments than I would; but, Mr. President, it shocks my sense of judicial procedure that a vast number of honest judgment holders shall be exposed to the vexation, delay, and expense of a new trial in order that the Choctaw and Chickasaw nations may be relieved against dishonest judgments. As a means of protecting the Indians against dishonest judgments and at the same time protecting honest men in the judgments which they have obtained, I proposed an amendment which authorizes this court to set aside any judgment which might appear to it to have been obtained by fraud or perjury. The answer was made that these terms were not broad enough—that there were judgments there procured upon a state of facts which might not fall wholly within the definition of fraud or perjury.

The Senator from Connecticut, in his address to the Senate—and the Senator from Nevada, too, seconded the statement—said that many of these judgments were rendered by the court without investigation on its part and upon the report of referees who were interested as attorneys in many of these cases. The next morning after the report of that debate appeared in the RECORD a young lawyer whom I have known for several years came to my office in the Senate Annex and volunteered the statement that he was the referee who considered nearly all of these cases in the Chickasaw Nation.

He made the further statement that he is an enrolled citizen of the Choctaw tribe; that he was such when he was appointed referee; that his citizenship was not involved in this controversy, and that he had never been employed by a single claimant of citizenship in this litigation. And yet the Senate was told that while these judgments were not of that fraudulent character which could be set aside under my amendment, that they were fraudulent because of the interest and misconduct of the referees; and Senators made that statement, I have no doubt, in good faith.

This young man declared that he was appointed a referee by Judge Kilgore; that he took these cases under consideration and made his reports, but that before his reports could be acted upon and disposed of by the court Judge Kilgore died, and Judge Townsend was appointed to succeed him, and that Judge Townsend rejected many of his reports and sent others back to a referee appointed by Judge Townsend to succeed the referee appointed by Judge Kilgore. That is the statement of the man who served in that capacity, made voluntarily to me. And yet the Senate was asked to believe that these attorneys who were seeking to establish many claims for many claimants were serving as referees in other claims.

I do not know enough about the proceedings in the Choctaw Nation to say who was the referee and what were the circumstances, but I do say that before the Senate shall sanction the opening of a judgment five years old it ought to be certain that fraud has been committed. If the information of the committee which has reported and which supports this provision is no more

reliable as to the Choctaw country than it was as to the Chickasaw, then the Senate may well hesitate to accept their conclusions and recommendations.

Not only, Mr. President, do they ask us to open judgments five years old upon the vague and indefinite allegation and proof that an injustice has been committed against the Indian tribes, but mark the partiality. The Indian tribe can appeal whenever the judgment of the court is against it, but there is no provision here for an appeal by a citizen against whom the court has rendered judgment. If you are going to allow appeals by the Indian tribes, why not likewise allow an appeal by a citizen defeated in his action to establish his rights as a member of the tribe?

Mr. STEWART rose.

Mr. BAILEY. The Senator from Nevada rises as if he would offer an explanation. I will gladly yield to hear it.

Mr. STEWART. The explanation is very clear. In the first place, I do not think Congress ought ever to have interfered with the enrollment of the Choctaws or the Chickasaws. It was their own business to say who were citizens of those tribes. It did interfere, and there have been 4,000 claims taken to their lands under it. These people are not Choctaws or Chickasaws. We ought never to have interfered with the Indians. I do not think any of those who have not judgments should be entitled to come in. I think the Chickasaws and the Choctaws ought finally to dispose of the whole business. I think the whole trouble has come from interfering with their jurisdiction.

Mr. SPOONER. That may be; but will the Senator pardon me for a moment? This seems to be the question: Here were citizenship courts——

Mr. STEWART. Yes.

Mr. SPOONER. For the trial solely, as I understand it, of the question of citizenship. The court rendered many judgments. It rendered judgments, of course, admitting parties to citizenship and it rendered judgments denying the application of parties for citizenship. The question which I understand the Senator from Texas to put to the Senator from Nevada, and which I thought the latter rose to elucidate, was whether Congress can lawfully provide for an appeal from one class of judgments rendered by that court in citizenship cases; that is, an appeal where the judgments are rendered against the tribe, but no appeal where the judgments are rendered by the same court on the same question against citizens and in favor of the tribe.

Mr. STEWART. Does the Senator refer to the question of the power of Congress?

Mr. SPOONER. Yes; I am referring to the power of Congress—whether it is not a fundamental principle——

Mr. STEWART. I think Congress acted unwisely——

Mr. SPOONER. But——

Mr. STEWART. Hold on. Let me finish my sentence. Do not get excited too quickly.

Mr. SPOONER. I only shook my hand.

Mr. STEWART. Congress acted very unwisely in passing this law. It acted unjustly, I think, in interfering with the local jurisdiction of the tribes. Those nations have been recognized, and they have been recognized from time immemorial in determining their own citizens. I think it was a great mistake that the law was passed at all. If the tribe would not take in these people, they ought not to be taken in at all. The decision of the tribes ought to have been final. It was an improper law which interfered with them.

Mr. BAILEY. Let me ask the Senator, if it will not interrupt him——

Mr. STEWART. The Choctaws ought to have the whole say. It is particularly right that these judgments unfairly obtained should be reviewed.

Mr. BAILEY. Mr. President——

The PRESIDENT pro tempore. The Senator from Texas is entitled to the floor.

Mr. BAILEY. If the Senator from Nevada is through——

Mr. STEWART. I am through for the present.

Mr. BAILEY. I will reply to that statement, which simply amounts to this: If Congress passes an unwise law and an American citizen obtains a judgment under it, Congress ought to set aside the judgment or invent an appellate court, without the power that is usually vested in them, in order to nullify and vacate a judgment upon the ground that the law of Congress under which the judgment was obtained was an unwise one. Is the Senator from Nevada willing to reason on that basis?

Mr. STEWART. That is not the point I made. The point is they are out. I do not think most of them who are in were properly put in. There ought to be a further investigation of that matter, and we propose, in this instance, as was done in several cases, that it may be reviewed by an appellate court or a court created for that purpose, in order that justice may be done, so far as may be. If any of these people are entitled to citizenship, let the courts determine it, since they have gone on and got a judgment, and, we think, an improper one, and the Indians are very much dissatisfied with it.

Mr. BAILEY. The Senator, if he will pardon me for the suggestion, ought not to say "we," because the Senator does not know about it. He has merely taken the statement of others.

Mr. STEWART. Other Senators have been on the committee longer and have investigated it for a longer time and know more about it than I do, but the testimony before the committee was extensive.

Mr. BAILEY. Did the committee have hearings on this question?

Mr. STEWART. Yes. We heard the commissioners, particularly, and others.

Mr. BAILEY. The members of the Dawes Commission?

Mr. QUARLES. I will say to the Senator that in perfecting this treaty there were present in the office of the Secretary of the Interior the Secretary himself——

Mr. BAILEY. It is a circumstance against the treaty, in my judgment, that the Secretary of the Interior was present.

Mr. QUARLES. And the Assistant Secretary and the Assistant Attorney-General, the chief headmen and their attorney, together with a delegation from the Indian Committee of each House of Congress.

Mr. BAILEY. Who was there for the judgment holders? That is the question. I have no doubt that the Indians were amply represented.

Mr. QUARLES. We were not making a treaty with the judgment holders. We are making a treaty with the Indians.

Mr. BAILEY. But you were making a treaty that affected the rights of the judgment holders.

Mr. QUARLES. Yes.

Mr. BAILEY. Do you believe it is a just and fair proceeding to invite everybody interested on one side to help frame a treaty that affects the rights of others and to deny the others a hearing? Will the Senator from Wisconsin say that? He is too good a lawyer to believe that that is the way to proceed judicially and too fair a man to approve that kind of conduct.

Mr. President, it may be true, as the Senator from Nevada suggests, that originally Congress ought to have taken no steps in this matter, and ought to have left the making of those rolls entirely to the Indian tribes. I will not debate that, because it is not an open question. Congress concluded that question when it passed the law which provided for the manner of establishing these rights. It said to the people of the United States "Under this law, if you make certain proof, you can establish certain rights." The people proceeded under the authority of that law of Congress. They went to the labor and the expense of employing lawyers, of obtaining testimony, which they sometimes had to travel a thousand miles to secure.

They put all that testimony before the court, and upon it they obtained a judgment which at least enjoys the sanctity of a judicial determination. Now, against all that expense, against all that labor and that pains, against the fair presumption that ought to arise in favor of every judgment, it is proposed to do what? It is proposed to authorize that court, upon the vague, indefinite allegation that substantial justice may require it, to enter a new or a different judgment.

Mr. President, this court of appeals when it comes to determine the facts finds what? I am told that a large part of the records of the cases in the Chickasaw country have been destroyed by a fire that burned the court-house of the United States at Ardmore, in the Chickasaw Nation. I believe that is true; if it is not, I will ask the Senator from Nevada to correct me.

Mr. STEWART. I do not know.

Mr. QUARLES. I understand it is true.

Mr. BAILEY. It is true. Then, gentlemen, where will you procure the papers upon which to prosecute these appeals? They have gone up in the smoke of what we will suppose was an accidental fire. You say that is against the nation's interest. I know it will be suggested that the nation will not have any of this testimony. Ah, but the fact is the judgment will stand there, with no presumption in favor of the defendant——

Mr. STEWART. The judgment has been burned up, too.

Mr. BAILEY. But the judgment can be restored. It is Will he reestablish the judgment? But there is no record of the papers in the case. They have gone up in smoke. No man can swear to their contents. The witnesses may be dead, and thus a claimant under one of these judgments, brought into court to defend his judgment, finds his documentary evidence consumed by fire, finds the witnesses mute in death, and then the attorneys for the Indians, by introducing some proof that throws some shadow over his judgment, asks the court, upon the ground that substantial justice requires it, to set aside the judgment.

Not only do they do that, but when they come to the law (they do not charge that the judges were dishonest, although they insinuate that the referees were), they come here and ask that a

judgment of a court of the United States of competent jurisdiction, rendered five years ago, shall be set aside upon the ground that it was erroneous as a matter of law. Do you believe that is the proper proceeding, gentlemen? Here you can not take refuge behind the vague and indefinite suggestion that fraud and perjury have done this work. Here you get out into the open.

It is a pure question of law, unless you can impeach the honesty of your judges. I will illustrate one of the law questions which may arise in these cases. A white man married an Indian woman, and by that marriage acquired rights as a member of the Indian tribe. The Indian wife died, and the man married again a woman who has no Indian blood in her veins and has no right to membership in the tribe. The trial court held that not only is the husband still a member of the Indian tribe by virtue of his first marriage, but that his second wife, though she had no Indian blood, by virtue of his second marriage also became a member of the tribe. The facts are all admitted, and it is a naked question of law.

Now, you propose to say that if the court decided it one way five years ago and the claimants, under a judgment of the court, went into the Indian Territory, as some of them have done, and spent every dollar they possess on earth in improving the land which was to become their allotment in the final division of the land, you will now have the court set aside this judgment as a matter of law, and not only strip him of his rights as a member of the tribe and deprive him of his property, but take with it every dollar's worth of improvements he has made. Does the Senator from Nevada think that is right? Will any Senator say that is a proper regard for rights that were acquired under a solemn judgment of a court?

Mr. President, never before has there been a proposition like this in Congress. Certainly it is bad enough to call men back into court without charging that they or their witnesses have committed perjury upon the facts which may not now be susceptible of proof as they were when the law authorized proof to be made, but it is infinitely worse to take honest men with honest judgments sanctioned by a court, and five years old, and set them aside because the judge may have erred.

I am so well satisfied, Mr. President, that the Senate will not agree to such an arrangement as this, but that at least it will afford these people the protection of the law under which they acted, as decided by the court, and if it exposes them again to the uncertainties, vexations, delays, and expense of a trial it shall be only a trial upon the facts, that for the time, at least, I shall not further detain the Senate.

Mr. STEWART. Mr. President, I hope the Senate will really understand this proposition. In the first place, as I said before, I think it was a great mistake to set up any jurisdiction over or to interfere in any way whatever with the citizenship of those tribes. I think everybody down there whom I have met concurs in that view of the case.

Mr. BAILEY. Mr. President——

Mr. STEWART. Except my friend.

Mr. BAILEY. I would not be willing to say——

Mr. STEWART. But a great many do.

Mr. BAILEY. I would not be willing to say, where a great estate was to be divided, that a part of the heirs already in possession should be permitted to determine who else were heirs. I would hardly commit myself to that proposition.

Mr. STEWART. This was a government authorized to pass laws. They had legislatures and courts in both of these tribes. They have had them for the last hundred years. They have decided who were citizens and who were not. They had courts for that purpose. That our action was a mistake I think is perfectly evident from the fact that it would be difficult to find an Indian, in the true sense of the term, who has applied for citizenship to this court. They are generally white people residing elsewhere, probably voting in other States.

I have inquired of several persons who have appeared before the committee, "How do you know they are Indians? Do they look like Indians?" "No; they do not look like Indians. They look like white people." We have divided up their estate with white citizens by means of this performance. The Government having established a tribunal of that kind, which manifestly is letting in a good many white people, we are bound to take care of the Indians. The Supreme Court have had before them questions on all fours in principle with this.

The Supreme Court held that an appeal could be granted or there could be a review in cases like this where Indians are concerned. In the case of Stephens against the Cherokee Nation the court says:

> And while it is undoubtedly true that legislatures can not set aside the judgments of courts, compel them to grant new trials, order the discharge of offenders, or direct what steps shall be taken in the progress of a judicial inquiry, the grant of a new remedy by way of review has been often sustained under particular circumstances.

Then a long list of authorities is cited.

> The United States court in the Indian Territory is a legislative court and was authorized to exercise jurisdiction in these citizenship cases as a part of the machinery devised by Congress in the discharge of its duties in respect of these Indian tribes, and assuming that Congress possesses plenary power of legislation in regard to them, subject only to the Constitution of the United States, it follows that the validity of remedial legislation of this sort can not be questioned unless in violation of some prohibition of that instrument.

This is the same kind of litigation and the same kind of a case.

> In its enactment Congress has not attempted to interfere in any way with the judicial department of the Government, nor can the act be properly regarded as destroying any vested rights, since the right asserted to be vested is only the exemption of these judgments from review, and the mere expectation of a share in the public lands and moneys of these tribes, if hereafter distributed, if the applicants are admitted to citizenship, can not be held to amount to such an absolute right of property that the original cause of action, which is citizenship or not, is placed by the judgment of a lower court beyond the power of reexamination by a higher court though subsequently authorized by general law to exercise jurisdiction.

Similar legislation has been had. It ought to be had in all cases where injustice has been done. There is no doubt about the power of passing this remedial legislation. The Supreme Court have had the same case under examination from the Cherokees.

I am not as familiar as some other people are with the facts, but still on the committee I have taken pains to ask witnesses as they came along what these applicants are. "Are they Indians? Do they live with you?" "No; they live in Texas mostly, and other surrounding States, and exercise the rights of citizenship there;" and yet they become Indians in large numbers.

It is suggested that we ought to take up those who did not get judgments. As I said before, it ought to have been left to the Choctaws and Chickasaws to determine for themselves. It was unfair to organize a court and have the kind of trials they have and give them no remedy. Many of the Indians thought the law was unconstitutional. They were advised for a long time that we could not come in and take away their rights in that way. It is alleged that some of them failed to prosecute their rights because they were advised that the law was unconstitutional.

There were many reasons cited before the committee why they had not had a fair trial. They are very much dissatisfied. We are taking pretty strong measures with these tribes. We are legislating to break up their tribal relations, to make them take allotments and become citizens, and to break up all the Indian governments that they have. We are proceeding to do that, and we ought to do it in a fair way. Here is a case where they have complained from the beginning. They are entirely dissatisfied that the Government should take away their land to the amount of twenty millions in this case.

According to the estimate of Mr. Bixby twenty millions of property will be taken from the Indians in this way. They complain that they have had no fair trial. If they have had a fair trial and all these people are honest citizens who have judgments, we simply propose to organize a court consisting of three impartial judges, and it is not asking too much that they shall go before that court. They have not participated in the tribe.

It is not asking too much that they shall go before that court and make good their claims again. They are getting a good deal for nothing if they are not citizens, and the general opinion is they are not, because they are white. They are not Indians. We are trying to protect the Indians. I think we ought to deal fairly with them. That is the view of the committee. This provision is drawn precisely in harmony with the decision of the Supreme Court in a like case. It certainly seems to me that the amendment——

Mr. BAILEY. The Senator from Nevada will agree that the case which he has cited was an appeal to the Supreme Court of the United States in which it expressly decided by that court that the question committed to its decision was the constitutionality of the law——

Mr. STEWART. Yes.

Mr. BAILEY. And it was not to review the facts?

Mr. STEWART. Oh, well.

Mr. BAILEY. I have no question that we can authorize an appeal to any court upon the question of law, and I have no doubt that where it was honestly and fairly an appeal we might even include a review of the facts. But my suggestion was that when it was merely a subterfuge to escape the ability of Congress to impose upon the court a review of the facts it might not be sustained.

Mr. STEWART. I think it is on all fours with the decision. You could hardly claim this to be obiter dicta, because they go through and consider that question at length. They hold that the law is constitutional, and they claim that they have jurisdiction to consider the whole matter. They consider all the questions raised, and they elaborately cite cases. There is no doubt about the reasoning of the court in the cases cited.

Mr. BAILEY. But the court expressly declares in that case, and it is perfectly plain, that the only question committed to it for decision was the constitutionality of the legislation.

Mr. STEWART. That was committed to it, but it still reviews. It was a statute passed after judgment. The point was made that they could not pass that kind of a statute after judgment, and they go on to hold that they could. So really they had to decide other questions besides the constitutional question. They had to decide that they could review a judgment in this way. If they could review one judgment they could review another of the same kind, and they go on and vindicate the right to review judgments. When they got to the judgment they said there was no question of the constitutionality of the law, and they reviewed the whole case and decided that they had jurisdiction to review the judgment, and they point out at great length the way to reach those judgments.

If there is a way to reach this, I am satisfied that justice requires it should be done in this way. It will be a long time before we get the Indian question settled down there if we do as great injustice as they think it is. The Indians come here and agree to a treaty, and if we are going to close that matter up we must let them have a hearing on this case and let them be satisfied that justice has been done.

Now, one of the cases went to the Supreme Court, in which the constitutionality of this kind of legislation was the issue. They thought it was constitutional after having given them legislative authority, they having had their tribal authority entirely within their jurisdiction. The law was held to be constitutional, and they are going to submit to it; but, pending the determination of this question, the allegation is—I do not know how much truth there is in it—that they did not take the same measures to defend their cases that they otherwise would; that they were misled; that as it had gone to the Supreme Court and been decided against them that the law is constitutional, they submitted to it, and we now ask that there may be such a remedy given as will satisfy justice in the premises.

Mr. QUARLES. Mr. President, I very much wish that I might make the entire Senate understand the very great importance of the proposition now pending. It will hardly be appreciated by anyone not familiarly acquainted with the situation in the Indian Territory and the state of legislation.

I may say, preliminarily, that this treaty caused a very great amount of labor to draw it; that it has received the attention of the Interior Department; that the chiefs and headmen of both these tribes were here with their attorneys, and they were met by a delegation from the Committee on Indian Affairs in both the House and Senate, and they spent considerable time together in framing this provision.

Of course, the only object of perfecting the treaty is to get it so that the Indians will ratify and approve it. If it is loaded down so as not finally to receive the approbation of the Indian tribes, all this work is for naught.

Mr. President, it is not generally understood what a great undertaking this nation has on hand in the Indian Territory. Perhaps you will permit me to remind you that for more than seventy years these five tribes—justly known as civilized tribes—have each had what I may call an independent government. Each has adopted a constitution, each has had its legislature, its executive and judicial departments. Under the authority and right of this Government the five tribes as tribes hold 20,000,000 acres of land and more, having the fee simple.

Mr. BAILEY. Oh, no; not the fee simple.

Mr. QUARLES. Well, it is a base fee, to be accurate. Of course, a fee without the power of alienation is not a complete fee, it is true.

Mr. BAILEY. It is not only without the power of alienation, but it is, as the Senator says, what the lawyers call a determinable or a base fee.

Mr. QUARLES. Yes.

Mr. BAILEY. It is to inure to them and their descendants only so long as they exist as a tribe.

Mr. QUARLES. Precisely. So far as the purposes of this discussion are concerned, it might as well be a full, complete fee, because we can not by any legislation here deprive the tribe of their title. Neither can we take away from them by any arbitrary enactment the right to have and maintain their own government down there. So at the very threshold of this matter the nation must confront this proposition, that it must have a treaty or agreement with each one of those five tribal governments. Otherwise it can not proceed a step toward the final determination of the affairs of that Territory.

Mr. BAILEY. If it will not interrupt the Senator from Wisconsin——

Mr. QUARLES. Not at all, sir.

Mr. BAILEY. Does the Senator mean to say that Congress could not control the government of those tribes?

Mr. QUARLES. I do, sir.

Mr. BAILEY. That Congress can not divest their determinable fee in land is probably true, although it might pass some law that it had the power to pass, the effect of which would be to vest it. I am not able to find any prohibition in the Constitution against the Federal Government impairing a vested right, as is the case in reference to the States, though it is true that Judge Field said in the Southern Pacific cases that Congress had no power to impair the obligation of a contract. That, however, was not necessary to the decision of the case. I venture to say, if the question ever comes flat before that court where Congress passes a law in pursuance of the Constitution, that law will not be held invalid because it impairs the obligation of some contract. My judgment is, without having specially looked into the matter, that more than one law of Congress interfering with the tribal government there has been sustained by the court. Before this law we tore up their tribal courts by the roots, and this very act here, the constitutionality of which was sustained, was attacked in the courts upon the ground that it was an interference with their tribal government.

Mr. QUARLES. The Senator may lose sight of the fact that we have already an agreement with these tribes, known as the "Atoka agreement," by which the tribes have consented to certain interference by the Government of the United States. But certainly, sir, while I do not agree with my distinguished friend as to the law, I believe the courts would eventually hold that we had no authority to interfere with the dominion of those tribes over that Territory, which we gave them by a treaty which pledged our honor to them, not only that they should have and enjoy that Territory forever, but that they should never be interfered with by white citizens coming there; that they should have isolation and complete control. If the law were as my distinguished friend contends, he will concede to me that the honor of this nation was pledged to those Indians that they might have not only that title, but that they might have control entirely undisturbed by any white intruder.

So, Mr. President, it would make little difference in my view what the technical principle of law might be as long as it is conceded that in honor this nation can not interfere with those tribes. The conclusion, which I desire to present at the threshold of this discussion, is the same—namely, that we can not interfere with the dominion of those tribes over that Territory without having a treaty or agreement with them.

Now, I want the privilege of suggesting to the Senate what difficulties the Government has encountered down there in trying to bring about and harmonize affairs so as to secure treaties with the several tribes. In the first place, Mr. President, we sent a commission down there in 1893, after we had got the initial agreement with the tribe. It is known as the Dawes Commission. That Commission has been working down there since 1893 trying to get a proper enrollment of the citizens of those several tribes, surveying and appraising their lands, doing all the preliminary work necessary to a final segregation and allotment of those lands in severalty.

I quite agree with my distinguished friend from Nevada [Mr. STEWART] that it was worse than an impertinence and it was a great injustice when this nation, in undertaking that work, assumed to take out of the hands of those several tribes the question of citizenship, which was peculiarly a question to be settled by the tribe itself. The tribe had peculiar facilities for arriving at that question which no one else possessed.

I may say, Mr. President, that from the time this nation arbitrarily took out of their hands the right to determine who their citizens were, those Indians have felt aggrieved. They have felt that the United States unnecessarily interfered with their prerogative. I have always felt that the Indians were right and that the nation was wrong. If there were any doubt about that, it is illustrated by the fact that as soon as the Dawes Commission undertook to make citizenship rolls it had to go right back to the tribal roll. It took the tribal roll and then undertook to build up on the strength of that.

After that work had progressed to some considerable extent there came an influx of white citizens—mostly from Texas, some from Arkansas—and applied to this Government Commission for enrollment as Choctaw and Chickasaw citizens. That application was made upon ex parte affidavits. It has been stated here that the Dawes Commission had no opportunity to pass upon those applications for lack of time. But, Mr. President, they were simply ex parte affidavits, and they were on printed blanks that had on them the earmarks of some legal mill in Texas where they had been run out. It required only a slight inspection of those papers to demonstrate to the Dawes Commission the fact that the great majority of those Texas and Arkansas citizens who claimed to be enrolled in these two tribes based that claim simply upon blood.

Now, the Dawes Commission decided, and rightly, in my judgment, that it was more than a question of blood; that we were dealing with a tribe, not with a race; that we were dealing with a tribe as a governmental body and not with a mere matter of

lineage or race. Therefore wherever the Dawes Commission found that the applicant based his petition upon the sole fact that he had Choctaw or Chickasaw blood in his veins and did not show that he had ever been subject to the jurisdiction of the tribe or had been a citizen of the tribe they simply marked on the paper "Rejected." Now, that is all they did. They marked "Admitted" or "Rejected." They admitted several hundred of them and rejected several thousand.

Appeals were taken to the United States court from the action of the Dawes Commission rejecting the several thousand white citizens, and largely on the question I have mentioned.

From that time to this I have never seen a person, either in the Indian Territory or here, whose attention had ever been called to that matter, who did not agree that the action of the court in finally admitting some 4,000 of those applicants who had been rejected by the Dawes Commission was a gross outrage on the tribe. While my learned friend says that the initial mistake made by the Government in assuming to do that work and taking it away from the tribe is a sealed and past question, I would remind him that it still has its force and effect as to the duty now resting on the Government in this very matter in order to do justice to the Indians.

Those appeals were presented to two courts who were very much overcrowded with their ordinary jurisdiction. They were not able to consider those appeals in the ordinary way, and they resorted to masters who heard, or were supposed to have heard, the testimony and to have presented a report to the court.

It is generally understood and universally asserted in that country, which I had the pleasure of visiting last year, that there was a kind of professional reciprocity manifested by those commissioners or masters. There may be exceptional instances that are not open to this criticism, but in a great many instances those appeals were heard before masters who themselves had cases there that stood precisely upon the same footing as the case they were hearing.

Mr. BAILEY. I challenge the Senator from Wisconsin to name a single instance of that kind in the Chickasaw Nation, because I have heard a very respectable member of that bar declare that he was the referee under Judge Kilgore of cases decided by Judge Townsend and that he was never employed in a citizenship case.

The Senator from Wisconsin is a lawyer. I would hate to belong to a profession where I thought a man who had character and standing enough to be appointed a judge of the United States court would appoint a referee who would practice law in that way. It is a very serious accusation to make, and certainly it is one which I would not make unless I had some better ground than mere report.

Mr. QUARLES. The distinguished Senator from Texas may very safely throw out that challenge to me, because, of course, I have not such familiarity with the affairs of that court as would permit me to know by name who these members were.

Mr. BAILEY. Not to seem persistent with the Senator from Wisconsin, does the Senator think it entirely fair to the young men who are practicing law in the Indian Territory to make that kind of a charge against them? I suppose there are some rascals there—some, I have no doubt, came from Arkansas and Texas and some from Wisconsin. Rascals generally go to any new place. But I do know some as reputable lawyers there as can be found at any bar in the United States, and I know that at least one of those lawyers is now representing the Indian tribes in this very matter. He was formerly a citizen of my home town. He is a most respectable gentleman, a man of character and ability; and if I were sure that he would try all these cases for the Indians I would not be so apprehensive of the result. But it is a reflection upon the lawyers both for the Indians and against the Indians to suggest that lawsuits are settled in that way in that Territory.

Mr. QUARLES. Mr. President, I should dislike to make any wholesale charge against that overworked and ill-paid profession to which both my distinguished friend from Texas and myself have the honor to belong. I did not assume, as the Senator will bear me out in saying, to make that charge upon my own knowledge. I did it upon information and belief, and at the time stated to the Senate that I made the charge upon the universal consensus of opinion of every person whom I met who was approached upon that subject.

In regard to the laxity of that proceeding, however, I have something that is more than mere matter of opinion. I have here a list of some 267 names of persons who never made any application at all to the Dawes Commission, of persons who were not properly before the appellate court, whose names were interpolated into those judgments, and when the judgments were entered up these 267 persons, the list of whose names I have here, were found to have final judgments against the Chickasaw Nation for a part of their patrimony. Further, Mr. President——

Mr. BAILEY. Can the Senator tell the Senate what became of those names?

Mr. QUARLES. I will with great pleasure. I apprehend, sir, that they would still appear there in that court as judgment creditors to-day if the Dawes Commission had not, by its agent, investigated the records and detected that great fraud. The Dawes Commission—not the clerk of the court, not the judge who presided, not any bailiff who might have been present, but the Dawes Commission themselves—went there, investigated, and ascertained this fraud, and then, of course, the court struck those names off its record, as any civilized court would have done.

Mr. BAILEY. Do the Senator's papers recite on whose motion it was the court struck those names off?

Mr. QUARLES. They do not.

Mr. BAILEY. I will say to the Senator that my information is not as to the whole number, but as to one particular case; that Judge Townsend discovered it himself, and upon his own motion corrected it. The names were interpolated as the Senator suggests; but in that case Judge Townsend struck them off.

Mr. QUARLES. Mr. President, I ask any lawyer who now listens to me to consider for a moment what kind of a legal proceeding it is and how the rights of litigants are safeguarded when 267 bogus claimants can be interpolated into a judicial proceeding without its being detected or corrected, until, as I say, I learned from Mr. Bixby, who is the chairman of the Dawes Commission, that it was he or the agent of the commission that made this discovery.

Mr. President, let me say another word as to the situation in which these Indians stood down there when this great question arose. These two tribes of Indians had each one an attorney—two attorneys representing the two tribes—and on the other side, representing these white citizens, was a multitude of the disciples of Blackstone, probably the whole bar from the adjacent part of Texas and from a part of Arkansas. I understand they are good lawyers—those whom I have seen from Texas would indicate that to me—whereas the two lawyers who represented these two tribes on that occasion were stupid. The old maxim is, "Against stupidity the gods themselves are powerless." But those lawyers were not only stupid, but they were stubborn; and when you get those two things—stupidity and stubbornness—combined in a lawyer it is a bad combination.

What did those two men do representing these Indians? They were civilized Indians, it is true, Mr. President, but utterly without any experience in the courts. The Indians had never had any litigation before, and they were there like so many children, not understanding the procedure that was going on. What did those two lawyers do? They said to their Indian clients, "We will not present any evidence against these claimants; you have got evidence here, but we will not use it; we are confident we can beat that whole Dawes Commission act; we are confident it is unconstitutional, and we propose to rest your case upon that proposition."

Not knowing any better, having no experience, they permitted their attorneys to take that course. The result is that the case of the Indians was never presented to that tribunal at all. I understand full well that if these Indians had been white men, if the same rule had to be applied to them that is applied ordinarily to white citizens, we would say to them: "You were guilty of neglect; you ought not to have listened to your lawyers; you ought to have known better than to have withheld your defense."

But we can not say that to these Indians, first, because it would be unjust on the merits, and, secondly, because we sustain to them a peculiar and sacred relation. We have a relationship to those Indians which is akin to guardianship; and therefore we must look with extenuation upon their lack of experience and their mistakes. The great stubborn fact is presented here to the Senate that the case of those tribes was utterly sacrificed and never presented to that court at all, owing to the stupidity of the lawyers who appeared for the Indians there.

But that is not all, sir. There is another reason why this Government is in honor bound to pass this or some similar provision, and I may say in my judgment why the amendment offered by my distinguished friend from Texas is malapropos. His amendment is to withhold from the citizens' court the right to review those judgments as to matters of law. Mr. President, when those cases were presented to those two judges—against whom I have not a word to say, but who I believe to be conscientious and honorable gentlemen—what happened? One judge took one rule of law regarding the question of citizenship and the other judge held diametrically opposite to him. What was that question?

The very question that the Dawes Commission had considered in the court of first instance, namely, whether the applicant was entitled to affirmative relief if he showed that he had Choctaw or Chickasaw blood in his veins, or whether he must go further and show that he had been a citizen of that tribe and amenable to the jurisdiction of that tribal government. On that great fundamental principle these two judges separated, so that two own brothers having come from Texas, one of them having applied to

Judge Clayton and the other to the other judge, one of them would have been admitted to citizenship on the question of blood and the other would have been rejected.

Mr. BAILEY. Now, let me ask a question, if it will not interrupt the Senator.

Mr. QUARLES. Not at all.

Mr. BAILEY. Let me ask the Senator what is the justice, if the brother who was admitted in the trial court shall by this new court of appeals be excluded, and still the one who was excluded when he would be entitled to admission under the new decision is denied the right of appeal?

Mr. QUARLES. I will come to that question a little later, if the Senator will permit me.

I want now to press home, while I have the matter before the Senate, this proposition, for which this great nation is responsible by reason of the clumsy machinery which is afforded down there for the settlement of this important question. It does not require a college education to understand that that legal condition of things which resulted from those adverse decisions down there is intolerable—one judge holding that it was a question of blood and the other holding that it was not a racial question at all.

As we left those Indians in trying to repair this wrong we have done them we furnished no machinery whatever for the correction of that difference of opinion in those judges, and there to-day in the Indian Territory stand those two rules of law diametrically opposed to each other, rules of decision unchanged and unchangeable, one of which, of course, is right and the other is wrong, and we have given these Indians no opportunity to determine which is right and which is wrong.

Mr. President, is not that a very forcible and persuasive reason against the amendment proposed by my distinguished friend to withhold from this court any right to review a question of law? Would my friend be in favor of perpetuating by his amendment that unjust and anomalous condition of things? That is the very reason, and one of the most persuasive reasons, why we should pass this treaty, that the facts may be investigated, the law reviewed, and the very right of the issue both of fact and of law may be determined.

But that is not all, Mr. President. These two judges differed on another question—the question of the right of intermarried citizens. Their decisions were diametrically opposed to each other on that question; and the Senator from Texas well understands that, in view of the frequency of intermarriage into both of those tribes, that is a most important and fundamental question that ought to be settled, and it ought to be settled right. You have not so settled it. You have two rules which are doing manifest injustice to a large number of those Indians.

Mr. PLATT of Connecticut. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Connecticut?

Mr. QUARLES. Certainly.

Mr. PLATT of Connecticut. May I inquire of the Senator for information, if a person claims to be a Choctaw citizen because he has married a woman who is a descendant of some Choctaw Indian, is that a question of law which has been decided in those courts?

Mr. QUARLES. Yes, sir; that is one of them. The other one I stated while my distinguished friend from Connecticut was absent, and it is a very radical one—the question as to what it is which qualifies the applicant to a judgment of citizenship; whether it is merely a question of blood, or whether it is further than that, a question of belonging to the tribal organization as a citizen.

Mr. President, it is absolutely intolerable, not only to these Indians, who have always been complaining of it, but to every self-respecting white man, that that condition of things should be left there as a finality. I understand the fact to be that if one of those white men from Texas, who claim to have——

Mr. BAILEY. Mr. President, I must say to the Senator from Wisconsin that it is not exactly a civil thing to be continually talking about "those people from Texas," intending thereby to imply that I am taking this position because people from my State are interested in this question. I should not impute any such motive as that to the Senator in the case of Wisconsin people.

Mr. QUARLES. I must say to my distinguished friend that I think his criticism is far-fetched. I had no thought of any disparagement of the distinguished Senator by reason of his attitude.

Mr. BAILEY. Then there was not any point in the twenty times reiterated statement about "these people from Texas?"

Mr. QUARLES. Mr. President, there may not have been any point in anything I have said; but 75 per cent of those white claimants came from Texas, as the Dawes Commission informs me. So, in referring to them as white men from Texas, I was certainly within the record and the facts.

Mr. BAILEY. Do not be certain as to the record and the facts when you talk upon the assurance of the Dawes Commission.

Mr. QUARLES. I see my friend does not like the Dawes Commission. I can only say to him that I recognize his right to stand here and protect his constituents in any rights they have acquired by judgments in the Indian Territory or anywhere else. I should be the last man to complain of that position on his part, and I hope the Senator will absolve me from any idea of any reflection upon him in the premises.

I was about to say, Mr. President, that if white citizens—4,000 of them, who are admitted by the judgments of these courts—were fairly admissible under the law, there are probably in existence a million other people equally well qualified to be admitted; that is, they have some Choctaw or Chickasaw blood; but an examination of the legislation will convince any candid person that the view which has been taken by this nation and by the tribes themselves is that something more than blood is required in order that they may share the patrimony of these tribes which we are just about making arrangements to deliver over to them in severalty. For instance, there are living in Mississippi a very large number of full-blood Choctaws about whose ancestors there can be no doubt.

They are full bloods, and still they are not permitted under the law to go there and share the lands or the annuities of the Choctaw tribe. Why? Because, while they are Choctaws, they are not citizens of the tribe or the nation with which we are dealing. If that is so, how absolutely unjust it is to say that a white citizen coming from Arkansas, Texas, or any other State should have greater privileges in that tribe than a full-blood Choctaw living in Mississippi. The law requires that, in order to share with this tribe in the land or annuities, the full-blood Choctaw from Mississippi must first remove to the Indian Territory, take up his residence there, come under the jurisdiction of the tribal government, and thus, and thus only, can he become a citizen in that tribe in the sense in which we are dealing with him.

Let me refer for a moment to a hardship that would result from any other rule. This group of persons to whom we refer as the Choctaws, for instance, in an early day, at the earnest request of this Government, left their homes and their firesides in Mississippi and moved west of the great river out to this section of territory that was then supposed to be a little strip of land that God had forgotten.

They endured the dangers and hardships of that trip, and they were very great; they went into that wilderness, and for more than seventy years have endured the privations of the frontier; they have erected their governments there; they have built their statehouse, they have built their schools, and, Mr. President, I saw a school edifice in the Cherokee Nation when I was there which would have done honor to any Eastern city. It did not cost less, in my judgment, than $50,000—a schoolhouse that had been erected there by those Indians with their own money for the purpose of educating their young Indian children.

All this long experience these people have endured until, finally, the railroads have come in, have gridironed that Territory, white men have come in, and now there are 350,000 white men in that Territory as against 80,000 Indians.

How unjust it would be, I say, to those Choctaws and Chickasaws, who legitimately constitute those tribes, those governments, after all they have endured and suffered and done, just as the division is to made, that white citizens born in another State should come across the line, and upon the plea or the proof that they have some—no matter how little—Indian blood in their veins, step right in and share the patrimony which belongs to those Indians who deserve so well of this nation. It is a hardship which they resent, Mr. President. If the motion of my distinguished friend should prevail, it would be impossible to ratify this treaty. This is the sore spot, and if we ever have a convention with that tribe of Indians we must do substantially what the committee is asking us to do.

Let me state another thing to show the necessity of doing this now, and that is, as I said a moment since, these Indians have relaxed the rigid rules which they might have enforced against the white man. They might have kept every white man out of that domain and they might have summoned Uncle Sam's bayonets there along the line to maintain good faith and keep the white intruder out. But what did they do? They said, "No; we will permit the white man to come." They found that when the white men came they had the benefit of better physicians; they had better stores; they were better served in every way than they could be by the members of their own tribes, and so they said, "Yes, come in;" and, subject to the payment of certain taxes, which they have always insisted upon, they have allowed the white man to come, and he is there. There are 350,000 of them there.

Mr. President, that is a Territory which now practically is controlled by the will of the Secretary of the Interior, who there is almost as absolute as the Czar of Russia in his domains. After the Atoka agreement was entered into the tribal government began to decay; there was nothing else to take its place; and so,

while the United States has courts there, there is practically no responsible system of law. Those people are living there practically without any law.

Let me tell you another thing, Senators. There are 50,000 little children of school age without any facilities for education whatever, growing up there in that Territory without any opportunities such as civilization offers to every child. It is a sad state of things; it is an intolerable state of things, which this Senate ought not to permit to exist a moment longer if it can be obviated. How are you going to obviate it? Simply by passing this treaty.

We have a treaty with the Creeks and Seminoles, and we are about to get a treaty with the Cherokees, we hope; but if you have a rigid rule applied, such as my distinguished friend from Texas would ask to be applied, in remedying this great injustice to these Indians, you will not get this treaty ratified; and let me say to you that next year it will be twice as bad as it is now. Why? Because civilization has gone in, new mines are being discovered, and hostile interests are being aroused, so that in a little time it will be impossible for us to get all these warring elements together into any given compact.

Now, after this great labor here, this treaty, which we now present to you, can be ratified and will be ratified by these two tribes; and that will take out of our way the greatest obstacle to the undertaking upon which the Government has set out. I beg Senators, therefore, to consider this question well, whether we can not as to our own wards afford to be lenient to their lack of experience or their ignorance or their mistakes; whether we can not afford to say that we did them a wrong when we first took this question of citizenship out of their hands, and that by reason of that wrong it becomes the more obligatory upon us to right this injustice for which, in a large measure, the Government is responsible by reason of its initial mistake, to right the wrong which occurred by reason of these different judicial determinations there, to furnish a tribunal that can review both the facts and the law, and, as the language of the bill says, let them ascertain the very right of the matter.

We can afford to do it, Mr. President. While my distinguished friend would put these Indians upon the same footing as the white man, I say we ought not to stand here and consider the niceties of the procedure or the refinements of definition; but we can, to vindicate our honor and to protect our wards, afford to do the very thing that this treaty calls for, namely, create a citizenship court, and let them right the wrong; let them take the evidence and determine what the facts are; let them relieve the Indians of this double rule as to the law; and then, when right has been done, no one will be harmed and no one can complain.

Now, just one word with reference to the suggestion made by my good friend, the Senator from Texas, and the suggestion made by my colleague a few minutes ago. My information was that the applicants who appeared before the courts down there were for the most part admitted. If there were any rejected, I have no objection whatever, so far as I am concerned, and I do not believe the Indians would (I speak only for myself now, however), if we are going to erect this court down there as a citizenship court, to extending the language of this proposed act so as to permit any of the citizens who were rejected there at that time to have the same appeal to the citizenship court that the nation has.

But there is this proposition which my friend the Senator from Nevada suggested, and which he did not elaborate. If it was true in the first place, as we both claim, that the Indians ought to have had the sole and exclusive right to determine who their own citizens were, that we ought not to have taken that away from them, this treaty, in permitting those Indians in substance to determine who shall enjoy the right of appeal, is really coming to the same proposition with which we started out. But so far as I am concerned, I am perfectly willing that there should be an amendment which would make this a citizenship court in every sense of the word and in the best sense of the word, so that if an injustice has been done there on either side the case may be heard by appeal.

Mr. JONES of Arkansas. Will the Senator from Wisconsin allow me to make a suggestion?

Mr. QUARLES. Certainly.

Mr. JONES of Arkansas. I want to suggest to the gentlemen interested in this question whether it might not be the wisest solution of the matter to strike out in the Senate sections 32 and 33 of this bill, after disposing of the remainder of the bill in a way satisfactory to the Senate, and leave this question open to the conference committee to make any modification which may be wise.

Mr. PLATT of Connecticut. I do not understand that the Senator from Arkansas makes any motion.

Mr. JONES of Arkansas. It is a mere suggestion on my part.

Mr. PLATT of Connecticut. It is a suggestion. I desire to ask the Senator from Wisconsin whether he has any doubt of our power to pass this provision allowing the tribe to appeal against the admitted citizens without also including other provisions for those who were rejected?

Mr. QUARLES. I have no doubt, Mr. President, so far as the law is concerned, of our right to do exactly what we are proposing to do, but I was only assuming on my own account to say that, so far as I was concerned, I would not object, if the Senators desire it, to having that other provision put in the treaty.

Mr. PLATT of Connecticut. Does the Senator understand that there were any considerable number rejected?

Mr. QUARLES. I do not so understand.

Mr. President, I have only a word in conclusion. My distinguished friend, the Senator from Texas, spoke about the fact, which I have heard, that the Chickasaw papers were burned at Ardmore when the court-house was consumed. If his amendment were to prevail, so that all the relief afforded under this act were a review of the facts, how much more strongly would that unfortunate circumstance apply to the Indians in the preparation of their case than it would to the claimant?

My friend well understands that where a judgment book has been destroyed there is a definite legal way by which it can be restored, and I have no doubt those judgments have been restored. If so, they stand with all the judicial force and efficacy that the original judgments did, and can only be attacked in the same way that the original determinations might have been attacked. But not so with the Indians who are seeking to overturn the structure of fact upon which that judicial determination rests. It is to their detriment that these rolls have been destroyed, because there they would get their clew to their defense on the facts if they were ever able to have any at all.

But under this treaty as the committee has presented it here what may the Indians do? They will file there simply those judgments in the Chickasaw case, without any papers, without any suggestion of witnesses or defense. But learning the name of the claimant from the judgment roll, they may produce evidence to this tribunal that the claimant was never amenable to the jurisdiction of the Chickasaw government, so that notwithstanding the fact that he may have had Chickasaw blood in his veins he never came within the intendment of the law under the citizenship of the Chickasaw nation. That finishes, then, the question of law upon which they may plant themselves and urge to the citizenship court that the law when properly administered requires something more than blood.

No, Senators, the honor of this nation, pledged as it is to those wards of the nation, is something more than mere procedure. We are not to be hampered here by the rules that courts of equity have themselves enacted to limit their own jurisdiction. This is not the case of an ordinary claimant coming into a court of equity and asking to have a judgment at law set aside, which judgment involves only property rights of the two litigants. But this is a question of a great nation under every obligation to deal honestly, justly, fairly by their wards—these poor Indians—and to remedy this injustice and outrage for which the nation itself, as I have already explained, is in a large measure responsible.

Give them, therefore, this treaty. Let the very right of the matter be determined not only as a matter of fact, but as a matter of law, and in that way the nation will have discharged its duty, kept its faith, while otherwise the Indians will condemn us and refuse to agree to our treaty, and all efforts to fit that Territory for statehood, to bring civilization and schoolhouses into it, will be of no avail.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Texas.

Mr. BAILEY. If no other Senator desires to say anything, I desire to reply to one or two observations which have been made.

Mr. PLATT of Connecticut. I do not know exactly how to take the suggestion of the Senator from Texas. I did intend to say something on this subject, and I do not want to feel that I am cut off.

Mr. BAILEY. I observed that neither the Senator from Connecticut nor the Senator from Arkansas rose when the Chair was putting the question, and I thought they had determined to rest it on the elaborate argument of the Senator from Wisconsin. At any rate, being on the floor, I will proceed.

If the logic of the Senator from Wisconsin [Mr. QUARLES] is no better than his law it will not be very safe to follow him. He first stated that this land belonged to the Indians in fee simple. When I ventured to correct that statement he admitted the correction, but followed it up by saying it was unimportant.

If it was not important what kind of fee the Indians owned, then the Senator from Wisconsin ought not to have said it was fee simple, because it was not necessary to describe it. When I called his attention to the fact that it was not a fee simple, but that it was what the lawyers call a determinable or base fee, he then followed that other mistaken description of the fee which the Indians held with the still more startling proposition that

the United States Government had no power to interfere with the governmental relations of the Indian tribes.

I stated to him at the time that I had not specially examined into the matter, but I ventured to dispute that assertion and thought I remembered more than one decision on it. I have here a leading case—that of The Cherokee Nation *v.* The Kansas Railway—in which the attorneys for the Indians sought to make the very contention which the Senator from Wisconsin now sanctions. The Government of the United States had authorized that railway company to exercise the great right of eminent domain. The Indians contested the exercise of that right, and alleged that the Federal Government had no power, either itself to take or authorize anybody else to enter that Territory and take its lands, which contention the Supreme Court very promptly and, as I think, very properly, overruled.

In the course of the decision they quoted the language of Chief Justice Marshall in the great case of the Cherokee Nation *v.* Georgia as establishing the absolute sovereignty of the United States over those Indian tribes. And again in the case of the United States *v.* Rogers, speaking again of this very Cherokee Nation, though not of the particular case of the Cherokee Nation against the Kansas Railway, the Supreme Court said:

It is true that it—

Meaning the land—

is occupied by the tribe of Cherokee Indians. But it has been assigned to them by the United States as a place of domicile for the tribe, and they hold and occupy it with the assent of the United States and under their authority. * * * We think it too firmly and clearly established to admit of dispute that the Indian tribes residing within the territorial limits of the United States are subject to their authority.

And what surprised me still more was that the very decision from which the Senator from Nevada had read, and which lay on the desk next to the Senator from Wisconsin, was a case establishing the constitutionality of a law which had interfered with the tribal government of those people.

But, Mr. President, it is a waste of time to argue that the United States has complete and ample power over the tribal relations, governmental and otherwise, of the Five Civilized Tribes. It is true enough that the United States have covenanted by more than one treaty that they will recognize certain of their rights, but it is equally true and equally well established that a law of Congress contrary to any treaty of the United States with the Indians or with foreign nations supersedes the treaty so far as the treaty and the law may conflict.

The Senator from Wisconsin asserted this denial of the power of the Government over those tribes as a support for the proposition advanced by the Senator from Nevada when he contended that the Government ought never to have enacted a law that attempted to interfere with the settlement of citizenship in the Indian tribes. I forgive the Senator from Nevada for making that statement, because the Senator from Nevada knows very little about conditions in the Indian Territory, though he must know something about the natural greed of the Indian.

To say that you will leave to a part of a tribe possessing valuable lands to be divided the power to determine the extent to which people outside, though entitled to be inside, shall participate in the division of that land is equivalent to asserting that it would be wise and just to allow the established heirs of any estate to decide the contest of those who claim a right to a division of it. The Senator from Nevada would not suggest that the legislature of his State should enact a law which declared that whenever an estate should be settled or divided the heirs in possession should be permitted to determine whether other heirs should come in for participation.

Mr. STEWART. Will the Senator from Texas allow me?

Mr. BAILEY. Certainly.

Mr. STEWART. The State of Nevada is constantly determining, by passing laws, who shall be citizens. If anybody undertook to determine the citizenship of the people of Nevada, it would be very hard. Each State has the right to determine the length of time persons shall reside in the State before they shall be citizens.

Mr. BAILEY. That used to be the law, but Nevada does not now determine who are citizens. The fourteenth amendment settled that.

Mr. STEWART. Nevada determines how long they shall remain there——

Mr. BAILEY. How long they shall remain there in order to be entitled to vote.

Mr. STEWART. Yes.

Mr. BAILEY. They can vote without being citizens. It was once held that Nevada or any other State could determine the question of naturalization, the court originally holding that it was one of the concurrent powers; but that doctrine has long since been abandoned, and now all persons born or naturalized in Nevada are citizens of that State, and although Nevada should desire to make them other than citizens she could not do it.

Mr. STEWART. We can make them stay there one year or two years or five years.

Mr. BAILEY. Before they vote. But the Senator is unfortunate in using the word "citizenship" to describe the relationship of the members of those tribes. They are not citizens. They are members of the tribe.

Mr. STEWART. Ought not the tribes to determine who belong to their association?

Mr. BAILEY. That is a question of membership and not a question of citizenship.

Mr. STEWART. Does the Senator maintain that persons enjoying all the rights and privileges of citizens of and paying taxes in other States can be members of these tribes?

Mr. BAILEY. That is not my contention, nor is that the point we have in hand just now. I am insisting that the people of these tribes, already there, ought not to be permitted to determine who shall come in and share with them what belongs to the tribe. Whether people who have not resided in the Indian Territory and been members of this tribe should ever under any circumstances be permitted to share in a division of that estate is a question beyond the present controversy. The Congress of the United States decided that they were so entitled, and they have gone in under that law. In the beginning of this controversy no complaint was made against the law, and the only objection to the roll as now made up was that men by perjured testimony had brought themselves within the law.

When driven from that, then, the Senator from Nevada and the Senator from Wisconsin now disclose that the real purpose is to repeal the law. They say Congress ought never to have enacted it, and they propose an amendment to it which practically nullifies it. The Senator from Wisconsin made it plain when he said that the law ought never to have been passed, and the Senator from Nevada agreed by nodding his assent. Indeed, the Senator from Wisconsin was merely repeating a statement already made by the Senator from Nevada, and they both declare that as Congress ought never to have passed the law it would be good policy to nullify it now by this amendment.

Mr. STEWART. It would be good policy to give the Indians a fair trial before three judges in order to have no injustice done in the matter.

Mr. BAILEY. The Senator is not more anxious to avoid injustice toward the Indians than I am. What does the Senator from Wisconsin say? He says that the two judges have held exactly crosswise with each other. He says that two brothers from Texas—by the way, I am very much surprised at the spitefulness of the repeated allusion of the Senator from Wisconsin to Texas people——

Mr. QUARLES. Mr. President——

Mr. BAILEY. The lowest kind of argument is that which imputes an unworthy motive to an advocate of any cause.

Mr. QUARLES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Wisconsin?

Mr. BAILEY. Let me finish my statement. It is absolutely certain that I would be prompt to defend any right lawfully acquired by any citizen of Texas, though the Senator from Wisconsin ought to know that if these men hold their judgments they will cease to be citizens of Texas and become citizens of the Indian Territory. Indeed, I will go so far as to say that every man with a judgment entitling him to membership in those tribes is already in the Indian Territory and has removed from the State of Texas.

Mr. QUARLES. I must confess to some surprise, Mr. President, that my distinguished friend the Senator from Texas is not willing to accept the disclaimer which I promptly made on the floor the moment the suggestion was made that I was disparaging the Senator or imputing to him any improper motive. I am surprised that my distinguished friend is not gracious enough to accept my disclaimer; and if it requires another assertion of the proposition, I claim the right to say now that I had not the remotest idea or thought of suggesting that my friend had done anything that was not entirely proper or that he had any improper connection with these people or anything else. There was nothing of the kind in my mind.

Mr. BAILEY. Oh, I do not for a moment imagine that the Senator would impute to me any improper connection, because that is a statement that no Senator would make with respect to me. But what I complained about was that the Senator constantly repeated the statement as to these lawyers from Texas and these people from Texas, thereby insinuating to the Senate that I had other than the mere legal objections to it. I will say the Senator is not more surprised that I did not accept his disclaimer than I was in his repeated talk about these people who came from Texas. I tell the Senator now that as often as a man goes from Texas to the Indian Territory he improves the citizenship of that Territory, and the same could be said of Wisconsin just as well as of the Indian Territory.

But, Mr. President, the Senator from Wisconsin, as I was

proceeding to say, said two brothers might come from Texas with the identical facts in each case. One might apply for admission under one judge, the other might apply for admission under the other judge, and yet upon the identical facts, he said, one brother might be admitted as a member of the tribe and another might be excluded. Grant it. Then what is the arrangement? One brother having been excluded and the other brother having been admitted, the arrangement is, if this new court shall hold that the judge had erred in the case, admitting one brother, that admitted brother shall be excluded. But it is nowhere provided that the brother who was wrongfully excluded by the other judge is permitted to appeal from his decision.

The result will be—and that is the purpose of it, as was made plain by both the Senator from Wisconsin and the Senator from Nevada—and the result will be that large numbers of these people will go off of that roll upon a pure question of law, and thus they abandon the charge of wholesale perjury and fraud, because they now believe that they can carry their measure through the Senate by proclaiming its real purpose; which is, that they intend by an amendment to the law to destroy a law which they say ought never to have been enacted. That is the purpose of it. That is the avowed object of it.

Mr. President, it is difficult for me to characterize in temperate language the effort to make it appear that everybody in the Indian Territory who has been connected with these cases is a rascal, lawyers included. That there are rascals there practicing law I have no doubt. There are in every State rascals in every vocation. But in the main the young men who have gone to the Indian Territory to practice their profession are ambitious, vigorous, straightforward, and honorable. They have not gone there, it is true, for their health, nor for the society.

They have gone there with the deliberate purpose (denying themselves the comforts and conveniences that exist in older civilizations) of improving their condition. But nearly all of those whom I have the pleasure to know have the wisdom to understand that no man in the end ever improves his condition by practicing dishonesty. I believe that the bar of the Indian Territory will compare favorably with the bar of almost any State in the Union, numbers considered. As a neighbor of theirs, having no lot or parcel with them, never expecting to be closer than a neighbor, I desire in this high place to protest against the stigma which it has been sought to affix upon their name.

I do not know who the referees were, except in the one case to which I have already alluded, but I do not believe, and I will never believe without something like a definite assertion and proof, that any judge of the United States holding court in the Indian Territory would appoint as his referees attorneys who practice in the very cases which they are to decide. That there were referees, and that the referees disposed of the preliminary work in many of these cases, I am sure is true; but if that is calculated to raise a presumption against the honesty of these judgments, that same presumption would be raised against the judgments of almost every State in this Union, and especially among the older States.

I undertake to say that to-day in the great State of New York more of the work of every court there is done by referees than is the case in the Indian Territory. Even if it happens that a referee in this case should hereafter become interested in a similar case, I would hesitate a long time before I would say that he decided the case referred to him in expectation of a benefit in the decision of the case where he was a lawyer. And yet it is necessary to this argument that this cloud of doubt and suspicion shall be made to involve the lawyers in that Territory.

The Senator from Wisconsin exhibits a list of two hundred and odd names which he says were improperly interpolated in one of these judgments, and affirms that this fraud would have become fixed if the Dawes Commission had not found and exposed the wrong. If the Dawes Commission served that useful purpose, I am glad to know that it has made at least some effort to earn the salary which the members have been drawing for almost ten years for work that ought to have been done in five.

But as a matter of fact, the Dawes Commission did not discover that mistake, unless my information is widely at fault, because before the Senator from Wisconsin ever exhibited that paper I had heard of this particular case, or at least I had heard of a particular case. As I recall it, it did not include any 267 names, but it included a large number that had been fraudulently inserted in the judgment, and the judge of the court himself and of his own motion struck them out.

It is, sir, a strange conclusion to draw, that because a fraudulent attempt was detected and prevented, therefore every judgment of the court shall be tainted with suspicion. If, as a matter of fact, fraud of that kind should be attempted in a court and should be defeated, I would consider that a circumstance strongly tending to establish the diligence and attention of that court rather than to cast suspicion upon its proceedings.

Mr. President, I see that the Senator from Vermont [Mr. PROCTOR] desires to submit a conference report, and I yield for that purpose.

ARMY APPROPRIATION BILL.

Mr. PROCTOR 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. 12804) making appropriations for the support of the Army 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, 18, 20, and 21.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 7, 8, 9, 10, 11, 16, 17, 19, 22, 24, and 25; and agree to the same.

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 the matter inserted by said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Strike out the word "all" in line 4, page 22 of the bill, and insert in lieu thereof the following: "and an inspection;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert "promptly;" and the Senate agree to the same.

On the amendments of the Senate numbered 14 and 15 the committee of conference have been unable to agree.

REDFIELD PROCTOR,
J. B. FORAKER,
F. M. COCKRELL,
Managers on the part of the Senate.
J. A. T. HULL,
A. B. CAPRON,
JAMES HAY,
Managers on the part of the House.

The report was agreed to.

MONUMENT TO GEN. HUGH MERCER.

Mr. BAILEY. The Senator from Virginia [Mr. DANIEL] must leave the city, and I yield to him for a matter which he has in hand.

Mr. DANIEL. I thank the Senator from Texas, and the Senator from Nevada also, who have kindly consented to yield to me for a brief time.

I desire to ask the unanimous consent of the Senate for the consideration of the bill (H. R. 10933) to provide for the erection, at Fredericksburg, Va., of the monument to the memory of Gen. Hugh Mercer, which it was ordered by Congress on the 8th day of April, 1777, should be erected.

Mr. STEWART. I will yield if it does not lead to extended debate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT pro tempore. The bill has been read, and the amendment of the Committee on the Library has been agreed to. Are there further amendments as in Committee of the Whole?

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

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

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to provide for the erection at Fredericksburg, Va., of the monument to the memory of Gen. Hugh Mercer, which was ordered by Congress on the 8th day of April, 1777, should be erected."

The preamble was agreed to.

LIFE-SAVING SERVICE.

Mr. NELSON. By the consent of the Senator from Texas, who kindly yields to me, I report back from the Committee on Commerce the amendment of the House of Representatives to the bill (S. 1026) to fix the compensation of district superintendents in the Life-Saving Service. The committee agrees to the amendment, and I ask that it be read and concurred in.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In line 5 strike out the words "two thousand dollars per annum each" and insert:

as follows: For the superintendents of the first, second, fourth, fifth, sixth, seventh, tenth, eleventh, twelfth, and thirteenth districts, $2,000 per annum each; for the superintendents of the third and ninth districts, $1,800 per annum each; for the superintendent of the eighth district, $1,700.

The PRESIDENT pro tempore. The Senator from Minnesota moves that the Senate agree to the House amendment.

The motion was agreed to.

LANDS IN SAN DIEGO COUNTY, CAL.

Mr. BARD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from California?

Mr. BAILEY. I yield to the Senator.

Mr. BARD. I ask for the present consideration of the bill (S. 6148) providing for the resurvey of certain townships in San Diego County, Cal.

Mr. STEWART. I do not yield to have the Choctaw-treaty bill lose its place.

Mr. BARD. This bill will take but a moment.

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 be engrossed for a third reading, read the third time, and passed.

CLAIMS AGAINST COLOMBIA.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

I transmit herewith a report from the Secretary of State, with accompanying papers, in further response to the Senate's resolution of May 15, 1900, requesting copies of all correspondence and papers in regard to claims of citizens of the United States against the Government of Colombia growing out of the withdrawal of the military forces and police from Colon by that Government and the firing of the city by insurgents in 1885.

THEODORE ROOSEVELT.

WHITE HOUSE, *June 23, 1902.*

MISSOURI RIVER BRIDGE.

Mr. DIETRICH. The Senator from Texas yields to me that I may call up the bill (H. R. 14691) to authorize the construction of a pontoon bridge across the Missouri River, in the county of Cass, in the State of Nebraska, and in the county of Mills, in the State of Iowa.

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.

PUBLIC LANDS AND BUILDINGS IN PORTO RICO.

Mr. BAILEY. I yield to the Senator from Ohio [Mr. FORAKER].

Mr. FORAKER. I ask unanimous consent for the present consideration of the bill (H. R. 14244) authorizing the President to reserve public lands and buildings in the island of Porto Rico for public uses, and granting other public lands and buildings to the government of Porto Rico.

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 from the Committee on Pacific Islands and Porto Rico with amendments.

The first amendment was, in section 1, page 1, line 7, after the words "marine hospital," to insert "post-offices, custom-houses, United States courts;" in line 11, before the word "owned," to insert "and the submerged land underlying the same;" and on page 2, line 9, after the word "act," to insert:

And provided further, That nothing herein contained shall be so construed as to affect any legal or equitable rights acquired by the government of Porto Rico or by any other party, under any contract, lease, or license made by the United States authorities prior to the 1st day of May, 1900.

So as to make the section read:

That the President be, and he is hereby, authorized to make, within one year after the approval of this act, such reservation of public lands and buildings belonging to the United States in the island of Porto Rico, for military, naval, light-house, marine-hospital, post-offices, custom-houses, United States courts, and other public purposes, as he may deem necessary, and all the public lands and buildings, not including harbor areas and navigable streams and bodies of water and the submerged lands underlying the same, owned by the United States in said island and not so reserved be, and the same are hereby, granted to the government of Porto Rico, to be held or disposed of for the use and benefit of the people of said island: *Provided*, That said grant is upon the express condition that the government of Porto Rico, by proper authority, release to the United States any interest or claim it may have in or upon the lands or buildings reserved by the President under the provisions of this act: *And provided further*, That nothing herein contained shall be so construed as to affect any legal or equitable rights acquired by the government of Porto Rico or by any other party, under any contract, lease, or license made by the United States authorities prior to the 1st day of May, 1900.

The amendment was agreed to.

The next amendment was, on page 2, after line 14, to insert:

SEC. 2. That the Secretary of War is hereby authorized and directed to have a survey made of the harbor of San Juan, and of the other principal ports of Porto Rico, with a view to increasing anchorage areas and harbor facilities, to prepare estimates of the cost of work considered necessary in the interest of commerce and navigation, and to make due report thereof to Congress; the expense of such surveys to be paid for from the appropriation for examination, surveys, and contingencies provided by section 2 of the river and harbor act of June 13, 1902.

The amendment was agreed to.

The next amendment was, on page 2, after line 24, to insert:

SEC. 3. That the sum of $2,000 is hereby appropriated, out of any funds in the Treasury of the United States not otherwise appropriated, to be expended by the clerk of the district court of the United States for Porto Rico, under the supervision and subject to the approval of the presiding judge of said court, in the purchase of a law library for the use of said court.

The amendment was agreed to.

The next amendment was, on page 3, after line 6, to insert:

SEC. 4. That the resident commissioner from Porto Rico to the United States, provided for by section 39 of the act of April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," shall have a seat in the House of Representatives, with the right to debate but not to vote, and shall be entitled to the same compensation for salary and other allowances, and to the same rights and privileges as the Delegates from the Territories of the United States, and his term of office shall commence on the 4th day of March next succeeding the date of his election; and the term of office of the present incumbent is hereby extended to the 3d day of March, 1903.

Mr. SPOONER. Is the bill before the Senate or is it just being read for unanimous consent?

The PRESIDENT pro tempore. It is before the Senate as in Committee of the Whole, and the amendments of the committee are being acted on.

Mr. SPOONER. By unanimous consent?

The PRESIDENT pro tempore. By unanimous consent.

Mr. SPOONER. I want to debate the provision for a delegate from Porto Rico. I was not aware that it was in the bill. When was the bill reported?

Mr. FORAKER. I thought the Senator was aware of it.

Mr. SPOONER. I was not.

Mr. FORAKER. We do not make him a delegate. The resident commissioner is still the resident commissioner. He retains the name. He is given a seat on the floor of the House of Representatives, however. I of course do not want to cut off any debate. I suppose I was in error in so understanding, but I understood that the Senator would not object to it if we did not change the name.

Mr. SPOONER. I have not read it. I did not know there was any such provision in the bill. I wish the Senator would let it go over until to-morrow.

Mr. FORAKER. Very well, if the Senator wishes.

Mr. SPOONER. I would be glad if he would let it take that course.

Mr. FORAKER. Very well. Let it be read for information all the way through.

The next amendment was, on page 3, after line 19, to insert:

SEC. 5. That all the applicable provisions of the naturalization laws of the United States shall apply to and be held to authorize the admission to citizenship of all persons not citizens who owe permanent allegiance to the United States, and who may become residents of any State or organized Territory of the United States with the following modifications: The applicant shall not be required to renounce allegiance to any foreign sovereignty; he shall make his declaration of intention to become a citizen of the United States at least one year prior to his admission; and residence within the jurisdiction of the United States, owing such permanent allegiance, shall be regarded as residence within the United States within the meaning of the five years' residence clause of the existing law.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. FORAKER. Before the bill is laid aside for the day, I will suggest to the Senator from Wisconsin that the last provision is entirely separate from the one to which he took exception. It simply provides for the granting of naturalization papers to people who live in our insular possessions. As the law now stands no one can be naturalized in accordance with the statutes until he forswears allegiance to some foreign sovereignty; and as there is no such foreign sovereignty for any one of those inhabitants to forswear his allegiance to, this bill simply corrects the law in that particular. I hope there will be no objection to that, but that the amendment may be considered adopted, and the bill then go over as to the other amendments.

The PRESIDENT pro tempore. Has the Senator filled the blank section 2 in regard to the date?

Mr. FORAKER. Yes; I have filled the blank.

The PRESIDENT pro tempore. Then all the sections will be considered as agreed to except the one to which the Senator from Wisconsin [Mr. SPOONER] objected.

Mr. FORAKER. And that section goes over for the present.

The PRESIDENT pro tempore. That goes over.

Mr. McCOMAS. Are there not two sections that relate to the matter of a delegate?

Mr. FORAKER. If there are two, then both will go over.

Mr. McCOMAS. I ask that both go over relating to the delegate.

Mr. SPOONER. I suppose if the bill goes over it takes all the sections with it.

Mr. FORAKER. Of course the bill goes over, but these sections have been adopted. When the bill is again called up I will ask that the two sections objected to may be considered and acted upon.

The PRESIDENT pro tempore. The bill goes over.

TENNESSEE RIVER BRIDGE NEAR CANEY CREEK.

Mr. BATE. I ask the Senator from Texas to yield to me for the consideration of a bill that will not excite debate.

Mr. BAILEY. I yield to the Senator from Tennessee.

Mr. BATE. I ask unanimous consent for the present consideration of the bill (H. R. 14111) to authorize the construction of a bridge across the Tennessee River, in the State of Tennessee, by the Harriman Southern Railroad Company.

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

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

RECORDING OF DEEDS, ETC., IN INDIAN TERRITORY.

Mr. JONES of Arkansas. I ask the Senator from Texas to yield to me for the consideration of a bill which I am anxious to have considered.

Mr. BAILEY. I yield to the Senator from Arkansas.

Mr. JONES of Arkansas. I ask unanimous consent for the present consideration of the bill (S. 5678) providing for record of deeds and other conveyances and instruments of writing in Indian Territory, and for other purposes. It is a bill to put in force the laws of Arkansas in the Indian Territory as to the execution and recording of deeds, mortgages, etc. It is a bill to which there will be no objection.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with amendments.

Mr. JONES of Arkansas. There are certain committee amendments proposed, which I ask may be considered in the reading of the bill.

The PRESIDENT pro tempore. The Senator from Arkansas asks unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments be first considered. Is there objection? The Chair hears none, and that order is made.

The Secretary proceeded to read the bill. The first amendment reported by the Committee on Indian Affairs was, on page 1, line 3, after the word "chapter," to strike out "126" and insert "27;" in line 6, after the word "Territory," to insert "so far as the same may be applicable and not inconsistent with any law of Congress;" in line 8, after the word "clerk," to insert "or deputy clerk;" in line 9, before the word "courts," to strike out "district;" on page 2, line 1, before the word "office," to strike out "principal;" and in the same line, after the word "clerk," to insert "or deputy clerk;" so as to read:

That chapter 27 of the Digest of the Statutes of Arkansas, known as Mansfield's Digest of 1884, is hereby extended to the Indian Territory, so far as the same may be applicable and not inconsistent with any law of Congress: *Provided*, That the clerk or deputy clerk of the United States court of each of the courts of said Territory shall be ex officio recorder for his district and perform the duties required of recorder in the chapter aforesaid, and use the seal of such court in cases requiring a seal, and keep the records of such office at the office of said clerk or deputy clerk.

The amendment was agreed to.

The next amendment was, on page 2, line 3, after the word "clerk," to insert "or deputy clerk;" and in line 10, after the word "filing," to insert "for the period of twelve months from the filing thereof;" so as to make the clause read:

It shall be the duty of each clerk or deputy clerk of such court to record in the books provided for his office all deeds, mortgages, deeds of trust, bonds, leases, covenants, defeasances, bills of sale, and other instruments of writing of or concerning lands, tenements, goods, or chattels; and where such instruments are for a period of time limited on the face of the instrument they shall be filed and indexed, if desired by the holder thereof, and such filing for the period of twelve months from the filing thereof shall have the same effect in law as if recorded at length. The fees for filing, indexing, and cross indexing such instruments shall be 25 cents, and for recording shall be as set forth in section 3243 of Mansfield's Digest of 1884.

The amendment was agreed to.

The next amendment was, to strike out from line 17 to line 19, inclusive, on page 2, as follows:

All fees received for recording instruments provided for in this act shall be accounted for to the Secretary of the Treasury as other fees are.

And in lieu thereof to insert:

That the said clerk or deputy clerk of such court shall receive as compensation as such ex officio recorder for his district all fees received by him for recording instruments provided for in this act, amounting to $1,800 per annum or less; and all fees so received by him as aforesaid amounting to more than the sum of $1,800 per annum shall be accounted to the Department of Justice, to be applied to the permanent school fund of the district in which said court is located.

The amendment was agreed to.

The next amendment was, on page 3, after line 9, to insert:

That wherever in said chapter the word "county" occurs there shall be substituted therefor the word "district," and wherever the words "State" or "State of Arkansas" occur there shall be substituted therefor the words "Indian Territory," and wherever the words "clerk" or "recorder" occur there shall be substituted the words "clerk or deputy clerk of the United States court."

All acknowledgments of deeds of conveyance taken within the Indian Territory shall be taken before a clerk or deputy clerk of any of the courts in said Territory, a United States commissioner, or a notary public appointed in and for said Territory.

All instruments of writing the filing of which is provided for by law shall be recorded or filed in the office of the clerk or deputy clerk at the place of holding court in the recording district where said property may be located, and which said recording districts are bounded as follows:

District No. 1 shall comprise all of the reservations heretofore existing under the Quapaw Agency, and the place of record shall be at Miami, as provided in the Indian appropriation act for the fiscal year ending June 30, 1903.

District No. 2 shall begin at a point where the northern boundary line of the Indian Territory intersects with the western boundary line of the Quapaw Agency; thence in a southerly and easterly direction, following the western and southern boundaries of the Quapaw Agency, to the west line of the State of Missouri; thence south along said boundary line to the dividing line between townships 23 and 24 north; thence west along said line to the dividing line between ranges 17 and 18 east; thence north along said dividing line to the northern boundary line of the Indian Territory; thence east along said boundary line to place of beginning. The place of record for district No. 2 shall be Vinita.

District No. 3. Beginning at a point where the range line between ranges 17 and 18 east crosses the northern boundary line of the Indian Territory; thence south on said range line to the township line between townships 24 and 25 north; thence west on said township line to the western boundary line of the Indian Territory; thence north along said western boundary line to the northern boundary line of the Indian Territory; thence east to the place of beginning. The place of record for district No. 3 shall be Nowata.

District No. 4. Beginning at a point on the western boundary line of the Indian Territory where same is crossed by the township line between townships 24 and 25 north; thence south along said western boundary line to the township line between townships 19 and 20 north; thence east on said township line to the range line between ranges 17 and 18 east; thence north on said range line to the township line between townships 24 and 25 north; thence west to the place of beginning. The place of record for district No. 4 shall be Claremore.

District No. 5. Beginning at a point on the eastern boundary line of the Indian Territory where same is crossed by the township line between townships 23 and 24 north; thence south along said eastern boundary line to the township line between townships 19 and 20 north; thence west on said township line to the range line between ranges 17 and 18 east; thence north on said range line to the township line between townships 23 and 24 north; thence east on said township line to place of beginning. The place of record for district No. 5 shall be Pryor Creek.

District No. 6. Beginning at a point on the eastern boundary line of the Indian Territory where same is crossed by the township line between townships 19 and 20 north; thence south on said eastern boundary line to the township line between townships 14 and 15 north; thence west on said township line to the meridian line between ranges 20 and 21 east; thence north on said meridian line to the township line between townships 19 and 20 north; thence east on said township line to place of beginning. The place of record for district No. 6 shall be Tahlequah.

District No. 7. Beginning at a point where the meridian line between ranges 20 and 21 east crosses the township line between townships 19 and 20 north; thence west on said township line to the range line between ranges 13 and 14 east; thence south along said range line to the township line between townships 15 and 16 north; thence east along said township line to the meridian line between ranges 20 and 21 east; thence north along said meridian line to the place of beginning. The place of record for district No. 7 shall be Wagoner.

District No. 8. Beginning at a point on the range line between ranges 13 and 14 east where same is crossed by the township line between townships 19 and 20 north; thence west on said township line to the western boundary line of the Indian Territory; thence south along said western boundary line to the township line between townships 15 and 16 north; thence east on said township line to the range line between ranges 13 and 14 east; thence north along said range line to the place of beginning. The place of record for district No. 8 shall be Sapulpa.

District No. 9. Beginning at a point on the western boundary line of the Indian Territory where the same is crossed by the township line between townships 15 and 16 north; thence south along said western boundary line to the northern boundary line of the Seminole Nation; thence eastwardly along said boundary line of the said Seminole Nation to the northeast corner of the Seminole Nation; thence south along said eastern boundary line of said Seminole Nation to the township line between townships 10 and 11 north; thence east along said township line to the range line between ranges 13 and 14 east; thence north along said range line to the township line between townships 15 and 16 north; thence west along said township line to the place of beginning. The place of record for district No. 9 shall be Okmulgee.

District No. 10. Beginning at a point where the range line between ranges 13 and 14 east intersects the township line between townships 15 and 16 north; thence south on the said range line to the township line between townships 11 and 12 north; thence east along said township line to the Arkansas River; thence up said Arkansas River to the intersection of said river with the meridian line between ranges 20 and 21 east; thence north along said meridian line to the township line between townships 15 and 16 north; thence west to the point of beginning. The place of record for district No. 10 shall be Muscogee.

District No. 11. Beginning at a point on the eastern boundary line of the Indian Territory where same is crossed by the township line between townships 14 and 15 north; thence south along said eastern boundary line to the Arkansas River, thence up said Arkansas River to its intersection with the meridian line between ranges 20 and 21 east; thence north along said meridian line to the township line between townships 14 and 15 north; thence east to the place of beginning. The place of record for district No. 11 shall be Sallisaw.

District No. 12. Beginning at a point where the township line between townships 11 and 12 north intersects with the Arkansas River; thence down said Arkansas River to the mouth of the Canadian River; thence up said Canadian River to its intersection with the meridian line between ranges 20 and 21 east; thence south on said line to its intersection with the township line between townships 7 and 8 north; thence west along said township line to the range line between ranges 11 and 12 east; thence north on said range line to the township line between townships 10 and 11 north; thence east on said township line to the range line between ranges 13 and 14 east; thence north on said range line to the township line between townships 11 and 12 north; thence east on the said township line to the place of beginning. The place of record for district No. 12 shall be Eufaula.

District No. 13. Beginning at a point where the range line between ranges 11 and 12 east intersects the township line between townships 10 and 11 north; thence south to the township line between townships 7 and 8 north; thence east on said township line to the Canadian River; thence up said Canadian River, following the meanderings thereof, to the western boundary line of the Seminole Nation; thence north along said western boundary line to the northern boundary line of the said Seminole Nation; thence eastwardly along said northern boundary line to the northeast corner of said nation; thence south along the eastern boundary line of the said nation to the township line between townships 10 and 11 north; thence east along said township line to the place of beginning. The place of record for district No. 13 shall be Wewoka.

District No. 14. Beginning at a point on the eastern boundary line of the Indian Territory where same is crossed by the Arkansas River; thence south along said eastern boundary line of the Indian Territory to the base line; thence west along said base line to the meridian line between ranges 20 and 21 east; thence north on said meridian line to the Canadian River; thence down said Canadian River to its confluence with the Arkansas River; thence down said Arkansas River to the place of beginning. The place of record for district No. 14 shall be Poteau.

District No. 15. Beginning at a point where the meridian line between ranges 20 and 21 east crosses the township line between townships 7 and 8 north: thence south on said meridian line to the township line between townships 2 and 3 north; thence west on said township line to the range line between ranges 18 and 19 east; thence south along said range line to the line between townships 1 and 2 north; thence west along said township line to the western boundary line of the Choctaw Nation; thence north on said boundary line to the South Canadian River; thence down said river to the point where the dividing line between townships 7 and 8 north intersects said river; thence east along said township line to the point of beginning. The place of record for district No. 15 shall be South McAlester.

District No. 16. Beginning at a point where the South Canadian River intersects with the western boundary line of the Choctaw Nation; thence south on said boundary line to the township line between townships 1 and 2 south; thence west on said township line to the range line between ranges 3 and 4 east; thence north along said range line to its intersection with the South Canadian River; thence down said South Canadian River, following the meanderings thereof, to the place of beginning. The place of record for district No. 16 shall be Ada.

District No. 17. Beginning at a point where the township line between townships 4 and 5 north intersects the range line between ranges 3 and 4 east; thence south along said range line to the base line; thence west on said base line to the meridian line between ranges 4 and 5 west; thence north on said meridian line to the township line between townships 4 and 5 north; thence east on said township line to the place of beginning. The place of record for district No. 17 shall be Pauls Valley.

District No. 18. Beginning at a point at the South Canadian River where the same intersects the range line between ranges 3 and 4 east; thence south on said range line to the township line between townships 4 and 5 north; thence west on said township line to the meridian line between ranges 4 and 5 west; thence north on said meridian line to the South Canadian River; thence down said South Canadian River, following the meanderings thereof, to the place of beginning. The place of record for district No. 18 shall be Purcell.

District No. 19. Beginning at a point on the South Canadian River where the same intersects the meridian line between ranges 4 and 5 west; thence south along said meridian line to the base line; thence west on said base line to the western boundary line of the Indian Territory; thence north along said western boundary line to the Canadian River; thence down said Canadian River, following the meanderings thereof, to the place of beginning. The place of record for district No. 19 shall be Chickasha.

District No. 20. Beginning at a point on the western boundary line of the Indian Territory where same intersects the base line; thence south along said western boundary line to the Red River; thence down said Red River to its intersection with the range line between ranges 2 and 3 west; thence north along said range line to the base line; thence west on said base line to the place of beginning. The place of record for district No. 20 shall be Ryan.

District No. 21. Beginning at a point where the range line between ranges 2 and 3 west intersects the base line; thence south on said range line to the Red River; thence east down said Red River, following the meanderings thereof, to the range line between ranges 3 and 4 east; thence north on said range line to the base line; thence west on said base line to the place of beginning. The place of record for district No. 21 shall be Ardmore.

District No. 22. Beginning at a point where the range line between ranges 3 and 4 east intersects the township line between townships 1 and 2 south; thence south along said line to the Red River; thence down Red River, following the meanderings thereof, to the mouth of the Washita River; thence up the Washita River, following the meanderings thereof, to the mouth of Butcherpen Creek; thence north up said Butcherpen Creek to the township line between townships 4 and 5 south in range 7 east; thence east along said township line to the boundary line between the Choctaw and Chickasaw nations in range 8 east; thence north along said line to the township line between townships 1 and 2 south; thence west along said line to the point of beginning. The place of record for district No. 22 shall be Tishomingo.

District No. 23. Beginning at a point where the township line between townships 1 and 2 north intersects with the range line between ranges 15 and 16 east; thence south on that line to its intersection with the line between townships 2 and 3 south; thence west to intersection of the last-named line with the range line between ranges 14 and 15 east; thence south to the township line between townships 3 and 4 south; thence west to the western boundary line of the Choctaw Nation; thence north on said boundary line to intersection with the line between townships 1 and 2 north; thence east to point of beginning. The place of record for district No. 23 shall be Atoka.

District No. 24. Beginning at a point where range line between ranges 15 and 16 east intersects the township line between townships 1 and 2 north; thence south along said line to its intersection with township line between townships 2 and 3 south; thence west along said line to range line between ranges 14 and 15 east; thence south on said line to the Red River; thence down Red River, following the meanderings thereof, to the eastern boundary of the Indian Territory; thence north along said eastern boundary line of the Indian Territory to intersection with the base line; thence west along said line to the meridian line between ranges 20 and 21 east; thence north to township line between townships 2 and 3 north; thence west along said line to range line between ranges 18 and 19 east; thence south on said line to township line between townships 1 and 2 north; thence west on said line to point of beginning. The place of record for district No. 24 shall be Antlers.

District No. 25. Beginning at a point on the western boundary line of the Choctaw Nation where it intersects the township line between townships 3 and 4 south; thence east along said line to range line between ranges 14 and 15 east; thence south on said line to the Red River; thence up said Red River, following the meanderings thereof, to the mouth of the Washita River; thence up said Washita River to the mouth of Butcherpen Creek; thence north up said Butcherpen Creek to the township line between townships 4 and 5 south, in range 7 east; thence east along said township line to the boundary line between the Choctaw and Chickasaw nations; thence north on said boundary line to the point of beginning. The place of record for district No. 25 shall be Durant.

The amendment was agreed to.

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

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

NANCY J. M'ARTHUR.

Mr. PETTUS. I ask the Senator from Texas to yield to me.

Mr. BAILEY. I yield to the Senator from Alabama.

Mr. PETTUS. I ask unanimous consent for the consideration at this time of the bill (H. R. 14221) granting an increase of pension to Nancy J. McArthur. The bill simply proposes to grant an increase of pension to a very old lady.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 7, before the word "Regiment," to strike out "A, Fourteenth" and insert "G, Seventy-first;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy J. McArthur, widow of James R. McArthur, late captain of Company G, Seventy-first Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

JAMES F. M'INDOE.

Mr. McCOMAS. Will the Senator from Texas yield to me a moment for the consideration of a very short bill?

Mr. BAILEY. I yield to the Senator from Maryland.

Mr. McCOMAS. I ask unanimous consent for the present consideration of the bill (S. 5531) for the relief of James F. McIndoe.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to James F. McIndoe, captain, Corps of Engineers, late first lieutenant, Corps of Engineers, United States Army, $1,142.70, being the value of his personal effects destroyed by fire on the 13th of February, 1901, through the destruction by fire of the engineer quarters at Fort Hancock, N. J., as determined by a board of survey which met by order of Major-General Brooke at Fort Hancock, N. J., on the 15th of March, 1901.

Mr. BATE. From what committee does that bill come?

Mr. McCOMAS. It has been reported by a committee. The personal effects of this man were burned while he was trying to save Government property. There was a board appointed by General Brooke, and they say it is a most meritorious case.

Mr. BATE. My inquiry was as to what committee had reported the bill.

Mr. McCOMAS. The Committee on Claims, through the Senator from North Dakota [Mr. McCUMBER], reported the bill unanimously.

Mr. SPOONER. What was this man an officer of?

Mr. McCOMAS. He was a captain in the Corps of Engineers.

Mr. SPOONER. For what are we paying him?

Mr. McCOMAS. We are paying him for the destruction of his personal effects by fire on the 13th of February, 1901, in the engineer quarters at Fort Hancock, N. J. While he was engaged in saving Government buildings, his own property was burned up. The board passed upon the claim, and held that it was entirely proper.

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

Mr. SPOONER. I enter a motion to reconsider the vote by which that bill was passed, and I ask that the motion may go over.

The PRESIDENT pro tempore. The motion to reconsider will be entered.

EXPENDITURES FOR BUILDINGS IN OKLAHOMA.

Mr. BERRY. With the permission of the Senator from Texas [Mr. BAILEY], I ask unanimous consent for the present consideration of the bill (H. R. 4556) to amend an act entitled "An act to supplement existing laws relating to the disposition of lands, and so forth," approved March 3, 1901.

The PRESIDENT pro tempore. The Senator from Arkansas asks unanimous consent for the present consideration of the bill named by him, which will be read in full for the information of the Senate, subject to objection.

The Secretary read the bill, as follows:

Be it enacted, etc., That section 1 of the act of Congress approved March 3, 1901, entitled "An act to supplement existing laws relating to the disposition of lands, etc.," be amended by adding thereto the following:

"*Provided further*, That the Secretary of the Interior be, and he is hereby, authorized, out of the proceeds of the sales of town lots in the towns of Lawton, Comanche County; Anadarko, Caddo County, and Hobart, Kiowa County, in the Territory of Oklahoma, heretofore had pursuant to the authority of the act aforesaid, to cause to be expended, subject to his control and supervision and upon the recommendation of the legally constituted authorities of each of said towns, for the construction of public waterworks, schoolhouses, and such other municipal improvements as may be advisable and advantageous to the inhabitants of said towns, the following additional sums, to wit: For the town of Lawton, $150,000; for the town of Anadarko, $30,000, and for the town of Hobart, $50,000: *Provided further*, That the sum of $10,000, as provided in the act whereof this is amendatory, for the construction of a county court-house in each of the towns aforesaid, shall be, and hereby is, increased to the sum of $30,000 each for the construction of such county court-houses in each town."

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

Mr. PLATT of Connecticut. From what committee does the bill come?

Mr. BERRY. It comes from the Committee on Public Lands.

Mr. PLATT of Connecticut. Are there any county court-houses there?

Mr. BERRY. It is a House bill. There is a House report with it. The old bill provided that a certain amount of money for which town lots were sold in these towns in Oklahoma might be used for all these purposes.

Mr. PLATT of Connecticut. I do not make any objection.

Mr. BERRY. The bill is all right.

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

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

CHIPPEWA INDIANS IN MINNESOTA.

Mr. PERKINS. Mr. President——

Mr. BAILEY. I yield to the Senator from California.

Mr. CLAPP. Will the Senator from California yield to me to enter a motion?

Mr. PERKINS. Certainly.

Mr. CLAPP. I desire to give notice of a motion to reconsider the votes by which the Senate disagreed to the amendments of the House of Representatives to the bill (S. 4284) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, and requested a conference with the House on the disagreeing votes of the two Houses thereon, and I move that the bill be recalled from the House.

The PRESIDENT pro tempore. The Senator from Minnesota enters a motion to reconsider the vote by which the House amendments to the bill indicated by him were disagreed to and a conference asked, and he moves to recall the bill with the message touching a conference. Is there objection? The Chair hears none, and it is so ordered.

Mr. QUARLES subsequently said: I wish to ask permission to correct something that took place inadvertently. My distinguished friend the Senator from Minnesota notified me that he intended to give notice simply of a motion to recall a bill from the House, to be called up to-morrow, if found desirable at that time. I did not understand that we were called upon to consent that the motion should be considered and passed upon.

The PRESIDENT pro tempore. The motion was not considered and passed upon. The motion to recall the bill from the House is a necessary accompaniment of the entering of a motion to reconsider. The motion to reconsider was not acted upon. It was only the motion to recall the bill from the House,

Mr. QUARLES. Very well. I misunderstood it.

JAMES M. OLMSTEAD.

Mr. PERKINS. By the kind permission of the Senator from Texas, for which he has my thanks, I ask unanimous consent to call up for present consideration the bill (H. R. 13650) to correct the military record of James M. Olmstead.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend the military record of James M. Olmstead so as to fix September 8, 1863, as the actual date of his 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.

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

ORDER OF BUSINESS.

Mr. PLATT of Connecticut. It is necessary to have an executive session this evening, and I should like to inquire of the Senator from Texas to how many more Senators he has agreed to yield?

Mr. BAILEY. These interruptions are about at an end. I am under agreement to yield to three more gentlemen who have small, short bills which they wish to have considered. I think they can all be disposed of in a very few moments, and then I will yield.

Mr. PLATT of Connecticut. The thing might go on all night.

Mr. BAILEY. No; I shall not yield.

Mr. SIMMONS. Mr. President——

Mr. BAILEY. I yield to the Senator from North Carolina.

Mr. FORAKER. Before we pass from this, I wish to ask the Senator from Texas to include me in the number. I have a brief bill which I should like to have considered.

Mr. BAILEY. I can not resist——

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

Mr. BAILEY. The Senator from Connecticut has not the floor for the purpose of making that motion. I decline to yield to him for that purpose.

Mr. PLATT of Connecticut. I rise to a point of order, and that is that the Senator from Texas can not hold the floor upon the bill which was under consideration and yield to Senators all over the Chamber to pass bills. If he has the floor, he must hold it on the bill upon which he took it.

Mr. BAILEY. The question to whom a Senator shall yield when he has the floor is for him to determine. I am perfectly free to say that these interruptions have not been disagreeable to me. The Senate would have adjourned, but I agreed to yield to a number of Senators having small local bills in which they are interested and which they desired to pass, and I do not believe I was abusing the privileges or misusing the time of the Senate. If the Senator from Connecticut imagines he can determine how often and to whom a Senator, once having the floor, shall yield, I think he will find no warrant for it in the rules, and I decline to yield to the Senator from Connecticut for the purpose of moving an executive session.

Mr. PLATT of Connecticut. I rise for the purpose of making a point of order, and that is, that when the unfinished business is under discussion and a Senator has the floor, he has no right to yield to other Senators for the purpose of passing bills. I call for the regular order.

The PRESIDENT pro tempore. In the opinion of the Chair, it is a custom which never has prevailed in the Senate for a Senator to yield in order that other bills might be taken up for consideration. It is not in the Senate as it is in the House.

Mr. BAILEY. I know it is not, of course. In the House a member's time is limited to one hour. If he chooses to occupy that one hour in any way, he may do so. Here we have no limitation of time.

I am not going to appeal from the decision of the Chair, but I want to serve notice that if that rule is to be enforced no Senator who has the floor to make a speech will yield to any other Senator to make a request for unanimous consent so long as I serve in this body.

Mr. PLATT of Connecticut. I will join with the Senator from Texas in trying to enforce that rule.

Mr. BAILEY. I am going to see that the Senate does it; and I appeal from the decision of the Chair.

The PRESIDENT pro tempore. The Chair desires to call the attention of the Senator from Texas to the fact that he has to-day yielded to eight or ten different Senators to pass bills. It would not do for the Senate to put into the hands of one Senator the power to control every bill which might be considered. That is a matter to be left to the Senate.

Mr. BAILEY. I would not want to see either the rule or the practice of the Senate render that possible. My contention is that when the Senate itself sees fit it can control it by rule. Up to this time it has not seen fit to control it by rule. A Senator having the floor, with his sense of duty and his respect for his fellow-Senators, must not abuse that privilege. I have myself, in my brief service here, seen many Senators yield two, three, and four times. Now, shall a Senator yield two, three, and four times, and not yield six or eight?

Mr. HALE. Let me say right here, if the Senator will yield for a moment——

Mr. BAILEY. Certainly.

Mr. HALE. I hope the Senator will insist upon enforcing this rule in the future. The importunities of Senators have come to be a great impediment in the way of doing business. I have no doubt I myself have done so, although I ought not to have done it. When a Senator is upon the floor, and when the regular order is his speech, where he has been recognized by the Chair, that is the business before the Senate. Yet one Senator after another appeals to the Senator to yield to allow him to pass a bill. The Senate at any time has the right, and it ought to insist upon it, and a single Senator at any time has the right, by calling for the regular order, and he ought to insist upon it, to demand that that shall not be done. If I have been recognized by the Chair and am addressing the Senate upon any subject, or if the Senator from Texas has been recognized and has the floor, and the Senator from Ohio or from Colorado asks him or me to yield, any Senator can call for the regular order and the Senator can not yield, but must go on with his speech. It ought to be insisted upon more often than it is.

Mr. FORAKER. Will the Senator from Maine allow me to make a suggestion right here? The Senate has another way of protecting itself from any abuse such as has been suggested. When a Senator having the floor yields to another Senator, who requests unanimous consent for the consideration of any bill, any Senator can object.

Mr. BAILEY. He can object to its consideration.

Mr. FORAKER. He can object, and put a stop to it.

Mr. HALE. We all know that; but two things are true here: The easiest thing to do is to get unanimous consent. The hardest thing to get done is to get a Senator to object to a request for unanimous consent.

Mr. BAILEY. I think that is to the credit of the Senate.

The PRESIDENT pro tempore. The Chair desires to call the attention of the Senator from Texas to the fact that it has been decided in the Senate quite a number of times—the present occupant of the chair knows that Vice-President Morton so decided—that no Senator can hold the floor and yield it without himself first obtaining unanimous consent to yield; and when the regular order of business is called for, that is an objection to yielding.

Mr. HALE. That settles it.

Mr. BAILEY. If that has been the decision of the Senate heretofore, I withdraw the appeal. I have no desire myself to infract the rules of the Senate, and I believe I am the only Senator against whom I see them regularly invoked. I think this is the third time. Therefore I will modify my statement that I will invoke the rules against everybody else, and I will reserve my right to exercise selection in that respect, and I will invoke them when I think they ought to be invoked.

Mr. TELLER. For the purpose of saying a word, I wish to take an appeal from the ruling of the Chair, so that I may not be taken off the floor.

The course pursued by the Senator from Texas has been in vogue in the Senate for a quarter of a century to my certain knowledge, not, perhaps, that a Senator has yielded to so many as has been the case to-night. There has never been a session when it has not been done and repeatedly done. Of course, any Senator has a right, when the proceeding goes beyond what he thinks is proper, to call for the regular order. The Senator then must cease. He can no longer yield. He can resume the floor and proceed, if he sees fit. If he does not, he must yield the floor.

The Senator from Connecticut assumes that this is something unusual. I do not know to how many Senators the Senator from Texas has yielded, but I think he said five or six.

Mr. PLATT of Connecticut. Eight.

Mr. TELLER. Eight, perhaps. They have little bills which can be taken up and passed in a moment, and it is the most expeditious way of doing business that anybody can imagine. It has never been abused in the Senate, and while it is not asserted as a right, and I have occasionally heard a call for the regular order, it is rare. The Senator from Connecticut is anxious to get an executive session. If he had waited a moment and yielded to two or three gentlemen who have little bills that could be passed on reading, we might have been in executive session now.

The beauty of service in the Senate is that by a little concession to each other we proceed and do more business in the same length of time than any other legislative body in the world ever did. The Senator does not expedite business by coming here with a technical question just now. Suppose I concluded that he should not have an executive session. He could not get through with it to-night. I should be able to talk until 12 o'clock easy enough on this appeal. [Laughter.] I am not going to do it, Mr. President.

I do not mean to say that I do not think the ruling of the Chair is perfectly proper under the circumstances, but I do not think it was exactly the thing for the Senator from Connecticut to raise this question when he knew there was no intention on the part of the Senator from Texas to take advantage of anybody or to prevent him from having an executive session in a few moments. I tried to get the floor to appeal to the Senator to let the three or four bills that Senators wanted to call up, and which would have taken but a minute apiece, be passed.

Mr. President, I wish to withdraw the appeal.

Mr. BAILEY. Mr. President, I wish to say merely a word in justice to myself.

Mr. TELLER. I will not withdraw the appeal until the Senator from Texas gets through.

Mr. BAILEY. It was understood between the Senator from Nevada and myself that it was impossible to conclude the consideration of the Indian bill this afternoon. Not desiring myself to monopolize the floor nor yet desiring to yield the floor at just that particular time, I yielded to various requests on the part of gentlemen who had bills which they wished to call up. I tried to be as impartial as possible in my agreements to yield, yielding to gentlemen on both sides of the Chamber. I was proceeding in a way that I thought accommodated the greatest number of Senators, without any thought of abusing the privilege of the Senate, and without any thought that the rule was going to be invoked, for I stated to the Senator from Connecticut, who walked across the aisle and asked me about it, that when I had kept three more agreements to yield I was through and would yield for a motion to go into executive session. I simply want it to appear in the RECORD that I was not retaining the floor for any purpose of my own, but in pursuance of an understanding with the Senator from Nevada in regard to the bill then under consideration, that it would go over until to-morrow. These things, I think, could have been well and properly done without this point. The Chair having decided that it is not in order for me to yield, I submit.

Mr. PLATT of Connecticut. For the purpose of justifying myself, if I can, in the estimation of my good friends from Colorado and Texas, I should like to state how this matter occurred. I rose and asked the Senator from Texas to how many more Senators he had promised to yield. Perhaps I had no right to do so. I got a very indefinite reply. I said in the first place that I desired and hoped we might have a short executive session. Getting that indefinite reply——

Mr. BAILEY. Do I understand the Senator from Connecticut to say that I made him an indefinite reply?

Mr. PLATT of Connecticut. I certainly understood so.

Mr. BAILEY. Well, the Senator did not understand me. I told him three more.

Mr. PLATT of Connecticut. Oh, that was when we were talking about it between ourselves.

Mr. BAILEY. It happened just a moment before you made the point, and fearing that I was mistaken I asked the Senator from Colorado, who heard me, and he confirms me in my own belief that I said to the Senator there were three more.

Mr. PLATT of Connecticut. When I asked the question——

Mr. BAILEY. Yes, sir.

Mr. PLATT of Connecticut. No; when I asked the question in the Senate.

Mr. FORAKER. I remember distinctly that when the Senator from Connecticut asked the question in open Senate the Senator from Texas made that reply. I remember it, because I then rose and asked the Senator from Texas to add me to the three if I was not included.

Mr. BAILEY. That is right. I did not intend to be indefinite, and I am sure the Senator from Connecticut misunderstood me.

Mr. PLATT of Connecticut. The RECORD will show to-morrow who is right and who is not.

Mr. BAILEY. What occurred here was between us and will not appear in the RECORD, I take it, because it was private.

Mr. PLATT of Connecticut. Not at all. But the Senator's reply to my question when I asked him how many more Senators he had agreed to yield to will be found in the RECORD, and I will leave it to the RECORD whether it was an indefinite reply or whether it was a reply that he had agreed to yield to three Senators. I then said that I would move an executive session, and the Senator said I could not get the floor to do it. Then I made the point of order that he was not entitled to the floor for the purpose of yielding it to Senators to pass bills. That was the way the matter occurred. I trust I have not ruffled the feelings of my friends on the other side.

Mr. FORAKER. Mr. President, I did not know how many promises the Senator from Texas had outstanding, because I was not over there to talk with him privately, except by his statement in open Senate, but I remember distinctly that he said three, and thereupon I appealed to him to include me, as I had a short bill for which I desired to ask unanimous consent.

However, that is not the important thing I want to say. We are making a ruling and establishing a precedent, and I want to confirm what the Senator from Colorado has said that ever since I have been a member of the Senate what the Senator from Texas has done has been indulged in more or less until some Senator saw fit to make an objection.

I do not see how it is possible to abuse the privileges of the Senate in that way, because, as has been suggested, whenever a Senator is appealed to to yield and does yield, and the Senator to whom he has yielded asks unanimous consent for the consideration of a bill, it is within the power of any Senator to stop the proceeding right there by making an objection or calling for the regular order; and until some one does make objection or call for the regular order, which is only another way of making objection, it is entirely in order for the Senator having the floor, according to the practice here as I have observed it, to yield to a Senator who wants to have a bill considered or to yield to a Senator who wants to present morning business out of order. He must always ask unanimous consent, and whatever the Senate gives unanimous consent for is in order at all times, as I understand it. Whenever a Senator objects, then of course it is in order for the Chair to sustain the objection, but until he does it is in order, because the Senate agrees to it. I agree with the Senator from Colorado that this is an expeditious way of cleaning up the business that the Senate ought to transact.

Now, we have a great many bills that have been accumulating during the session. I have two or three and I have been awaiting an opportunity when I could present them without interfering with the business of the Senate. This seemed to be an opportune time and I was hoping I might present some of them and get them out of the way. They are measures which ought to be passed. But, of course, under all the circumstances I withdraw the request I made to the Senator. I would not presume to insist upon it as a right. Certainly I would have a right to insist upon it if the Senate gave unanimous consent.

The PRESIDENT pro tempore. The Senator does not understand the Chair to rule any differently from what he has stated?

Mr. FORAKER. No; but some Senators have made remarks which seem to indicate that they did. I understood the ruling of the Chair to be precisely what I have contended for.

Mr. SPOONER. If the Senator from Ohio will pardon me, I think he sustains the ruling of the Chair and also vindicates the Senator from Texas.

Mr. FORAKER. I was trying to do both.

Mr. SCOTT. It is late, and I move that the Senate adjourn.

Mr. ALLISON. I hope that we may have a brief executive session.

Mr. SCOTT. Very well.

Mr. TELLER. Let me withdraw my appeal. I desire to withdraw the appeal I made from the decision of the Chair.

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 five minutes spent in executive session the doors were reopened, and (at 6 o'clock p. m.) the Senate adjourned until to-morrow, Tuesday, June 24, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 23, 1902.

COLLECTOR OF CUSTOMS.

Christopher D. Jones, of North Carolina, to be collector of customs for the district of Beaufort, in the State of North Carolina. (Reappointment.)

SURVEYOR OF CUSTOMS.

George H. Ludde, of Iowa, to be surveyor of customs for the port of Burlington, in the State of Iowa, to succeed Charles H. Ross, whose term of office has expired by limitation.

MARSHALS.

Fred A. Field, of Vermont, to be United States marshal for the district of Vermont. A reappointment, his term having expired June 23, 1902.

Edward Knott, of Iowa, to be United States marshal for the northern district of Iowa. A reappointment, his term having expired February 18, 1902.

George M. Christian, of Iowa, to be United States marshal for the southern district of Iowa. A reappointment, his term having expired February 27, 1902.

UNITED STATES ATTORNEY.

Lewis Miles, of Iowa, to be United States attorney for the southern district of Iowa. A reappointment, his term having expired January 9, 1902.

APPOINTMENTS IN THE ARMY.

Cavalry Arm.

William D. Pritchard, of North Carolina, late first lieutenant Forty-ninth Infantry, United States Volunteers, now first lieutenant Porto Rico Provisional Regiment of Infantry, to be second lieutenant, June 20, 1902.

William Whitelaw Gordon, at large, to be second lieutenant, June 20, 1902.

PROMOTIONS IN THE ARMY.

Artillery Corps.

Maj. Henry W. Hubbell, Artillery Corps, to be lieutenant-colonel, June 18, 1902, vice Strong, retired from active service.

Capt. John R. Williams, Artillery Corps, to be major, June 18, 1902, vice Hubbell, promoted.

Infantry Arm.

First Lieut. Warren S. Barlow, Fifteenth Infantry, to be captain, June 13, 1902, vice Conrad, Fifteenth Infantry, retired from active service.

PROMOTIONS IN THE NAVY.

Lieut. Thomas W. Ryan, to be a lieutenant-commander in the Navy, from the 9th day of October, 1901 (subject to the examinations required by law), vice Lieut. Commander Charles W. Bartlett, promoted.

Lieut. Commander John E. Roller, to be a commander in the Navy, from the 28th day of December, 1901 (subject to the examinations required by law), vice Commander Walton Goodwin, retired.

Lieut. Frederick C. Bowers, to be a lieutenant-commander in the Navy, from the 5th day of April, 1902 (subject to the examinations required by law), vice Lieut. Commander Daniel P. Menefee, deceased.

Lieut. (Junior Grade) William S. Whitted, to be a lieutenant in the Navy, from the 5th day of April, 1902 (subject to the examinations required by law), vice Lieut. Frederick C. Bowers, promoted.

Commander Richardson Clover, to be a captain in the Navy, from the 11th day of April, 1902 (subject to the examinations required by law), vice Capt. James H. Sands, promoted.

Lieut. Commander John C. Fremont, to be a commander in the Navy, from the 11th day of April, 1902 (subject to the examinations required by law), vice Commander Albert Ross, promoted.

Lieut. Commander Albert Mertz, to be a commander in the Navy from the 11th day of April, 1902 (subject to the examinations required by law), vice Commander Richardson Clover, promoted.

Lieut. George R. Salisbury, to be a lieutenant-commander in the Navy from the 11th day of April, 1902 (subject to the examinations required by law), vice Lieut. Commander John C. Fremont, promoted.

Lieut. John L. Purcell, to be a lieutenant-commander in the Navy from the 11th day of April, 1902 (subject to the examinations required by law), vice Lieut. Commander Albert Mertz, promoted.

Lieut. (Junior Grade) Robert H. Osborn, to be a lieutenant in the Navy from the 11th day of April, 1902 (subject to the examinations required by law), vice Lieut. George R. Salisbury, promoted.

Lieut. Commander Rogers H. Galt, to be a commander in the Navy from the 29th day of April, 1902 (subject to the examinations required by law), vice Commander James M. Miller, promoted.

Lieut. Frank W. Kellogg, to be a lieutenant-commander in the Navy from the 29th day of April, 1902, vice Lieut. Commander Rogers H. Galt, promoted.

Lieut. (Junior Grade) Clarence England, to be a lieutenant in the Navy from the 29th day of April, 1902 (subject to the examinations required by law), vice Lieut. Frank W. Kellogg, promoted.

Commander John V. B. Bleecker, to be a captain in the Navy from the 3d day of June, 1902, vice Capt. Eugene W. Watson, retired.

Lieut. Commander Vincendon L. Cottman, to be a commander in the Navy, from the 3d day of June, 1902 (subject to the examinations required by law), vice Commander John V. B. Bleecker, promoted.

Lieut. Reuben O. Bitler, to be a lieutenant-commander in the Navy, from the 3d day of June, 1902 (subject to the examinations required by law), vice Lieut. Commander Vincendon L. Cottman, promoted.

Lieut. (Junior Grade) Edwin H. DeLany, to be a lieutenant in the Navy, from the 3d day of June, 1902, vice Lieut. Reuben O. Bitler, promoted.

Capt. Yates Stirling, to be a rear-admiral in the Navy, from the 8th day of June, 1902 (subject to the examinations required by law), vice Rear-Admiral George H. Wadleigh, retired.

Commander Andrew Dunlap, to be a captain in the Navy, from the 8th day of June, 1902, vice Capt. Yates Stirling, promoted.

Lieut. Commander Frank E. Sawyer, to be a commander in the Navy, from the 8th day of June, 1902, vice Commander Andrew Dunlap, promoted.

Lieut. Samuel H. Leonard, to be a lieutenant-commander in the Navy, from the 8th day of June, 1902 (subject to the examinations required by law), vice Lieut. Commander Frank E. Sawyer, promoted.

Lieut. (Junior Grade) Frank H. Brumby, to be a lieutenant in the Navy, from the 8th day of June, 1902, vice Lieut. Samuel H. Leonard, promoted.

Commander John A. B. Smith, to be a captain in the Navy from the 8th day of June, 1902, vice Capt. Edwin S. Houston, retired.

Lieut. Commander Thomas B. Howard, to be a commander in the Navy from the 8th day of June, 1902, vice Commander John A. B. Smith, promoted.

Lieut. Harry Phelps, to be a lieutenant-commander in the Navy from the 8th day of June, 1902 (subject to the examinations required by law), vice Lieut. Commander Thomas B. Howard, promoted.

Lieut. (Junior Grade) Charles K. Mallory, to be a lieutenant in the Navy from the 8th day of June, 1902, vice Lieut. Harry Phelps, promoted.

Capt. William C. Wise, to be a rear-admiral in the Navy, from the 14th day of June, 1902, vice Rear-Admiral Edwin M. Shepard, retired.

Commander Edward H. Gheen, to be a captain in the Navy, from the 14th day of June, 1902 (subject to the examinations required by law), vice Capt. William C. Wise, promoted.

Lieut. Commander Walter C. Cowles, to be a commander in the Navy, from the 14th day of June, 1902, vice Commander Edward Gheen, promoted.

Lieut. Homer C. Poundstone, to be a lieutenant-commander in the Navy, from the 14th day of June, 1902 (subject to the examinations required by law), vice Lieut. Commander Walter C. Cowles, promoted.

Lieut. (Junior Grade) James P. Morton, to be a lieutenant in the Navy, from the 14th day of June, 1902 (subject to the examinations required by law), vice Lieut. Homer C. Poundstone, promoted.

Lieut. (Junior Grade) Frank P. Baldwin, to be a lieutenant in the Navy, from the 14th day of June, 1902 (subject to the examinations required by law), vice Lieut. James P. Morton, an additional number in grade.

Commander Wells L. Field, to be a captain in the Navy, from the 16th day of June, 1902 (subject to the examinations required by law), vice Capt. Charles E. Clark, advanced and promoted.

Lieut. Commander Austin M. Knight, to be a commander in the Navy, from the 16th day of June, 1902 (subject to the examinations required by law), vice Commander Wells L. Field, promoted.

Lieut. Albert A. Ackerman, to be a lieutenant-commander in the Navy from the 16th day of June, 1902 (subject to the examinations required by law), vice Lieut. Commander Austin M. Knight, promoted.

Lieut. (Junior Grade) William C. Davidson, to be a lieutenant in the Navy from the 16th day of June, 1902 (subject to the examinations required by law), vice Lieut. Albert A. Ackerman, promoted.

Commander Harrison G. O. Colby, to be a captain in the Navy from the 18th day of June, 1902 (subject to the examinations required by law), vice Capt. Clifford H. West, retired.

Lieut. Commander Charles J. Badger, to be a commander in the Navy from the 18th day of June, 1902 (subject to the examinations required by law), vice Commander Harrison G. O. Colby, promoted.

Lieut. Leo D. Miner, to be a lieutenant-commander in the Navy, from the 18th day of June, 1902 (subject to the examinations required by law), vice Lieut. Commander Charles J. Badger, promoted.

Lieut. (Junior Grade) Newton Mansfield, to be a lieutenant in the Navy, from the 18th day of June, 1902 (subject to the examinations required by law), vice Lieut. Leo D. Miner, promoted.

Lieut. Albert P. Niblack, to be a lieutenant-commander in the Navy, from the 18th day of June, 1902 (subject to the examinations required by law), vice Lieut. Commander Samuel C. Lemly, retired.

Lieut. (Junior Grade) Harris Laning, to be a lieutenant in the Navy, from the 18th day of June, 1902, vice Lieut. Albert P. Niblack, promoted.

POSTMASTERS.

A. L. Williams, to be postmaster at Edinburg, in the county of Christian and State of Illinois. Office became Presidential April 1, 1902.

Mary M. Force, to be postmaster at Selma, in the county of Dallas and State of Alabama, in place of Mary M. Force. Incumbent's commission expired June 14, 1902.

Berry E. Raulerson, to be postmaster at Lake City, in the county of Columbia and State of Florida, in place of Berry E. Raulerson. Incumbent's commission expired June 20, 1902.

William P. Slack, to be postmaster at Carbondale, in the county of Jackson and State of Illinois, in place of William P. Slack. Incumbent's commission expired June 3, 1902.

William H. Norris, to be postmaster at Carlyle, in the county of Clinton and State of Illinois, in place of William H. Norris. Incumbent's commission expired February 7, 1902.

Clarence E. Holt, to be postmaster at Hospital, in the county of Kankakee and State of Illinois, in place of Clarence E. Holt. Incumbent's commission expired January 10, 1902.

Charles F. Best, to be postmaster at Nokomis, in the county of Montgomery and State of Illinois, in place of Charles F. Best. Incumbent's commission expired June 3, 1902.

Samuel S. Dingee, to be postmaster at Wilmette, in the county of Cook and State of Illinois, in place of Samuel S. Dingee. Incumbent's commission expired July 20, 1901.

Everett W. Osgood, to be postmaster at Winnetka, in the county of Cook and State of Illinois, in place of Everett W. Osgood. Incumbent's commission expired July 20, 1901.

Archibald Shaw, to be postmaster at Lawrenceburg, in the county of Dearborn and State of Indiana, in place of Archibald Shaw. Incumbent's commission expires July 7, 1902.

James S. Reeves, to be postmaster at Union City, in the county of Randolph and State of Indiana, in place of Oliver C. Gordon. Incumbent's commission expired June 8, 1901.

Clarkson L. Hutchens, to be postmaster at Winchester, in the county of Randolph and State of Indiana, in place of Edward W. Scott. Incumbent's commission expires July 6, 1902.

Lew I. Sturgis, to be postmaster at Oelwein, in the county of Fayette and State of Iowa, in place of Lew I. Sturgis. Incumbent's commission expired June 2, 1901.

Frank M. Hoeye, to be postmaster at Perry, in the county of Dallas and State of Iowa, in place of Frank M. Hoeye. Incumbent's commission expires July 4, 1902.

George B. Crooker, to be postmaster at Anthony, in the county of Harper and State of Kansas, in place of George B. Crooker. Incumbent's commission expires July 1, 1902.

James A. Arment, to be postmaster at Dodge City, in the county of Ford and State of Kansas, in place of James A. Arment. Incumbent's commission expires July 1, 1902.

George W. Watson, to be postmaster at Kinsley, in the county of Edwards and State of Kansas, in place of George W. Watson. Incumbent's commission expires July 1, 1902.

Frank J. Davis, to be postmaster at Larned, in the county of Pawnee and State of Kansas, in place of Frank J. Davis. Incumbent's commission expires July 1, 1902.

Martin L. Grimes, to be postmaster at Lyons, in the county of Rice and State of Kansas, in place of Martin L. Grimes. Incumbent's commission expires July 1, 1902.

Benjamin A. Allison, to be postmaster at McPherson, in the county of McPherson and State of Kansas, in place of Benjamin A. Allison. Incumbent's commission expires July, 7, 1902.

Henry B. Van Nest, to be postmaster at Peabody, in the county of Marion and State of Kansas, in place of Henry B. Van Nest. Incumbent's commission expired January 10, 1902.

Jesse D. Kennard, to be postmaster at Seneca, in the county of Nemaha and State of Kansas, in place of Edward P. Johnson. Incumbent's commission expired June 2, 1902.

Rufus F. Bond, to be postmaster at Sterling, in the county of Rice and State of Kansas, in place of Rufus F. Bond. Incumbent's commission expires July 1, 1902.

Marshall M. Murdock, to be postmaster at Wichita, in the county of Sedgwick and State of Kansas, in place of Marshall M. Murdock. Incumbent's commission expires July 7, 1902.

Frank H. Latta, to be postmaster at Battle Creek, in the county of Calhoun and State of Michigan, in place of Frank H. Latta. Incumbent's commission expires July 7, 1902.

David E. Wilson, to be postmaster at Belding, in the county of Ionia and State of Michigan, in place of David E. Wilson. Incumbent's commission expired June 22, 1902.

Eugene S. Low, to be postmaster at Hamilton, in the county of Caldwell and State of Missouri, in place of Eugene S. Low. Incumbent's commission expired May 19, 1902.

John A. Spalding, to be postmaster at Nashua, in the county of Hillsboro and State of New Hampshire, in place of John A. Spalding. Incumbent's commission expires July 6, 1902.

Fred H. Ackerman, to be postmaster at Bristol, in the county of Grafton and State of New Hampshire, in place of Fred H. Ackerman. Incumbent's commission expired June 9, 1902.

L. E. Kittrell, to be postmaster at Socorro, in the county of Socorro and Territory of New Mexico, in place of Estevan Baca. Incumbent's commission expired June 3, 1902.

Emiel Rebell, to be postmaster at Fort Plain, in the county of Montgomery and State of New York, in place of Emiel Rebell. Incumbent's commission expires July 7, 1902.

Stephen G. Newman, to be postmaster at Haverstraw, in the county of Rockland and State of New York, in the place of Stephen G. Newman. Incumbent's commission expires July 4, 1902.

Emmons R. Stockwell, to be postmaster at Theresa, in the county of Jefferson and State of New York, in the place of Emmons R. Stockwell. Incumbent's commission expired June 2, 1902.

Jacob H. Boger, to be postmaster at Findlay, in the county of Hancock and State of Ohio, in place of Jacob H. Boger. Incumbent's commission expired June 22, 1902.

James A. Grier, to be postmaster at Allegheny, in the county of Allegheny and State of Pennsylvania, in place of James A. Grier. Incumbent's commission expires June 27, 1902.

Richard M. Huut, to be postmaster at Houtzdale, in the county of Clearfield and State of Pennsylvania, in place of Richard M. Hunt. Incumbent's commission expires July 7, 1902.

Samuel Keat, to be postmaster at Pen Argyl, in the county of Northampton and State of Pennsylvania, in place of Samuel Keat. Incumbent's commission expires July 7, 1902.

Allen P. Dickey, to be postmaster at Waynesburg, in the county of Greene and State of Pennsylvania, in place of Allen P. Dickey. Incumbent's commission expires July 5, 1902.

Harry G. Smith, to be postmaster at West Chester, in the county of Chester and State of Pennsylvania, in place of Harry G. Smith. Incumbent's commission expires June 27, 1902.

Dalton A. Brosius, to be postmaster at Vermilion, in the county of Clay and State of South Dakota, in place of Dalton A. Brosius. Incumbent's commission expired June 3, 1902.

Charles K. Miller, to be postmaster at Athens, in the county of Henderson and State of Texas, in place of Charles K. Miller. Incumbent's commission expired January 20, 1902.

George B. Zimpelman, to be postmaster at Austin, in the

county of Travis and State of Texas, in place of William B. Brush. Incumbent's commission expired June 14, 1902.

Thomas D. Ward, to be postmaster at Corpus Christi, in the county of Nueces and State of Texas, in place of Julius Henry. Incumbent's commission expired May 16, 1902.

Walter S. Yates, to be postmaster at Forney, in the county of Kaufman and State of Texas, in place of Robert C. Spence. Incumbent's commission expired May 19, 1902.

Richard O. Misener, to be postmaster at Hamilton, in the county of Hamilton and State of Texas, in place of Richard O. Misener. Incumbent's commission expired June 13, 1902.

Hal Singleton, to be postmaster at Jefferson, in the county of Marion and State of Texas, in place of Hal Singleton. Incumbent's commission expired May 10, 1902.

Thomas Breen, to be postmaster at Mineola, in the county of Wood and State of Texas, in place of Thomas Breen. Incumbent's commission expired May 12, 1901.

J. D. Burns, to be postmaster at Tyler, in the county of Smith and State of Texas, in place of Charles E. Lewis. Incumbent's commission expired March 30, 1902.

N. O. Baldwin, to be postmaster at Pomeroy, in the county of Garfield and State of Washington, in place of Walter L. Darby. Incumbent's commission expires July 7, 1902.

Daniel T. Gerow, to be postmaster at Jacksonville, in the county of Duval and State of Florida, in place of Dennis Eagan, deceased.

Bennett M. Grove, to be postmaster at Liberty, in the county of Union and State of Indiana, in place of Lancetta L. Byram, resigned.

William L. Lemon, to be postmaster at North Yakima, in the county of Yakima and State of Washington, in place of Mamie E. Sperry, resigned.

Ira Brown, to be postmaster at Sedro-Woolley, in the county of Skagit and State of Washington, in place of Ira J. Stiles, removed.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 23, 1902.*

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday last was read and approved.

DAM ACROSS RAINY RIVER.

Mr. FLETCHER. I ask unanimous consent for the present consideration of the bill (S. 3375) relating to the construction of a dam across Rainy River.

The bill was read, as follows:

Be it enacted, etc., That the time for the construction of a dam across the Rainy River by the Koochiching Company, its successors and assigns, as provided by chapter 238 of volume 30 of the Statutes at Large and chapter 346 of volume 31 of the Statutes at Large, is hereby extended to May 4, 1907.

SEC. 2. That the Koochiching Company, its successors and assigns, is hereby authorized to construct and maintain said dam, subject to the terms of said chapter 238 of volume 30 of the Statutes at Large, upon the plans now on file with the Secretary of War, or any modification of said plans which the Secretary of War may approve; and the Koochiching Company, its successors and assigns, is hereby authorized to construct such dam at such height as will raise the waters of Rainy Lake to high-water mark: *Provided*, That said dam shall be furnished with such openings or gates or waste ways as will carry the waters of the river at flood stage without raising the water higher than it would rise in the natural condition of the stream: *And provided further*, That nothing in this act contained shall be construed as relieving the Koochiching Company, its successors or assigns, from liability for any damage inflicted upon private property by reason of the raising of the waters of the lake as aforesaid.

SEC. 3. That this act shall take effect and be in force from and after its passage.

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. FLETCHER, a motion to reconsider the vote by which the bill was passed was laid on the table.

COLLECTION DISTRICT AND PORT OF ENTRY, MONTANA AND IDAHO.

Mr. EDWARDS. I ask unanimous consent for the present consideration of the bill (S. 3746) to amend section 2593 of the Revised Statutes, relating to ports of entry.

The bill was read, as follows:

Be it enacted, etc., That section 2593, Revised Statutes, be, and the same is hereby, amended so as to read as follows:

"SEC. 2593. There shall be in the States of Montana and Idaho one collection district, as follows:

"The district of Montana and Idaho to comprise the States of Montana and Idaho, and the port of entry shall be Great Falls, Mont."

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. EDWARDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

UNSKILLED LABORERS IN CENSUS OFFICE.

Mr. CRUMPACKER. I ask unanimous consent to take from the Speaker's table for immediate consideration the bill (S. 6178) to amend section 4 of an act entitled "An act to provide for a permanent Census Office," approved March 6, 1902.

The bill was read, as follows:

Be it enacted, etc., That section 4 of an act of Congress entitled "An act to provide for a permanent Census Office," approved March 6, 1902, be, and the same is hereby, amended by inserting, after the word "watchmen," and before the words "and charwomen," where the same occur in said section 4, the words "unskilled laborers."

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

Mr. RICHARDSON of Tennessee. Reserving the right to object, I wish to ask what will be the effect of this bill if passed? It does not appear on its face.

Mr. CRUMPACKER. In the bill approved March 6 last for a permanent Census Office the words "unskilled laborers" were inadvertently omitted from the class of employees that the Director of the Census was authorized to appoint. When he came to make a permanent organization of the force, to begin with the 1st of July, he found that the act did not authorize him to employ any unskilled laborers. There are between twenty and thirty of such employees in the Bureau now, and that many will be required in future. The Director of the Census submitted to the Attorney-General the question whether he could not under the head of "watchmen or messengers" employ the requisite force of unskilled laborers. The Attorney-General reported that he could not. This bill, which proposes to insert in section 4 of the act to which I have referred the words "unskilled laborers," was passed by the Senate some days ago and has been held on the Speaker's table in order that it might be called up. It simply proposes to remedy the omission I have stated and to authorize the Director of the Census to employ the usual quota of unskilled laborers as a part of the necessary force of the Bureau. That is all there is of it.

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. CRUMPACKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

DUPLICATE CERTIFICATES OF DISCHARGE.

Mr. HAY. I ask unanimous consent for the present consideration of the bill (H. R. 97) to authorize the Secretary of War to furnish duplicate certificates of discharge.

The bill was read, as follows:

Be it enacted, etc., That whenever satisfactory proof shall be furnished to the War Department that any officer or enlisted man who has been or shall hereafter be honorably discharged from the military service of the United States has lost his certificate of discharge, or the same has been destroyed without his privity or procurement, the Secretary of War shall be authorized to furnish to such officer or enlisted man, or to the widow of such officer or enlisted man, a duplicate of such certificate of discharge, to be indelibly marked, so that it may be known as a duplicate: *Provided*, That such certificate shall not be accepted as a voucher for the payment of any claim against the United States for pay, bounty, or allowance, or as evidence in any other case.

Mr. HULL. Reserving the right to object, I should like to ask one question. I understand that the only change which this bill makes in the law is to provide for duplicate certificates instead of certified copies.

Mr. HAY. That is all.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed and read a third time; and, being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HAY, a motion to reconsider the vote by which the bill was passed was laid on the table.

DUTIABLE MERCHANDISE AT TACOMA AND SEATTLE.

Mr. GROSVENOR. I ask unanimous consent for the present consideration of the bill (H. R. 11987) relating to transportation of dutiable merchandise at subports of Tacoma and Seattle, State of Washington.

The bill was read, as follows:

Be it enacted, etc., That the privileges of the first section of the act approved June 10, 1880, relating to the transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to Tacoma and Seattle, subports of entry in the customs collection district of Puget Sound, State of Washington.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed and read a third time, and it was accordingly read the third time, and passed.

On motion of Mr. GROSVENOR, a motion to reconsider the vote by which the bill was passed was laid on the table.

MEDALS FOR OFFICERS OF REVENUE-CUTTER SERVICE.

Mr. COWHERD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 11019) directing the Secretary of the Treasury to bestow medals upon First Lieut.

David H. Jarvis, Second Lieut. Ellsworth T. Bertholf, and Samuel J. Call, all of the Revenue-Cutter Service, which I will send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby directed to bestow a gold medal of honor, of such design as he may approve, upon First Lieut. David H. Jarvis, Second Lieut. Ellsworth P. Bertholf, and Dr. Samuel J. Call, surgeon, all of the Revenue-Cutter Service and members of the overland expedition of 1897 and 1898 for the relief of the whaling fleet in the artic regions, in recognition of the heroic service rendered by them in connection with said expedition.

SEC. 2. That the sum of $1,000, or so much thereof as may be necessary for the purchase or manufacture of said medals, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The SPEAKER. The gentleman from Missouri asks unanimous consent for the present consideration of the bill which the Clerk has just read. Is there objection? (After a pause.) The Chair hears none. The question 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.

On motion of Mr. COWHERD, a motion to reconsider the last vote was laid on the table.

Mr. JONES of Virginia. Mr. Speaker, I call for the regular order.

The SPEAKER. The gentleman from Virginia demands the regular order, which is the consideration of the bill S. 2295, the Philippine government bill.

CERTAIN DISBURSEMENTS IN CUBA.

Mr. HULL. Mr. Speaker, before we go into Committee of the Whole I desire to submit a privileged resolution, which will probably take not more than a couple of minutes to dispose of.

The SPEAKER. Does the gentleman from Virginia withhold his demand for the regular order?

Mr. JONES of Virginia. Mr. Speaker, I withhold my demand.

Mr. HULL. Then, Mr. Speaker, I submit the following privileged report, which I will send to the desk and ask to have read.

The Clerk read as follows:

Resolved by the House of Representatives, That the Secretary of War be, and he is hereby, directed to furnish to the House of Representatives, if not incompatible with the public interest, the following information:

What amounts, if any, have been paid out of the Cuban treasury or the funds of the Cuban people by the military governor of Cuba, or by his direction, or by any officer of the United States, while the forces of the United States occupied Cuba, to F. B. Thurber, president of the United States Export Association, or any other person or persons, corporation, or association for advocating a reduction in the duties upon Cuban products, with a reciprocal reduction in the duties upon American products imported into Cuba, or for services in support of the application of the inhabitants of the island of Cuba for reciprocal relations with the United States; also the date or dates of any such payments.

The following report was read by the clerk:

The Committee on Military Affairs, to whom was referred House resolution No. 304, reports the same back to the House with the recommendation that it do pass.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

PHILIPPINE GOVERNMENT.

The SPEAKER. In pursuance of the continuing order of the House, the House will resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 2295, the Philippine government bill, and the gentleman from Massachusetts [Mr. GILLETT] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 2295, the Philippine government bill, with Mr. GILLETT of Massachusetts in the chair.

Mr. JONES of Virginia. Mr. Chairman, I yield forty minutes to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Chairman, there are many acts and incidents connected with our occupation of the Philippine Islands and our relations to the Filipinos which are in themselves very interesting, and which no doubt have great bearing upon the questions now before the House and the country. There are various legal and constitutional phases of these questions involved, which have been discussed with much learning and much zeal, and they, too, are very important. In a comparatively short time one could not possibly make what would be to himself or to anyone who might honor him with a hearing a satisfactory argument based upon these various acts and incidents or these legal and constitutional matters.

There are a few things, it seems to me, that are greatly misapprehended by some people. Some are very fond of indulging in the repetition of a phrase about the Constitution following the flag. As I understand it, the contention upon this side has been and still is, and I think will continue to be, that the Constitution must control the Congress of the United States in its every act, and all the officers of the United States in all their operations, wherever they may be.

Something like that, I think, is a very much more accurate and comprehensive statement of our understanding and contention than any phrase in regard to the Constitution and the flag. We have contended and still contend, and I hope always contend, that it is not in the power of the Congress or of the President to rightfully do anything except under and pursuant to the Constitution; that wherever the power of the United States Government extends, no matter what officer of the Government, high or low, exercises power, that power must be controlled and directed, and that officer must be restrained and guided by the letter and the principles and the spirit of the Federal Constitution.

No doubt many instances can be found—too many, I am sorry to say—where cruelties and outrages have been perpetrated upon those who are helpless and defenseless. The responsibility for these ought to be traced. It ought to be put where it belongs, and those who have violated the law, whether it be our ordinary civil law, or military law, or the laws of humanity, ought to be tried, to ascertain whether or not they are guilty, and if found guilty they ought to be punished in the proper way.

Some have suggested—and that, indeed, has been the burden of a good many of these eloquent songs which we have heard—that all criticism or condemnation of this act or that act, contrary though it be to the rules and articles of war, contrary to the genius and practice and laws of our own country, violative of the foundation principles of humanity itself, that all this is to be answered and disposed of in one general phrase about abusing the Army, slandering the Army, assailing the Army.

If one were to think a moment before indulging in these tirades, these wholesale charges that whoever criticises and finds fault, even with what no one can justify and few ought to excuse, is assailing and abusing the Army, if he were at all fair-minded he would abandon that course of argument or declamation. If criticising and condemning that which merits criticism and condemnation is abusing the Army, then charging with abuse those who criticise and condemn that which deserves criticism and condemnation must be justifying the acts which are condemned.

I am not disposed to be so unfair as to charge that any of the gentlemen who indulge in this wild declamation mean actually, coolly, and in their senses to justify, and not many of them, I think, to excuse, acts of wanton cruelty and barbarity. I do not charge that gentlemen who speak upon this subject, and who assail us upon the false charge that we have assailed the Army, mean themselves to justify what we cohdemn. But if criticising the man, whether he be soldier or civilian, whether he be high in office or a private in the ranks of citizenship or of soldiery, for acts which in our judgment and in the common judgment of humanity merit criticism and condemnation—if that be to assail the Government or to slander the Army, then, by the same process of reasoning, the gentlemen who charge us with wholesale slander and assailing of the Army and the Government would be held to justify every act which we condemn, no matter how outrageous.

Now, as I said before, I do not charge them with that. And tested in this way it seems to me that those who desire to be fair and to consider these questions, and momentous they are, with some regard to their merits, will be disposed, upon second thought, to cease from this general and groundless assault.

It is true that upon this side we do not believe in the necessity or utility of a large standing army. It is true that in cherishing this belief we are not advancing or endeavoring to project anything newly discovered or newly exploited. We are simply standing by and trying to defend, as best we may, the traditional policy of our country. We are merely echoing, feebly, if you please, the sentiments expressed over and over, powerfully, and for a century of time convincingly, in this country by the ablest and the greatest men that our statesmanship and our warfare, our philanthropy and our Christianity have ever known.

We hold that a large standing army is an unnecessary thing here, that it is out of harmony with the genius and the purposes of our Government, and that in possibility, aye, in probability, its maintenance is a dangerous departure from well-established and long-maintained principles. In declaring our opposition to a large standing army, in declaring our belief that reliance in this country should be, in the present and in the future, as it has been without failure in the past, upon the yeomanry of the country, upon the citizenship of the land, upon the volunteers called into service when there is need for their services, and returning to the walks of private life when the needs of righteous warfare have passed, we but restate the traditional policy of our country.

Of course, the theory that we do not need a large standing army, and ought not to have it, rests upon the other theory that our pursuits, really and normally and rightfully, are the pursuits of peace; that we are not, ought not to be, and have not been heretofore a nation seeking to interfere with the rights of other nations; that we are not bent upon spoliation and conquest; that our mission is to work out our destiny here—and a lofty and

grand one it is—in peace with all the world, provided that, in the proper defense of our own rights, we may remain at peace with the world; but if, unhappily, at any time we are assailed in our rights, that then, when our country is in peril, when our institutions are in danger, when, it may be, our soil is invaded—then, instead of relying upon a mighty standing army, as the despotisms of the Old World do, the appeal shall be made again in the future, as more than once it has been made in the past, to the citizenship of the Republic; and that again in the future, as in the past, the American citizen may be depended upon to rally around the flag of his country, and defend with the last drop of his blood, with the last pulsation of his heart, whatever is sacred to the genius and the principles of the American Government, whatever is and deserves to be dear to the heart of the American patriot.

It was suggested the other day by my friend from California [Mr. KAHN], in a speech of far more than average ability, well delivered and most interesting, that some years ago we gave up too easily a slice of the Northwestern territory which by right we probably could have held, and which by might perhaps we should have clung to, and that because of this we may make a mistake if we give up the Philippines until time shall demonstrate—how much time no one says—whether it would be wise or unwise to give up those far-distant islands. I agree with the eloquent gentleman that in all probability a mistake was made, away back a half century ago, when we allowed our claim to be moved off of a portion of the Northwest Territory which has since become valuable, and which to-day would be desirable for homes for our citizens seeking adventure and fortune in new lands.

But I note a number of very important features in the one case to mark it as distinct and peculiar from the other. This was contiguous territory; territory upon our own continent; territory comparatively uninhabited. This was territory which, if we had retained it, under our form of constitutional organization would have become States in the American Union, upon an equality with all the other States of our Union.

On the other hand, those islands of the Pacific, with 7,000 miles of ocean rolling between them and our shores, of course are not contiguous, and they are already densely populated. No one here contends that we need them or that we will turn them in the course of time into States to be admitted into the American Union. The people who inhabit them—myriads of them—are alien to us in almost everything that we regard as essential in building up here in our own country a magnificent citizenship, controlling and to control a magnificent domain.

Some gentlemen suggest that those of us who do not believe that it is wise or right to extend our dominion and permanently maintain it over far-away islands in distant seas are opposed to "expansion;" that expansion which American principles and practice sanction and justify. This is a fallacious argument, founded upon a most fallacious statement.

Expansion is one thing; colonial empire a far different thing. We are so situated now, with the Atlantic washing the eastern shores of our country and the Pacific the western, that if we would expand in the way known to our fathers, in a way that might be wholesome to the Republic, because the only way that will not mark a radical departure from the principle and practice of our Government, our expansion must be toward the north and the south; must be upon the continent where we are the mightiest factor, where we have been that for half a century or more, almost since our birth.

If it be necessary to expand, if we are to expand—I have not time to discuss that—but if you grant that it is necessary that we shall expand any, we might go to the tropical lands of the south or the frigid lands of the north. The expansion might be directed to Mexico, Central America, and South America in the south, and to the British dominions, even, if you please, to the frozen sea about the North Pole, but always upon our own continent.

So that the question of expansion, as properly understood in this country, is not involved in this discussion, and gentlemen who speak of the acquisition of the Philippines or of their retention as "expansion" are simply and really deluding themselves with what seems to them a euphonious word, in my opinion misapplied, or they know they are wrong and lack the candor to be right.

The real proposition involved, it seems to me, deserves now, as such principles must deserve in all times, careful consideration. I believe, upon the one hand, that if it is good to have the Philippine Islands, and right, the fact that there has been mismanagement, the exercise of bad judgment, arbitrary rule, wrong and outrage in many instances, will not upset the conclusion that we ought to have them. On the other hand, if we ought not to have them, if it is neither beneficial nor right, if to hold them is a mistake on our part and wrong, then no matter how faultless may have been the conduct of everyone representing the Government in the Philippine Islands or in our own land, hold them we should not.

Now, I prefer for a little time to allude to some of the principles—some of the foundation and base-rock principles—which, it seems to me, are involved necessarily in this discussion and in the pending bills. The main question is, Are we going to retain the Philippine Islands; are we going to govern them as to us seems best; are we going to give the people of those islands not what in our Declaration of Independence we declared belongs to all men, but so much of it as to us from time to time seems to be good for them or advantageous to us; or are we, upon the other hand, going to turn over their country to them, going to leave the land to those who dwell in it, going to devote our mighty energies to the development of our own country upon the lines of constitutional liberty and human rights, instead of aping England in quest of colonial empire?

Along these lines is the cleavage between those upon the one side and those upon the other side of these great questions.

I am aware that it may be somewhat trite, and to some it may seem somewhat pedantic, to try soberly to discuss the simple world-wide question of right and wrong. And yet, if we have any regard for right and wrong, if we are to be controlled by principle and not entirely by interest and expediency, how can we discuss these great questions, how can we make up our own minds upon them, how can we direct our own course concerning them, unless we test it all by the old-time rule of right and wrong?

There are two general schools of governmental philosophy in this world, and have been, lo, these many, many years, these many centuries. We on this continent, this great American Republic, represent preeminently, and for a time we represented almost exclusively, the one school. The other has its representatives in the Old World, far back in the old days. Is it worth while again, at this time, to recur to first principles and to consider somewhat the experience of recent years, in order to determine whether we are right in our view of government or whether we are wrong?

Did our forefathers found this Government in wisdom and justice, or did they found it in wrong? Ought we to preserve the landmarks and follow the guideposts set up for us, or ought we to abandon them in our day and generation, abandon what our fathers regarded as the wiser and better course, the course upon which they set us and upon which we have happily traveled for more than a century?

Now, it is a right or it is not a right of the people who dwell in a country to make and control the government which is to be over them. Our citizenship has that right or it has not. Certainly whatever the right, it rests with the masses of the people, or the masses of the people, like so many cattle, so many sheep of the field, are to be driven and worked, are to be sheltered or to be turned adrift in the storm, just as may suit the few—the rulers with whom this supreme right of government rests.

Our philosophy has been, and with me it is yet, that in the mass of citizenship, in the great body of the people of the nation, reside the powers of the nation, and out of that great body must come, from time to time, and into it must go, from time to time, these powers; that those who rule and govern, if they rule and govern of right, if the government be one which has regard for the welfare of the people, if it be one founded upon the eternal principles of justice—that those who shall govern wherever it be must derive all their just power from those who are governed, and must exercise it in accordance with the fundamental laws laid down for their guidance and control.

Now, if we have the right in citizenship to control and direct our own affairs, to make our own public servants and to unmake them, to give power to them and to take power from them, in what position are we to assert that the Filipinos upon the other side of the world do not possess the same right? Upon what principle of justice are we to deny them its exercise?

But it is said they are incapable of self-government. That argument, my friends, if applied, would ruin every atom of freedom that exists in the world. That doctrine, if applied, would make the weak forever and everywhere the victims of the strong. That doctrine, applied in its final analysis, would enable you or me to say to our less fortunate neighbors, "You are not managing this farm well; you are not conducting the operations of this mine properly; your mercantile business is carried on in a very slipshod way; I will take charge of your affairs, and I will allow you to do just so much about them and have just so much of their fruits as to me may seem best. You are not competent to farm; you are not competent to conduct mining operations; you are incapable of following with success mercantile pursuits." In its last analysis this is a law based upon the power of the strong; it is "might is right, and right without might is wrong."

Then, these ideas of self-government and the ability for self-government are, after all, relative. Are all the people of this Union equally qualified for self-government? Everyone knows

that that question can not be answered in the affirmative. Everyone knows that in any community, in every community, there is the better class and the worse class, the good and the bad and the indifferent.

A great many wise men, a great many deep-thinking men, have felt and have feared that by the power and votes of the lower elements, especially of the great cities in our own land, our own boasted and heretofore successfully conducted institutions may finally come to naught. Many men in this country, whose opinions are worthy of respect and consideration, believe that the real test of the soundness of our system is made day by day through the years of the present in the large cities of our land.

I believe it is true in the comparatively sparsely populated regions, where the independence of the individual is well preserved and jealously guarded, where each man is a man in his own right, with nobody owning him and nobody directing him, his mind and his conscience being his guide, there none of us need fear danger for the Republic or for any of the cherished institutions of the Republic. But where hordes are gathered in the great cities, where vice and ignorance and poverty compounded make large numbers of men desperate, ready to destroy much worthy of preservation on account of this wrong or that wrong, fancied or real, there lies the danger to our institutions.

And so you might go on to any length and with any number of comparisons. Then, even with us, the capability for self-government is relative. Take out of our own Government, if you please, neutralize and set aside for a time 10 per cent or 20 per cent of the best and most capable of our self-governing citizens and allow the others to control; if you knew that could be done, if you knew that was to be done, as a lover of your country, would you not tremble for the result?

On the other hand, take 10 per cent or 20 per cent from the other end of the line—from the classes least qualified to govern—least appreciative of the benefits of self-government—least worthy to exercise the powers, the great sovereign powers of freemen—and how mightily would the average of citizenship be elevated in this country, how much more secure would our institutions be—how much more rapid would be our progress, and along what better and surer lines would we proceed.

Now, as between individuals, so comparisons may be instituted between nations. I believe it deserves to be axiomatic—and I think the time is coming, if not yet arrived, when it will be—that they who are willing to fight for liberty deserve to enjoy it [loud applause], and they who aspire to govern themselves deserve in their own land, and over their own persons, and over their families—wife and children and all they hold near and dear—to be intrusted with the experiment of self-government.

We are proceeding upon a theory—upon a theory purely—a theory which has never stood the test; a theory which, put in practice, has never resulted otherwise than in failure, that you can govern one kind of people precisely as you can govern another kind of people. What kind of an example are we ourselves furnishing? More than half a century ago the Territory of New Mexico came to us, a part of our conquest in the war with Mexico, ratified by the cession and the treaty of peace.

And yet, with New Mexico for a quarter of a century and more appealing Congress after Congress for admission into the sisterhood of States upon an equality with the other States, admission is denied; a Territorial form of government is yet maintained. Why? Because it is said that a large portion of the inhabitants of New Mexico are of different race, different views of government, different ideas of the conduct of things from the people who constitute our American States; and therefore New Mexico ought to be denied admission to the Union as a State—ought to continue under Territorial government indefinitely.

I am not going into a discussion of that question, for it is a side one, and I adverted to it merely by way of illustration. But here is a confession a half century old, that the policies which may apply and which will prevail successfully in one section of our own country, over one section and class of our own people, are not adapted to another section and another class.

Now, then, we are proceeding in the Philippine Islands upon the theory that what is well adapted to us, what in our experience—in our inherited experience of hundreds of years—has proven good here, is first class, must be first class, for the Filipino right now, right at once. If he does not take kindly to the prescription, then we have in reserve, unfortunately, it seems to me, for him and for us, another prescription, which we are applying with a zeal and a vigor worthy of a far better cause.

If he will not take our civilization, if contrary to all the teachings of history, if contrary to all the facts of his nature and ours, and over all the lines that mark the distinctions between nations and between individuals, he will not at once gladly come up to our measure and accept our ideas and act upon them in our way, we will shoot into him so much of our civilization and government as we shall believe his constitution will stand, and if he survive the shooting—to such of them as do survive it—we will give from time to time just such measures and only such meaure of government as we think they ought to have.

Stating the proposition, my friends, is refuting it. That proposition can not be stated without the very words necessarily used to state it carrying a refutation and a contradiction of its soundness. Whenever government is predicted upon any theory, much worse when it is carried out and the practice of that theory put into play of the weaker getting what the stronger is willing to give, what the stronger thinks is good for him, you have, in essence, tyranny and wrong.

The outrage may be grave, may be such as to startle the intelligence and awaken the indignation of a righteous world; or the wrong may be moderated, or the victim may be voiceless and the world not know the story which if he could reach its ears he could unfold; but the wrong in principle is the same. What right have we to determine whether the Filipinos can govern themselves, or whether they can not; whether they can or can not maintain a government up to the level of ours? What right have we to determine whether they must maintain a government up to the level of ours or have none, except such as we give them? "Oh," says somebody, "this land belongs to us; we acquired it in warfare."

A gentleman suggested the other day in a speech here that while we went into war with Spain for the purpose of freeing Cuba from tyranny, of course anybody having any comprehension of things and any common sense must have realized from the outset that the war would have consequences—that things would happen from it and as results of it. I presume that is true as a general statement. But I would like to know who it was that had the common sense or even the genius, who had the far-sightedness to see, or the patriotism, if you choose to call it that, or precisely the reverse of patriotism, to comprehend the particular "result" with which we are dealing now.

Who was it that saw that one of the results of the war would be that starting in to free Cuba we would end with suppressing the Filipino? The Filipino was struggling for liberty as well as the Cuban. The Filipinos had made sacrifices and had endured wrongs—everything which tyranny can inflict upon a long suffering people—up to the fullest measure ever meted out to Cuba. Their taskmaster was the same. Cuba and the Philippine Islands are in different hemispheres, but the tyranny spread over both alike.

The truth is that our relation to the Filipino is such as to make the obligation upon us even greater to treat him with generosity and magnanimity than it was or is to so treat the Cubans. We entered into the war deliberately to free the Cubans. The Filipino was not in sight, so far as we were concerned. The exigency of that war carried the American fleet under Admiral Dewey into the harbor of Manila and led to the destruction of the Spanish fleet which was found there. We were upon the other side of the world, without land forces to dislodge the Spaniards, complete the conquest of those islands, or even to take the city of Manila.

Under these circumstances (and I am not going into any detail about it), at the suggestion of our own officers, of those who spoke for our Government at home and in the far-away islands of the sea, Aguinaldo returned from his exile in Hongkong to the Philippine Islands, speedily gathered together a force of Filipinos, for whom we furnished the arms and munitions of war, and cooperated with us for months, fighting and defeating the Spaniards, capturing one after another of their forts and armies, shattering the Spanish power upon land almost as completely as Dewey shattered it upon the water, until Filipino land, outside Manila, was wrested from Spain by Aguinaldo's army.

But somebody says there was no agreement that the Filipinos should be regarded as allies; that there was no promise made to Aguinaldo that his people should have freedom. I will not stop to discuss that, though it certainly can not be very creditable, it seems to me, to those who would speak for the great American Republic to make that claim and hinge an argument of any consequence upon that pretense.

Suppose this unsuspecting barbarian, if you call him that; suppose this bad man of the Far East, as you are in the habit of picturing him, was too unsophisticated and had too much confidence in us, had learned too well what the principles of our Government are and what its policies and practices have been, to claim, word for word, a contract and agreement with the representatives of this Government?

Suppose he said to himself, or suppose the other intelligent Filipinos said one to another, "These people are fighting for liberty over in their own hemisphere. They went into this war to strike the shackles from the limbs of the Cubans. The same kind of shackles were on our limbs; the same master artificer in cruelty welded all of them. Oh, it can not be that these deliverers of the Cubans will prove our oppressors. It would be an insult to their

intelligence, it would be an insult to their patriotism, it would be a confession of ignorance of their whole history, of the genius of their Government, to question or doubt that they will do for us, or rather, let us do for ourselves, what they are doing for the Cubans."

Now, Mr. Chairman, the Filipinos did cooperate with us. They did, in their way, and enthusiastically, because they were fighting for liberty, fighting in their own land for their own freedom, fighting for "their altars and their fires," fighting for "the green graves of their sires," fighting for everything that free men hold dear, everything that men cherishing sentiments of freedom and under oppression fight for and starve for and die for. I care not whether there was or was not a formal agreement. We owe them more than we owe the Cubans. Why rob them of the liberty they won while fighting their battles and ours?

Can they maintain a government? Let them try. Let us see; and if they fail—if we allow the flag of the republic of the Philippines to go up; if we allow the Filipino flag which we pulled out of the air which they and we cleared of the foul odor of Spanish oppression once again to float there; if we allow a republic, the successor of that which we shot to pieces after it had for months maintained order and administered the law throughout those islands, again to be established, and if in the providence of God flag and republic fall, which I do not believe they will, one thing will not fail, one thing will not be lost while time endures, while men love freedom and abhor tyranny—the glorious page that we will write in our own history by establishing a Filipino republic instead of an American despotism. [Applause on the Democratic side.]

Freeing a people instead of holding selfish dominion over them, devoting our energies to securing their independence after having done that great and good act in our own hemisphere, instead of throwing away the lives of many of our people and dissipating our energies in subjugating those who would be free—that would be something worthy of our past and encouraging for our future.

The majority would subject the Filipinos to alien rule for an indefinite time, if not forever. We upon this side of the Chamber would help them to set up a government of their own, and then we would leave them free to govern themselves, reserving and retaining for ourselves only such naval and coaling stations as they would gladly give us and as we should deem best suited to our uses as a liberty-loving, justice-doing, peace-promoting people.

The one policy is English, the other is truly American. The one has marked Ireland with desolation, has sent her bravest and best sons into exile, has implanted eternal hatred in the Irish soul for the English oppressor. It has destroyed the two Boer Republics. It has perpetrated cruelties and outrages by wholesale in every quarter of the globe. It has accumulated for old England wrath against the day of wrath. It has prepared the way for the fall of the empire built upon wrong, and thus far sustained by cruelty and greed. The other policy—the American policy—has built upon the corner stone of justice and human freedom the grandest Republic this earth ever knew.

Now, which policy shall be ours in dealing with the Filipinos? Over here we are a unit for the American policy and a unit against the English policy.

The majority bill provides for taking from the Filipinos the lands of the islands and giving them to corporations, native and foreign, English as well as American. This looks like brutal greed. Indeed, it looks to me very much as if the chief end and object of the legislation which the majority advocate is to despoil the Filipinos of their birthright, and give, as speedily as possible, the fruits of the spoliation to favorite henchmen, organized into corporations with English adventurers, ready to employ the American Government as a tool for the accomplishment of their piratical designs.

If this is not so, why is it that a Filipino can get but 40 acres for a home in his own country, while a corporation—black or white or mongrel, native or foreign, American or English, or, as some among us would have everything, Anglo-American—can have about 5,000 acres of the Filipino's land?

But we need not be surprised at this. Those who are ready to rob a people of their liberties, upon the poor pretext that they can not govern themselves, never scruple long about robbing them of their property also. In most cases, and probably in this one, the moving impulse from the first is greed.

Mr. Chairman, a short time ago it was my privilege to visit Habana, the beautiful capital of the new Cuban Republic, to witness the ceremonies when that Republic assumed formally its place in the sisterhood of nations. I saw the Stars and Stripes, the flag which we floated over all the public buildings in Habana, the flag that we all love, all honor, the flag that ought not to be trailed in the mire of wrongdoing, ought not to be sullied by base deeds, justified or excused—I saw that flag floating over all the public buildings in Habana, and at noon upon the 20th of last May I saw it come down from every flagstaff as peacefully as it is lowered at sunset from the flagstaffs in our own land; and as it came down the flag of the Republic of Cuba arose gracefully to its place as the emblem of a new Republic.

I do not know how others would be affected by the sight. I do not know what effect the shouting populace, the playing bands, the waving flags, the salvos of artillery at the birth of the new Republic might have upon others, but for me as an American citizen, cherishing, I hope, the principles of this Government, aspiring for it, if I may, to everything that is great and good, and disposed to protect it from every stain of dishonor, if I could—for me that was an inspiring sight, far more inspiring, as I view it, than if the American flag, as some wish, had remained "put" in Cuba, the faith of the American people violated, the young Republic strangled, and eternal wrong done.

What we did with Cuba we may do in the Philippines. That proud May day of 1902 can find its duplicate eventually—it should find it soon—in those far-away islands of the tropic seas. [Loud applause on the Democratic side.]

Mr. COOPER of Wisconsin. I yield forty minutes to the gentleman from Pennsylvania.

Mr. OLMSTED. Mr. Chairman, the magnitude and importance of the task upon which we are engaged is readily understood when it is considered that we are providing a scheme of government for nearly three times as many people as inhabited the United States when the Federal Constitution was framed and adopted. This is to be the organic law for some 10,000,000 of human beings, divided into many classes and tribes, speaking many different languages and dialects, and occupying an archipelago having an area of 127,853 square miles, comprising many islands, provinces, and municipalities. Three different measures are before us. First, the Senate bill, which is nominally under consideration; second, the Cooper bill, indorsed by the Republican majority of the Insular Committee, and, third, the Democratic substitute, recommended by the minority of the committee.

Between the Senate bill and the Cooper or House bill there are many differences in matter of detail and in three important general provisions. The House bill provides, as the Senate does not, for a Philippine congress, in which the Philippine Commission is to be the senate and the lower house composed of Filipinos elected by those entitled to vote under the suffrage qualifications of our bill. This much of participation in the government or in the making of its laws is earnestly desired by the leading Filipinos, and is urged by Governor Taft and the Philippine Commission as desirable and necessary in order to give them experience in governmental affairs and greater satisfaction and contentment with the existence in those islands of the authority of the United States.

Again, while the Senate bill in its coinage provisions leaves those islands substantially upon a silver basis, the House bill puts their currency upon a gold basis. This we consider desirable because of the great fluctuations in the value of silver, the exorbitant rates of exchange charged by bankers, and the fact that in value and volume the commerce of the Philippine Islands with gold-standard countries is five times as great as with silver-standard countries. The silver money in use in those islands is now coined mostly in Mexico. We believe that the system of coinage proposed in our bill will improve and increase trade relations between the Philippines and the United States, and that for many other reasons our coinage and currency provisions are better.

The provisions of the House and Senate bills with reference to the establishment of mining rights in the islands are very different and will require careful consideration.

I did not become a member of the Insular Committee until after the preparation of the bill had been substantially completed, having been appointed but recently to fill the vacancy occasioned by the regretted retirement from this body of the gentleman from Massachusetts [Mr. Moody] to accept and adorn the position of Secretary of the Navy. It is therefore not boastful nor in any wise violative of that modesty which is becoming to state that in my judgment there has not for a long time been presented for the consideration of this House any bill upon the preparation of which there has been brought to bear more of time, of thought, of brains, of patriotic endeavor, and of wise statesmanship, than upon House bill 13445.

No bill has been presented for a long time in which the thought and intention of the framer has been expressed in language more clear, concise, and apt.

No report more comprehensive and exhaustive or more happily expressed has been submitted to accompany any bill than that submitted by the gentleman from Wisconsin [Mr. COOPER], chairman of the Insular Committee, and no one could have made a more eloquent and masterful presentation of the subject than was contained in his address in opening this debate.

Upon the whole we consider that the House bill is more nearly

in accord with the needs of the Filipinos, that it will give them a greater interest in the Government and a greater measure of that liberty and happiness which it is our desire to confer upon them, at the same time preserving the dignity, authority, and rights of the United States in those islands.

The details of both House and Senate bills have been and will be very carefully explained by members of the Insular Committee who have given the subject longer and more intelligent consideration than I. Let me devote a few minutes to the consideration of the substitute bill recommended by the Democratic members of the committee and to the remarkable report accompanying the same.

This is what the gentleman from Missouri [Mr. DE ARMOND] calls the "prescription" compounded by the minority and warranted to cure all the ills to which the Filipino is heir. I noticed that in his remarks while indorsing it he carefully refrained from discussing its details. It is really interesting, if not important, to consider them. First, let us look at the report, signed by the six Democratic members of the Insular Committee, embodying the wisdom and policy of that party and accompanying and embracing their substitute bill. In that report they say:

> The chief question involved is whether, under the guise of the forms of civil government, a policy unjust and cruel to the people of the Philippine Islands and injurious and dishonoring to American citizenship shall be indefinitely if not perpetually continued.

Their bill is founded upon the proposition that our present policy toward the Filipinos is "unjust and cruel," a proposition which I challenge and deny. Their bill is founded upon that false statement. It is a bill which no intelligent body of statesmen would ever dream of enacting into law. It was not framed by our Democratic brethren with the intention of helping in the solution of these vexed problems. It was prepared upon the general Democratic principle of obstruction—of putting obstacles in the Republican pathway, which is ever the pathway of liberty and of progress.

According to the Paris Messenger, an eminent French scientist, Dr. Javal by name, has discovered a sixth sense, which he calls "the sense of obstacles." The seat of this sense he locates in the forehead. It acts "by the perception of certain warm and indefinite vibrations," enabling the person possessing it to be aware of obstacles neither seen, heard, touched, tasted, nor smelled, so that although a man may have lost all other senses he may yet not run his head against a brick wall. It seems to me, Mr. Chairman, that so far as it is possessed by the Democratic party, this sixth sense is not located in the forehead, but somewhere very close to the long ears. The vibrations may be warm, but they are altogether too indefinite to be useful, and this sixth sense or faculty is perverted into a disease so that the possessor is not only continually running its head against brick walls and other obstacles, but even creates them in its own pathway while striving to put them in the pathway of the Republican party, which, as I have said, is the pathway of human progress.

When, in 1898, President McKinley and conservative members of both Houses of Congress were striving to prevent war, the Democratic party, upon this floor, threw obstacles in the way of peace. As one of its brilliant members, the gentleman from Missouri [Mr. CLARK], said, they drew us into war "by the scruff of the neck." When we were fairly launched in war the Republican party endeavored to carry it through to the speediest and most complete success, but Democracy again broke out with this disease of "obstacles" and endeavored to impede progress by voting against the measures necessary to provide the sinews of war, because, forsooth, we would not accept the still greater obstacle, the free coinage of silver, as the condition of Democratic support. Upon the 29th of April, 1898, when we were in the midst of war, 131 Democrats in this House voted against the bill authorizing the Government to issue bonds and provide the revenue necessary to carry on the war.

The war having been brought to a successful conclusion, the Democrats in Congress generally threw every possible obstacle in the way of the ratification of the treaty of peace, until finally their leader, Mr. Bryan, with greater patriotism than they, came to Washington and secured enough Democratic votes to accomplish its ratification by the Senate.

As the result of that treaty the Government and the present and future welfare of the Philippines was intrusted to the United States. We did not seek the Philippines. They have been, as it were, thrown into our lap by the fortunes of war. Had the Spanish fleet been elsewhere than at Manila it might have been sunk by Admiral Dewey without involving us in the control of those islands. But he found it there and destroyed it there, and there was nothing else for him to do but capture Manila and remain there. That having been accomplished the necessity of protecting and governing the people of those islands devolved upon the United States. To have reestablished the Spanish Government there would have been a crime. Hence in the treaty there was no other course than that the Philippines should be ceded to the United States. Democratic as well as Republican members of the Paris Commission agreed to that.

That territory having been ceded to the United States, we found an insurrection in progress in certain parts of the islands. The Democratic party continually placed obstacles in the way of quelling that insurrection. Now that the insurrection has been practically quelled, it seeks in this House to create distrust of the Republican Administration which has brought about that happy result and to place obstacles in the way of the adoption of a measure for the peaceful and satisfactory government of those peoples. The obstacle upon which it most relies is the charge of cruelty contained in this minority report. Day after day we hear echoing through these Halls charges against the Army, against the privates and against the officers, against the Secretary of War, against the President as Commander in Chief of the Army, and against the entire Administration, all in the hope of destroying the efficiency of the Army and the efficiency of the Administration to bring about a happy solution of these difficulties.

A few acts of cruelty, actual or alleged, on the part of soldiers have been magnified, distorted, and made the subject of wholesale abuse of the entire Army. A few weeks ago the gentleman from Missouri [Mr. VANDIVER] read with great glee, upon this floor, the tale told by one Corporal O'Brien of alleged outrages perpetrated upon Filipinos. The tale itself bore every evidence of fabrication. A few days later Mr. Corporal O'Brien was summoned by the Senate investigating committee, and by his own testimony and that of far more reliable witnesses was proved a perjurer, he not having been within 30 miles of the place where he said he saw the outrages committed. I have been patiently waiting, day after day, for the gentleman from Missouri to rise in his place and apologize to the Army, but he has not done so.

Day after day and night after night this Chamber resounds with the denunciations of Gen. H. R. J. Smith—"Hell Roaring Jake Smith," they are pleased to call him—because they say he issued a verbal order that the province of Samar should be made a howling wilderness and directing that all bearing arms should be slain. General Smith has been tried by court-martial for the purpose of ascertaining whether or not he did give any order in violation of the rules of war. The result of that court-martial has not yet been made public, but it is generally believed that he has been acquitted. Gentlemen upon the other side, however, condemn and immediately find him guilty, without waiting to hear his defense or caring whether or not he has any. It is only fair to consider his side of the case.

From the Manila American of May 4, 1902, I quote the following extracts from the address of Col. Charles A. Woodruff, who defended General Smith before the court-martial. Among other things he said:

> In olden times a Roman general returning from a victorious campaign sometimes tied his captives to his chariot. In this case a conquering general returning from a successful campaign finds himself tied to the chariot.
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> For the last few months it has seemed to be popular to criticise the army in the Philippines. I regret to say that our people at home appear to have forgotten the magnificent services which they have made for America's honor and glory. Through good and evil report, through sun and rain, through mud and dust, across rivers, over mountains, through tangled underbrush, in sickness and in health, they have reflected nothing but honor and glory on the flag of their country. They have been worthy members of that Army whose bayonets have never flashed in any clime save in defense of the law, whose steady tramp has ever carried comfort to those in danger, and whose flag has waved an unbroken promise of protection to peaceful citizens of every race, sex, and condition. And yet we are to-day apparently degraded and disgraced. Why is this?
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> I think, Mr. President and gentlemen of the court, that we are too far away from home to know. I can not for a moment imagine that any class of people in our native land expect to gain glory or political advancement among American people by abusing the Army. It was tried after the Mexican war, and "Rough and Ready" Zach Taylor was elected President. It was tried in '64, and McClellan—"Little Mac"—loved and honored though he had been, is remembered to-day as a good man gone wrong. It was tried after the civil war. The result was that Ulysses S. Grant, "the butcher," was elected President and died loved and honored by every American citizen. They can rest assured that no man can achieve greatness or will have greatness thrust upon him by abusing the American Army in the Philippine Islands.
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Speaking more directly of General Smith, Colonel Woodruff says:

> He was wounded in the assault upon San Juan Hill and now carries a Mauser bullet in his body. He has served in these islands for three years and his activity, pluck, and energy are known to all men living in the Philippine Islands.
>
> For forty-one years he has worn the uniform of the United States Army with honor to himself and benefit to the flag under which he has fought and bled. And now he has, at the close of a most remarkable and successful campaign, during which he has accomplished that which Spain, in her three hundred years' occupancy never achieved, the pacification of Samar. While returning to his family and his native land, after three years' service here, covered as he and all those who knew him thought with honor and glory, he is halted, taken off the transport to face charges for the language he used in giving instructions for the conduct of a most successful campaign. We

feel that the Government has only done this in deference to an overwhelming or noisy public sentiment in the United States, based upon rumors fostered for some unknown, and, I believe, ignoble purposes, until hysteria has been produced, and this gray-haired, wounded, victorious general is exposed to the indignity of a court-martial in deference to that hysterical public opinion.

We have not deemed it compatible with the dignity of a general officer of the United States Army to take the witness stand to explain to his peers his words when instructing his subordinate officers how to crush the outlaws, or to make clear to them actions committed in compliance with the law and the decisions of the Supreme Court of the United States.

If anyone can read the modest story of Sergeant Mumby without a welling up in his heart of pride in the enlisted man of the United States Army, he is unworthy of the name of American. We can see that heroic band, fighting with naked hand, baseball bats, bread and butcher knives, stabbed in back and breast, knocked down, piled up, still fighting on; then their thoughtfulness in trying to destroy everything of value to these murderers; then their kind care of their sorely wounded comrades; then their return to the rescue and what they saw. Their loved captain, who had knelt at the same altar with his murderers, cut, slashed, and burned; their young lieutenant, a fire kindled around him, his legs nearly cut off, his head split open, and in mere barbarous wantonness the gaping wound filled with blackberry jam, comrades with their bodies mangled and defiled.

If there is an American who can look upon the spectacle of forty-six murdered Americans, stripped of their uniforms which they had worn with honor to their country and to the benefit of the Philippine Islands, with their hacked and gashed bodies, defiled as savages and barbarians can defile them, I say if there is an American who can look upon American soldiers, butchered and defiled as they were, and not feel that action, prompt, drastic, and effective was imperative, then he is destitute of those elements of manhood that go to make up the true American. You have had described to you the pitfalls and spring guns which the natives so plentifully strew along the pathway our soldiers have to travel. You have been told how their commanding officer, their commanding general, directed them to set plenty of poison traps and gave them the receipt for the poison, also the antidotes in case any of them should be hurt themselves.

You gentlemen know the awful strain of waiting for an expected onslaught and the result in victory or death and mutilation. If the trail will permit of two abreast, they go, one with bayonet to the right, the other with bayonet to the left. If in single file, No. 1 with bayonet to the right, No. 2 with bayonet to the left. No advance guard or flankers can be sent out. It would be a vain precaution, expecting at every moment to receive the rush, and the only thing that worried these men was that they might be jumped when it was impossible for them to rally back to back. They did not cringe from a frontal attack, but every time met death with death where death was rife.

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The written orders and circulars issued by General Smith—and by these, rather than a few isolated expressions, should his meanings be judged—these indicate the kind of warfare he intended to prosecute, and no exceptions can be taken to them. They were conceived in loyalty to the United States, executed with vigor, and as soon as results were obtained were gradually softened. Yet all through them is exhibited a most humane, kindly sentiment toward those who manifested loyalty to the authority of the United States.

General Grant ordered that the Shenandoah Valley should be made a "desolate waste." Sherman left Georgia scarcely more than that after his famous march to the sea. Stonewall Jackson, the Christian soldier of the Confederacy, advocated raising the black flag against Union soldiers. The Confederate army would have left little more than a howling wilderness in its wake through Pennsylvania had it not been intercepted at Gettysburg.

Bouvier's Law Dictionary, volume 2, page 802, defining "quarter," as that term is used in the laws of war, quotes Risley on the Law of War, and says:

By the end of the seventeenth century quarter became a recognized usage of war. It is forfeited under exceptional circumstances only:

1. In case of absolute and overwhelming necessity, as where a small force is encumbered with a large number of prisoners in a savage or hostile country and may be justified in killing them for their own self-preservation.
2. Where belligerents violate the laws of war they may be refused quarter.
3. By way of retaliation against an enemy who has denied quarter without a cause.

I hold in my hand what is known as General Orders, No. 100, entitled "Instructions for the government of armies of the United States in the field," issued from the War Department April 24, 1863, during the civil war. It still remains in force, and contains, among others, the following provisions:

PAR. 23. Private citizens are no longer murdered, enslaved, or carried off to distant parts, and the inoffensive individual is as little disturbed in his private relations as the commander of the hostile troops can afford to grant in the overruling demands of a vigorous war.

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PAR. 60. It is against the usage of modern war to resolve, in hatred and revenge, to give no quarter. No body of troops has the right to declare that it will not give and therefore will not expect quarter; but a commander is permitted to direct his troops to give no quarter, in great straits, when his own salvation makes it impossible to cumber himself with prisoners.

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PAR. 70. The use of poison in any manner, be it to poison wells or food or arms, is wholly excluded from modern warfare. He that uses it puts himself out of the pale of the law and usages of war.

PAR. 71. Whoever intentionally inflicts additional wounds on an enemy already wholly disabled or kills such an enemy, or who orders or encourages soldiers to do so, shall suffer death, if duly convicted, whether he belongs to the Army of the United States or is an enemy captured after having committed his misdeed.

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PAR. 82. Men or squads of men who commit hostilities, whether by fighting or inroads for destruction or plunder, or by raids of any kind, without commission, without being part and portion of the organized hostile army, and without sharing continuously in the war, but who do so with intermitting returns to their homes and avocations, or with the occasional assumption of the semblance of peaceful pursuits, divesting themselves of the character or appearance of soldiers—such men or squads of men are not public enemies, and therefore, if captured, are not entitled to the privileges of prisoners of war, but shall be treated summarily as highway robbers or pirates.

General Sherman wrote to General Burbridge in June, 1864:

You may order all your post and district commanders that guerrillas are not soldiers, but wild beasts, unknown to the usage of war. To be recognized as soldiers they must be enlisted, enrolled, officered, uniformed, armed, and equipped by some recognized belligerent power.

General Smith's counsel claims that upon these authorities his order was fully justified under the laws of war and rules governing the Army. Whether it was or not we shall soon know, when the President has acted upon the report of the court-martial. If he is found innocent, these charges of course fall to the ground. On the other hand, if he is found guilty and punished, that fact will equally refute the charge that the "policy" of the United States is cruel and unjust. In neither event can this charge found in the report of the minority of the Insular Comittee be sustained.

The Manila American of May 4, 1902, says editorially:

The administration of the army in the Philippines has been admirable, and there can not be too much said in praise of the services of officers and men. Confronted with an elusive and treacherous enemy, driven to impassable ravines and untrampled brush, through miry fields and desolate jungle, the American Army has well sustained the glory of the flag and perpetuated the sacred principles of liberty and justice.

During this discussion it has been alleged time and again upon that side of the Chamber that women and children were killed under General Smith's order. Another member charged, or at least insinuated, that it is the common practice of our soldiers to jab their bayonets into the stomachs of children. All such charges are absolutely baseless. Not the slightest scintilla of evidence has been or can be produced showing slaughter or illtreatment of women and children.

Against that statement I place the testimony of Felipe Buencamino, given before the Committee on Insular Affairs on the 31st day of last month. Formerly a member of Aguinaldo's cabinet, now leader of the Federal party, composed of all the influential Filipinos, he represents also all the commanders of the Katipunan society. He knows whereof he speaks. Asked by the chairman how the present condition of the people of the Philippines in the cities and in the country compares with their condition under the Spanish Government, he replied:

In one word, they may be compared as happiness and misery.

He was then asked:

Under the civil and provincial governments established by the Taft Commission do not the people of the Philippine Islands enjoy greater liberty than they would have enjoyed under the Aguinaldo government if it had been established?

His answer was:

They have much more liberty.

He gave in detail the reasons why their condition under the United States was that of happiness, compared with the misery they suffered under Spanish rule, and why he considered that they enjoyed greater liberty now than Aguinaldo's government could have given them, even had he succeeded in establishing it.

Buencamino was cross-examined for two days by the gentleman from Virginia [Mr. JONES], who failed to weaken in the slightest degree the force of his statements. Testimony favorable to the Army or creditable to the good name of our country is not relished upon that side of the Chamber, and when our friends over there do not like testimony they abuse the witness. The gentleman from Virginia attacks upon this floor the veracity of Buencamino. On Saturday the gentleman from Georgia [Mr. MADDOX], finding that the figures contained in the report of the Secretary of War did not show as great expenditures in the Philippines as he had hoped, saw fit to doubt the integrity of the report and insinuated that expenses in the Philippines had been withheld or improperly charged to other accounts. Secretary Root is as straightforward and honest as he is brave and fearless, and all insinuations of that character fall harmless. As for Buencamino, his statement is fully corroborated by the testimony of Professor Schurman, president of the first Philippine Commission, who says:

American sovereignty over the Philippines having been established by treaty was a fact which was no longer open to discussion by Filipinos in arms. And in meetings of the Commission with them I always ruled that question out of order and refused to permit any speaker to debate it.

The Tagalog insurgents and their Philippine republic did not represent the inhabitants of the Philippine Islands, but only a minority of them.

For these reasons and also because Aguinaldo's men were rebels in arms, we insisted that the recognition of American sovereignty was the first condition of peace.

The leaders perceived that under American sovereignty they would enjoy greater liberties than they had ever dreamed of under Spanish rule, and if not a nominal independence at least a firmer and surer self-government than their own Philippine republic could ever guarantee.

Yet, in the face of such testimony, the Democratic members of this committee solemnly declare that the United States is pursuing "a policy unjust and cruel to the people of the Philippine Islands."

When a man is knocked down, his eyes gouged out and his thumb chewed, you can not expect him to fight in entire accordance with the Marquis of Queensbury rules, and it is hardly fair to him to cry "foul" even if under such conditions he strike his adversary below the belt. Because one Filipino, or a dozen, may have been by individual soldiers pumped full of water to compel

information, tending to show who had been guilty of dismembering a United States soldier and throwing his arms and legs into a swamp, it will not do to charge either the Administration or the Army with "a policy unjust and cruel."

The wholesale charges made upon the floor of this Chamber against the Army are already bringing forth fruit. This morning's papers tells us that last Saturday evening, in Knoxville, Tenn., doubtless taking his cue from one of the speeches made here, a man made the broad charge that two-thirds of the Army was composed of hoodlums and the other third of bullies and cowards. That statement resulted in a very violent disturbance and the probable loss of four lives.

The Army of the United States is not made up of Hessian hirelings. It is composed of the flower of American manhood. In no other country is the army so close to the people. Our soldiers in the Philippines have relatives or friends in every city, town, and hamlet in the United States. The great mass of the American people is in sympathy with them and condemn the unjust attacks which are daily made upon these brave men 10,000 miles away, with no opportunity of being heard in their own defense. If gentlemen of the minority believe they are making political capital by such attacks, I want to tell them that their sense of obstacles is misplaced.

They are running their heads against a brick wall. The great mass of Democratic voters do not sympathize with these attacks. They do not intend to be less patriotic than the great mass of Republicans. Democratic soldiers distinguished themselves equally with Republicans in the war with Spain. Thousands of Democrats have served their country bravely and well in the Philippines. Neither they nor their friends admire or approve the untrue and baseless charges of cruelty made and reiterated upon this floor even after proof of their falsity has been produced. Individual instances of cruelty have doubtless occurred—acts which all condemn. There never was a war in which there were not some. But you will never convince the people of the United States that the American soldier boy is unjust or unnecessarily cruel, and they will not thank you for trying to. Our policy toward the people of the Philippines was inaugurated by our late martyred President William McKinley, the mildest and gentlest of all earth's rulers. You will never convince the American people that "a policy cruel and unjust" was designed by one who, fainting with agony, could yet find voice and heart to say of the assassin who struck him down, "Do not hurt him."

I refute and deny the charge of cruelty and injustice, and am ashamed that it is made in a document promulgated officially in this House.

Proceeding in their report, our Democratic friends say that their substitute is submitted because our bill is "vicious in principle, bad in its details, unjust, inexpedient." They further say, and I particularly call the attention of the gentleman from Missouri [Mr. DE ARMOND] to this language which accompanies the "prescription" prepared for us. The report says:

Recognizing that three centuries of Spanish dominion have destroyed all self-government in the Philippine Islands, and that its people at this time are unprepared for its exercise, the theory upon which this substitute measure is framed is that there should be conferred upon them for a period of eight years the largest possible share in the government of themselves and in the conduct of their affairs, etc.

Mr. WILLIAMS of Mississippi. It says that three hundred years of tyranny have destroyed self-government; it does not say the capacity for self-government. It says that those people are now unprepared for the exercise of self-government because they have no self-governing institutions left. It does not say that the capacity for self-government was destroyed, but that self-government itself was destroyed. Does not the gentleman admit that? Are there any self-governing Filipinos there?

Mr. OLMSTED. I believe I correctly read the report:

Recognizing that three centuries of Spanish dominion have destroyed all self-government in the Philippine Islands, and that its people at this time are unprepared for its exercise.

That is the language of the report. If they are "unprepared," it must be because they are incapable. If they are capable, how can it be said they are unprepared? Yet they say substantially in their bill:

Be it enacted, etc., That eight years from to-day they shall be capable, and after that time they shall be set adrift to look out for themselves.

In other words, they propose to make them capable by an act of Congress, although for three hundred years they have not been.

Now, I want to call attention to some of the provisions of this bill emanating from the minority of the committee which says that our bill is vicious in principle and bad in detail.

That the government of the Philippines established in accordance with the provisions of this act shall assume and carry into effect the treaty obligations of the United States with the Kingdom of Spain.

Think of that—devolving upon those people, who for three hundred years have been and still are incapable of exercising self-government, the solemn obligations of the United States under its treaty with Spain. There is consistency. There is wisdom. There is statesmanship. There is a due regard for the dignity and reputation of this nation. Our bill is—

Vicious in principle, bad in its details, unjust, inexpedient.

But here is the embodied justice, virtue, and expediency of the minority. The United States shall evade its solemn responsibilities and treaty obligations by shifting them onto Philippine shoulders. That may be good in principle and perfect in detail, but it will not so commend itself, I am sure, to the judgment of this House.

Further, the president of the Philippines is to have power, by and with the consent of the senate, etc., to make treaties with other nations, and without consulting the United States or any of its authorities may, by the advice of two-thirds of a native Filipino senate, nominate and appoint ambassadors, ministers, and consuls.

These are the people, for three hundred years without self-government and now incapable of its exercise, never having read a treaty nor seen an ambassador, minister, or consul. They are at once, by this proposed Democratic measure, placed in diplomatic relations with the whole world—relations which may involve us as well as them in international complications which we should desire to avoid.

Now, here is more "perfection of detail:"

"Each legislative district shall choose a senator and a representative at the next election." Each district chooses a senator and a representative; yet there are to be 30 members in one body and 100 in the other. That is "perfection of detail," but not of arithmetic.

Then, four sections later, it is provided that in each district they shall elect two senators. I should like some of those six gentlemen who joined in this report to explain the details of their bill in these inconsistent particulars.

Then these representatives are to serve "from the date of their election," which is the first Monday in May, "for the length of their terms from and after July 4, 1903." Perhaps somebody will explain that "perfect detail."

But when we come down to the qualifications of voters, that is where we get detail in the greatest perfection.

The eighth section of the minority bill defines qualified electors to be:

All male inhabitants of the Philippine Islands, 21 years of age, and able to read or write, or who have paid the government of the Philippines, during the calendar year next preceding the calendar year of the election, at least $2 for poll or other taxes, and who shall have resided in the Philippines for two years next preceding the date of election. The sole penalty of the non-payment of the $2 poll tax (which is hereby assessed and levied, to be paid on January 1 of each calendar year, beginning with a payment on or before January 1, 1901) shall be a deprivation of the right to vote at any election during that and the succeeding calendar year nor shall the payment of said poll tax be enforcible by any legal procedure.

The tax provision, it will be noted, is in brackets—the tax is parenthetically imposed. I never heard of taxation by parenthesis before. Here we are, in June, 1902, levying a tax to be paid on or before January 1, 1901. "Backward, turn backward, O Time, in thy flight," to enable the poor Filipinos to comply with this remarkable provision.

The same section requires that an election shall be held—

not later than the first Monday of May, 1903.

To enable the Filipino to vote he must have paid his poll tax—

during the calendar year next preceding the calendar year of the election.

That is to say, he can not vote at the first election in May, 1903, unless he shall have paid a poll tax January 1, 1902. As no such tax had been assessed, of course no such tax was paid, and therefore, under the provisions of this very perfect substitute bill, the poor Filipino can not possibly be qualified to vote in May, 1903, when the first election is to be held. This "prescription" offered by the minority and supported by my friend from Missouri [Mr. DE ARMOND] provides that—

The Senate shall have the sole power to try all impeachments.

Then, a little later on, follows this provision:

When the president of the Philippines is tried, or the secretary of state for foreign affairs, the chief justice of the supreme court of the Philippines shall preside; and no person shall be convicted without the concurrence of two-thirds of the members thereof.

Members of what? The senate, or the supreme court, or both? But that is not the worst of it. This bill is only to run for eight years, and yet a little further along it provides that—

for eight years nobody shall be convicted without the concurrence of three-fourths of the members present.

Whether of the court or the senate we are not advised. Now, is it not a little peculiar, is it not vicious in principle as well as bad in detail that the governor of the Philippines who is appointed by the President of the United States, by and with the consent of the Senate of the United States, and the secretary of foreign affairs, appointed in the same way, may yet be removed by a tribunal of native Filipinos, and the United States have no voice in the matter?

Next we come to an absurd adaptation of the commerce clause of the Federal Constitution. Our Union was formed by the union of several independent States. It was not intended to take away from them the power of regulating their own purely intra-State commerce, but only interstate commerce. The Constitution of the United States therefore provides that "Congress shall have power to regulate commerce with foreign nations and among the several States and with the Indian tribes." Each State has its own government and is left to regulate its own purely internal commerce.

Now, see how the framers of this minority prescription have adapted that provision to this proposed Democratic Filipino constitution. Their bill says:

The congress of the Philippines shall have power * * * to regulate commerce with foreign nations or with savage or barbarous tribes within the Philippines.

Nobody else. Upon the *expressio unius exclusio alterius* principle of construction, clearly nobody else. How, then, is commerce within or among the civilized provinces to be regulated? Where is that power to be lodged? This minority measure would take it away from the Congress of the United States, while not vesting it in the Philippine congress, whose power is expressly limited to the regulation of commerce with foreign nations and with savages.

In short, this bill which accompanies the report of the minority of the Insular Affairs Committee, signed by the six Democratic members thereof, and which we are asked to believe is much better than the bill submitted by the majority, is simply a hotchpotch of certain provisions of the Federal Constitution, certain provisions of certain State constitutions, and numerous provisions that it is impossible to conceive that any intelligent body of men would think of ingrafting upon any constitution. It is too absurd to receive serious consideration.

These defects and inconsistencies that I have pointed out constitute the least objectionable features of the bill. It is even more "vicious in principle" than it is "bad in its details." It could not possibly commend itself either to the Filipinos or to the American people.

That is why, perhaps, the gentleman from Virginia [Mr. JONES], who represents the minority in this matter, has just introduced a new bill, which appeared for the first time in print the very day this discussion began. If the other members of the minority of the Insular Committee accept this bill in lieu of their own, then they acknowledge their inability to prepare a constitution, for this new bill provides that the Filipinos themselves shall call a constitutional convention and frame one of their own. The gentlemen of the minority, after their first attempt, have evidently concluded that although for three centuries and more the Filipinos have been and still are unprepared for the exercise of self-government, nevertheless they are better prepared and better qualified than they to frame a proper constitution, and upon that point I think we must all agree after considering the woeful failure of the minority members in that direction.

This latest bill is even more objectionable than the original substitute. Although conceding in their unanimous report that for three hundred years the Filipinos have been incapable of self-government, they reduce the limit from eight years to four and ask the Congress of the United States to solemnly enact that they shall be capable within four years, and that not later than the first Monday of January, 1905, they shall frame a constitution and be deemed capable in law of governing themselves and thereafter cut loose, set adrift, and declare themselves a separate nation—

As fully separate and independent as other separate and independent nations are.

In the meantime the Filipino congress (composed entirely of native Filipinos, who for three hundred years have been incapable of self-government and are not yet prepared for its exercise) is required—

To carry into effect the treaty obligations of the United States with the Kingdom of Spain, and for the maintenance and protection of all rights and property acquired under authority of the United States.

Practically, under the Jones bill, everything is surrendered to the Filipinos immediately the President shall have proclaimed that all armed resistance of the United States has ceased in the archipelago, the United States retaining for four years control and regulation of the Philippines in their intercourse with foreign nations only.

The Filipinos may, however, hold the constitutional convention before 1905, and immediately upon the adoption of a constitution by them this new bill makes it the duty of the President of the United States to issue his proclamation declaring the complete independence of the people of the Philippine Archipelago. This means a practical abandonment of the islands to a people who confessedly for three hundred years have been and still are incapable of self-government. It does not even permit the United States to retain such lands and water as may be necessary for naval, military, and coaling stations, terminal facilities for submarine cables, etc., unless the same shall be agreed to by the Philippine government.

Another important difference between our bill and the Democratic measure is in dealing with trusts. In ours we have made the most stringent provisions against large ownership or the undue exercise of power in these islands by trusts or large combinations of capital. Neither one of the Democratic measures contains the slightest provision upon the subject. Pass the Democratic measure and 30,000,000 acres of rarest mahogany forests, the inexhaustible mines and basins of oil, and the agricultural lands of the Philippines—"sweet fields arrayed in living green"—so productive that upon the average 1 acre there is equal to 4 here, will be entirely open to exploitation by trusts, great corporations, or other vast aggregations of capital.

When it comes to trusts, the Democratic party is always long on promises but short in performance. Its opposition to them is confined entirely to platform planks and campaign oratory. Now that our Democratic friends have, right here, by voting for our bill, a chance to do something to restrict the operation of trusts in these rich islands, they fail to embrace the opportunity. Having shown their utter inability to advance an intelligent or even plausible scheme of government for the Philippines, they yet oppose ours. Not one of them has attempted to analyze it or show any reason why it should not pass. But during the long days and nights of this debate they continually shout about alleged cruelties practiced by the American soldiers upon the Filipinos.

Why do they oppose the passage of this bill? Being asked if he thought he would catch the woodchuck, the boy who was digging frantically at the hole replied:

Catch him? I've got to catch him; Sunday's coming and there is no meat in the house.

Election day is coming and the Democratic party has no issues. [Laughter.] Pass this bill, establish peace and a stable government in the Philippines, and all their labors to make an issue of "imperialism" will have been in vain.

PAREGORIC.

A short time ago they thought they had an issue. The gentleman from Tennessee [Mr. RICHARDSON], the Democratic leader upon this floor, joyously launched the charge that a certain man named Christmas had obtained or tried to obtain from the Danish Government a half million dollars or so for the purpose of buying up somebody or something in the United States with reference to the sale of the Danish Islands. From the note of exultation in his voice and gleam of hope in his eye it was apparent that he felt that the Democratic party had at last found an issue—that it had, so to speak, struck oil. His position to-day, in view of the utter collapse of his charges, reminds me of a client of mine, the necessities of whose large family, recently augmented by twins, forced him into financial straits. He came to me one day joyfully declaring that he had found oil floating upon the surface of the water of a spring upon a small farm which he owned. The bottle in which he brought a sample had evidently seen family use. I sent it to an expert to analyze, and in a few days received his brief report, which dashed to earth the hopes of my client and myself. He simply said: "Find no trace of oil. Think your friend has struck paregoric." [Laughter.]

In his remarks upon this floor the other day that same Democratic leader, in that same address, said:

If I were called upon to name the agency or factor in American affairs at this time most dangerous to our institutions and threatening to their permanency, I would name the trusts.

He also said:

It should be borne in mind, too, that they constitute a new element in our trade and business operations and experience.

He also declared the Dingley tariff bill to be the parent of trusts. He has a short memory.

If the Democratic party in the coming campaign shall try to make the trust question one of their "gaudy issues," if they bore for oil in the trust field, they will strike something more bitter than paregoric. They will turn up the trust record of their own party. They will indeed find oil, because that trust, the pioneer of trusts, the best managed, the most prosperous and successful, and one of the largest of all trusts, existed before either of the Cleveland Administrations. What did our Democratic brethren do to curb that trust? Nothing whatever, save to select from its membership two United States Senators and one Cabinet minister.

The gentleman from Tennessee has a short memory. Trusts are not a new issue. Away back in 1888, when Grover Cleveland was President and the Democrats had a majority in this House, the Committee on Manufactures, whose membership embraced such Democratic leaders as William L. Wilson, William D. Bynum and Clifton R. Breckinridge, was authorized and instructed to investigate trusts and report what should be done to regulate,

control, and suppress them. That committee made a partial report July 22, 1888, in which, after stating that they had taken a large amount of testimony concerning the sugar trust, the oil trust, the whisky trust, and the cotton-bagging trust, they said:

Your committee further report that the names of various combinations and trusts have been from time to time furnished to your committee; that the number of such combinations is very large.

That was their report to a Democratic Congress in 1888, and yet the gentleman from Tennessee says trusts constitute a new element. They continued investigating at an expense of some $10,000 to the taxpayers of the country, and finally, March 2, 1889, submitted their final report, in which they said:

We respectfully report that the number of combinations and trusts formed and forming in this country is, as your Commission ascertained, very large, and affect a large portion of the manufacturing and industrial interests of the country. * * * Your committee respectfully reports that, owing to difference of opinion between the members of the committee, they limit this report to submitting to the careful consideration of subsequent Congresses the facts shown in the testimony taken before the committee.

The gentleman from Tennessee tells us that trusts constitute a new element, but that was the report of a Democratic committee made thirteen years ago to a Democratic House, which did not even attempt to curb this factor which we are now told is so—

dangerous to our institutions and threatening to their permanency.

In 1893 the Democratic party came again in full power, having the President and both Houses of Congress. I challenge the gentleman from Tennessee to tell me one thing that during those four years his party did to curtail the growing power and acts of trusts.

In the Fifty-second Congress William Jennings Bryan, the Democratic standard bearer of the last two Presidential campaigns, then a member of Congress, did introduce two bills relating to trusts. He had them referred to the Ways and Means Committee, of which he was a member, and upon which the Democrats had a majority, and there allowed them to sleep the sleep that knows no waking, or would have known none had not the gentleman from Maine [Mr. LITTLEFIELD] unearthed and exposed them during the pendency of trust legislation in the last Congress.

I remember that during the special session of 1897, while the Dingley tariff bill was upon its passage in this House, a distinguished Democrat from Tennessee, now governor of that State, declared his great pride in the fact that while a member of the Tennessee legislature he had assisted in bringing into life the Tennessee Coal and Iron Company, which, he declared, could and would without the aid of any tariff put the Pennsylvania coal and iron companies out of business, and was already sending its products not only into Pennsylvania, but to foreign countries.

I had the curiosity to look up that concern, and to my surprise found that it was the result of the combination of some 15 or 20 different rival corporations, thus constituting what is popularly called a "trust." I hope it is one of those which the gentleman from Tennessee says he has upon his list. And as it is particularly within the province and authority of the State of Tennessee to regulate that great concern, I hope that the gentleman will see that it is immediately done, so that it may not destroy our Pennsylvania industries.

The gentleman from Tennessee had a short memory also when he declared the tariff responsible for trusts. He forgot that the earliest and, as I have said, one of the greatest and I believe the best managed and most successful of all the trusts, namely, the oil trust, deals exclusively in a product upon which there is not now and never has been any tariff whatever. Perhaps he wished to forget it. Certainly he does not wish to injure it, because of its important Democratic membership.

Perhaps he purposely forgot also that another great trust, officered, owned, and controlled by some of the most notable Democrats in the United States, does not owe its parentage to any Republican tariff. So far as I know, there has never been any tariff on ice.

Perhaps he purposely forgot also that the chairman of the Democratic national committee during the last two Presidential campaigns was the president of the great cotton-bale trust.

He may forget, but the people have long memories, and when the Democratic party attempts to parade that issue, its sixth sense will need to be in good working order, for its pathway is strewn with the insurmountable obstacle of its own past record.

In the Fifty-sixth Congress, in 1900, the Republican party introduced and supported in this House an amendment to the Constitution providing that "Congress shall have power to define, regulate, control, prohibit, or dissolve trusts, monopolies, or combinations, whether existing in the form of a corporation or otherwise." Being an amendment to the Constitution, it required a two-thirds vote. The gentleman from Tennessee and every other Democratic member in this House, save five, voted against, and thus defeated it.

At the very outset of the same address the gentleman from Tennessee startled us by the information that there is now greater harmony in the Democratic party than at any time within the past eight years. We have all noted how, at the recent harmony gathering in New York, the bright particular star was a man who, more than any other, has during the past five years been the subject of abuse upon the Democratic side of this House, and of whose election to the Presidency a Democratic member within the past thirty days has declared upon this floor to have been the greatest calamity that ever befell the American people. While this new harmony deal brings Cleveland to the front, it apparently relegates to the rear the Democratic idol of two campaigns, for William Jennings Bryan was not invited and was not present. To-day he has issued a statement declaring his view of that kind of harmony.

The sixth sense of the gentleman from Tennessee was not in good working order and he certainly ran his head against a brick wall when he attempted to take the Republican party to task for not having accomplished more since it came into power in 1897, for he invited a comparison between conditions now and those which existed when William McKinley was inaugurated March 4, 1897, and a comparison of the record of adversity under the preceding Democratic Administration with the record of prosperity under Republican rule. When President Cleveland and a Democratic Congress came into power in March, 1893, there were employed on the railways of this country 876,602 men. Within one year from that date there had been mustered out 93,994, an army of railway men larger than the army which fought the battle of Gettysburg, and never during the four years of Democratic administration did the number of railway employees grow to within 50,000 of the number previously employed at the close of President Harrison's term.

When President McKinley came into office in 1897 there were 823,476 railway employees. In one year the number grew to 874,558, an increase of 51,082. By June 30, 1900, the grand total had been increased to 1,017,653, an increase in three years of 194,177 men. That is the last date to which the Interstate Commerce Commission can give accurate information, but the number has since largely increased.

In 1897, the last year of Democratic rule, the compensation paid railway employees was $465,601,581. By 1900 there had been an increase of $112,663,263 in the annual pay of railway employees, the total paid in that year being $577,264,841. The prosperity of railways is an index to the prosperity of the entire country. The increase of employees and in wages in mines and factories has been even greater proportionately than in railways, and it is no exaggeration to say that 3,000,000 of men who were idle under Democratic administration find employment at good wages to-day.

In 1897, the last year of Democratic Administration, the expenses of the Government exceeded its receipts by $18,524,455. In the fiscal year ending June 30, 1901, the receipts exceeded the expenditures by $77,717,985. By 1897 a Democratic administration of four years had succeeded in frightening capital out of the country to such an extent that the circulation per capita was reduced to $22.87, the total amount in circulation being $1,640,209,519. June 1, 1902, the amount in circulation was $2,254,415,975, an increase of $614,206,456, and the per capita of circulation was $28.54.

In 1896, the last full year of Democratic administration, there were 15,088 business failures in the United States, involving aggregate liabilities of $226,096,134.

In 1901 there were 11,002 failures, with aggregate liabilities of $113,092,376. With 67,263 more business concerns in operation in 1901 than in 1896, there were over 4,000 less failures. To put it differently, the percentage of failures in 1896 was 1.31 per cent, but in 1901 less than nine-tenths of 1 per cent. We have an average of 4,000 less business failures every year under Republican administration, and an average of $100,000,000 less of liabilities involved in such failures every year.

When the Republican party came into power in 1897 commercial and financial fear, distrust, and disaster, and the consequent personal suffering, distress, and almost starvation of thousands were the prevailing conditions. All this has been changed as by the wand of the magician. Business confidence is restored, our commerce is greater, and our people more prosperous than ever before. If our Democratic friends can make capital by referring to these matters, they are welcome to do so.

Surely the party—the Administration—whose policy has showered these blessings upon our people at home can be more safely trusted to administer to the wants of the people of the Philippines than can the party which has shown itself so incapable of administering our own domestic affairs.

The bill proposed by the minority means a complete renunciation by the United States of the duties and responsibilities which, in the providence of God, have been cast upon us. It means a cowardly retreat. It means that we shall be degraded and disgraced in the eyes of all the world. It means something that the

American people will never tolerate. On the other hand, the bill we present and propose to pass maintains the honor and dignity of the American people, enables us to carry out our own treaty obligations to maintain peace and good order in the Philippines and to be more instrumental and effective in maintaining peace throughout the world. At the same time it enables the Filipinos to participate as fully as possible in the blessings of our republican form of government. It gives them more of independence of action, more of self-government than they ever have enjoyed or ever expected to achieve. It is all that they demand—all that they are capable of enjoying. When we have passed it, then, in the language of the Prophet Isaiah, "Let them give glory unto the Lord and declare His praise in the islands." [Applause.]

Mr. COOPER of Wisconsin. Mr. Chairman, I understand the gentleman from Virginia has consented that the gentleman from Ohio [Mr. GROSVENOR] may proceed at the present time. I yield to the gentleman for one hour.

Mr. GROSVENOR. Mr. Chairman, I shall speak upon a matter not involved in the pending bill, at least for a portion of my time. I do not think it is necessary that I should apologize for coming before the House of Representatives and incidentally, perhaps, before a large audience to speak about a matter which has attracted a great deal of the attention of the people of this country.

The gentleman from Washington [Mr. CUSHMAN], on the 17th of April last, took advantage, as I am now taking advantage, of general debate in the House, to attack, in a manner peculiar to himself, and which I do not care especially to criticise, the Speaker of the House, the Committee on Rules, and the organization of the House. I do not care to go into the special things that he said, because he has succeeded in making his speech the basis of current assaults upon the House of Representatives, and to have attracted the attention of the people of the whole country by the denunciation with which that speech is filled. His speech has been widely circulated—by whom I do not know and I do not care—but it, like every other matter of denunciation of somebody and pointing out to the people of the country some danger it is threatened by, has attracted very wide attention.

Silence on the part of those charged with the misuse of official position and arbitrary assumption of unauthorized power would be very naturally construed as admission of the justice of these assaults, and hence duty demands that response be made.

The press of the country has been teeming with these denunciations, and I have before me a long list of newspaper condemnations of the House. Several of them, one especially, with a most attractive head line "The passing of the Speaker." Another, "The degradation of the House of Representatives." Still another, "The danger to civil liberty in the organization of the House of Representatives." Following that gentleman's speech my colleague, Mr. GILL, from one of the Ohio districts—and some of you know him by sight—took occasion not only to denounce the organization of the House, but the Committee on Rules, and coupled his statement with the statement that the House was an oligarchy, and that it was impossible for an ordinary member of the House to secure any action upon any bill.

My friend from Indiana [Mr. ROBINSON] standing on his feet, with that enthusiastic condition that comes over him when a question of that character is on his mind, also denounced the House of Representatives and its organization, and not only so, but went out before the public with a newspaper article, very ably written, of course, denouncing in the same sort of language the organization of the House of Representatives, and notably the Committee on Rules.

In the State of Ohio substantially all the Democratic newspapers have taken up the cry and have warned the people of the horrors that are just ahead of them if they do not in some way rouse up and combat this oppression. My colleague, in accepting a nomination for a second term in his district, published in his speech the larger part of the speech of the gentleman from Washington. Quite an improvement it was, in matter of rhetoric and eloquence, I confess; and that went the rounds of the newspapers and press of Ohio, was widely circulated and widely commented upon. It became the text for a great many Democratic editorials.

I do not stand here to-day for the purpose of having a personal controversy with the gentleman from Washington. Individually he cuts a very insignificant figure as compared with the greater fact that he has sent forth to the world at large a studied arraignment of the Speaker and the House. This gives to his remarkable utterances unusual interest. I have no personal controversy with him. I have been his friend always. I have in my possession a letter from his committee thanking me for the laborious efforts I made for his election. I had entered into that matter because of certain conditions that surrounded us here in the House of Representatives, and I had nothing but the most friendly feeling for him, and never, on any occasion, could he have asked a favor of me that I would not have cordially and willingly granted. So his attack upon me, not only put forth upon the floor of the House with bitterness and vindictiveness that marked every utterance that related to me, but its repetition in other localities, called my attention to the character of the assault. I care nothing about that.

If nobody was interested in this matter but myself I would not be heard in defense. But there are others; not only the gentlemen who furnish the personnel of the committee organization of the House, but furthermore the honor and integrity of the House of Representatives. This is the most representative body in all the world—a body that comes directly every two years from the ultimate source of all political power, coming directly from the people. In our representative capacity we control the destinies of the present and future of a great nation. To send it forth to the world that that body of men is under the control of an oligarchy that oppresses the people and suppresses debate and strangles needed consideration of bills and measures is a matter of very considerable importance, not alone to the members in this House, but in a much larger degree to the people of the United States. It furnishes an element of assault throughout the world upon the success of free institutions. It has already brought out sneering comment from newspapers in other countries.

Now, I do not care to read any of this attack, for I do not care to give it any wider circulation than it has had already, but I propose here to place in the RECORD, and use it as a part of my speech, an argument in favor of the present organization of the House of Representatives, prepared by our very distinguished and very able clerk to the Speaker, Mr. Hinds. You know to whom I refer. He is probably to-day—so far as the matter of detail is concerned—the best posted parliamentarian in the United States. [Applause.] I am not putting in competition the great minds that have presided in this House, to whom I shall refer later, or so far as the independent physiological consideration and discussion and settlement of questions of parliamentary law are concerned; but in so far as discussion properly relates to the history of legislation, to the parliamentary history of the United States, now nearly a century and a quarter old, I would refer to Mr. Hinds, and defer to him in preference to any other man in the country. [Applause.] I am glad to make this reference to him.

He has furnished—not at my suggestion, but he has given me the benefit of it—a statement in regard to this subject of the criticism of the rules of the House.

Before I come to that, however, I desire to say that there is no more democratic place in all the parliamentary history of this or any other country than the period of time when the House of Representatives debates rules for its organization at the beginning of a Congress.

In the organization of this Congress, as in the organization of the Fifty-fourth, the Fifty-fifth, and the Fifty-sixth, we had gentlemen here—wise men, men whom I recognize as men of ability—who differed with the majority of the House upon the question of the propriety of these rules, and effort to change them was made.

I may say very briefly, in addition to the paper of Mr. Hinds, that the Fiftieth Congress demonstrated to all the world and to every member of that House that there must be a radical, far-reaching change in the rules of the House of Representatives. We had become not an oligarchy, not an organization of tyranny and oppression, but we had become a powerless body—a body that could not do business. We had grown from a small number up to the number of the present organization of the House, or nearly so; and I remember very well—and there are other gentlemen here on the floor who remember it as well as I do—when for nearly nine days—for more than eight days—we stayed in this House by day and by night—holding long night sessions, sometimes all night—for the sole and simple purpose of coming to a vote upon a question that had been widely discussed and as to which everybody absolutely understood all there was bearing upon it.

It was the question of the refunding of the direct tax. It had been discussed and, as I have said, understood, and when we undertook to force a vote upon it we were obliged to waste absolutely somewhere between eight or nine days because we could not, by any process furnished to us by the rules of the House, bring about a vote on that important question. It then became apparent that some radical changes in the rules must be made.

In the Fifty-first Congress, this organization, substantially what we have now, was made. There was a good deal of criticism of it upon the Democratic side; but in the Fifty-second Congress and in the Fifty-third Congress that party, with the same intelligence which it has always had, followed in the footsteps of the Republican party ultimately and adopted in essence our rules. From that day to this, as I have already said, there have been repeated efforts to amend these rules, and I want to point out now with what grace it comes from two members of this House to now condemn the principles upon which these rules are established.

At the beginning of this Congress, following the election of the Speaker of the House and the other elective officers of the House, a motion was made to adopt for the government of the Fifty-seventh Congress the rules of the Fifty-sixth Congress. Our friends on the other side made about the usual opposition; and finally, in a full debate in which more than one Republican participated, and in which there were strong utterances in opposition to some of the provisions of the proposed rules, and, among other things, a strong attack made upon the small number of the Committee on Rules, and an attack made upon the source of their appointment as well—because the claim has been made many a time that the Speaker ought not to be intrusted with the appointment of the Committee on Rules, that the appointment ought to be made by the House of Representatives—all this was discussed fully. And there were here in this House two gentlemen who had served all the way through the Fifty-sixth Congress; that is, their names had been on the roll of the House.

They were present when the debate took place. They knew, or had the opportunity to know, all there was of oligarchy, all there was of tyranny, all there was of oppression in those rules, for they had served under them for two sessions of Congress and their memory was again refreshed by the able attacks which were made, not only on the other side, but on this side, against those rules; yet I find that when a motion was made by the gentleman from Tennessee to commit these rules to the Committee on Rules again for the purpose of reorganization and for the purpose of eliminating these oppressive features, as they are called, both these gentlemen—one of them the gentleman from Washington [Mr. CUSHMAN], and I will call attention to another gentleman who has attacked the whole business here—possibly not so much the rules as the mode of their administration—on a direct yea-and-nay vote upon the question whether there should be a change in these rules or not the gentleman from Washington and the gentleman from Ohio [Mr. GILL] and the gentleman from California [Mr. LOUD] all voted with their party against the change in the rules of the House. This was their opportunity, and they failed to avail themselves of it. I say they are now estopped to complain.

And now I am going to show you before I get through what a meager opportunity these gentlemen, at least some of them, have had to know how oppressive these rules have been during the organization of the Fifty-seventh Congress. They were here. They had served two sessions. Were they unintelligent? Did they not know what was wrong with the rules of the House? Had they not had sufficient time to ascertain what was the matter? Yet we find that after full debate here upon the floor of the House, they voted for the readoption of the old rules of the Fifty-fourth, of the Fifty-fifth, the Fifty-sixth, and now the rules of the Fifty-seventh Congress.

It strikes me that these gentlemen are effectually estopped—and it is an estoppel in pais, as the lawyers would say—from coming here now and protesting against the rules that they deliberately voted for, with a full knowledge of all that had been said by much abler men, possibly, than any of us, on the question of these rules. By what principle of fairness do these gentlemen complain of rules they voted for?

So now, Mr. Chairman, I want to show to the House how little there is in the complaints that are made in regard to this matter.

And, Mr. Chairman, having said that, I would, if time permitted, read this argument made by Mr. Hinds; but for lack of time I will, without objection, incorporate it at the proper place in my remarks. It will be a valuable document for the perusal of gentlemen of the House of Representatives.

The following is the able paper of Mr. Hinds:

Criticism of the rules of the House of Representatives, both in the House itself and in the columns of the press, is by no means a phenomenon of present political conditions. Even in those early days, now fondly referred to as the better days of the Republic, the rules came in for their share of the criticism which freemen so delight to mete out to their institutions and statesmen. The vigorous tongue of John Randolph, of Virginia, disported itself fully as much at the expense of the rules of procedure as at the business methods of the great Speaker, who in that early day realized that a legislative body should first of all be able to legislate.

Present criticisms are directed almost entirely at the Committee on Rules, which is represented as exercising tyranny, variously compared to the most notable of the historic tyrannies. And present criticism is probably milder than has been known in the last ten years of the committee's activities. Yet the Rules Committee has continued its duties, whether one party or the other has controlled, and no serious attempt has been made on the floor of the House either to reform or abolish it.

It is evident that an institution so freely denounced and so unanimously upheld must have about it some things worth studying. Nor will an examination of the functions of the committee consume much space or great time.

Nearly every American is familiar with the procedure of the ordinary society or lodge meeting, where there is abundant time to transact all the business and hear every member who wishes to speak. There is a freedom and ease of action in such a meeting that renders drastic rules unnecessary. But give one of these delightful little assemblies twice as much business as it can transact in the time before it, and three or four times as many debaters desiring the floor as can be heard. Everyone understands what turmoil and confusion would ensue.

More than half a century ago the House of Representatives found itself in precisely this condition, and one of the means of relief was a rule establishing an ironclad order of business providing that reports of committees and other business should be taken up only in a fixed order. This helped along the public business by substituting order for chaos. Legislative propositions marched up for consideration in single file instead of as a mob.

But as the years went on the file grew so long that many measures would be waiting in line when the Congress expired. Sometimes important bills, even great measures appropriating supplies of money for the Government, would be left in line, blocked by less important measures ahead of them.

It took the House a long time to devise a satisfactory system whereby certain bills, because of their importance, might be allowed to step out of their place in the file and march to the front while other bills waited. The perplexities attending this reform were some such as those which attend the establishment of rules of precedence in social affairs; but the House has finally settled the problem in a fairly satisfactory way. It was evident to all that common sense required that the general appropriation bills should be allowed to step out of the file and move to the front at any time. It was also easy to set aside one day in the week when bills for the benefit of private individuals should be allowed to come to the front, on condition that on all other days of the week they should give way to bills relating to public affairs.

In later years a few other distinctions have been established whereby bills of importance greater than that of the common kind have been given precedence.

But as more than 15,000 bills demand the attention of the House in a Congress, and as the House can not act on 3,000, it is evident that with all the rules of precedence there remain 12,000 bills that wait in vain.

In former years the line of hopeless waiters was not so large, not because the House did more business, for it did less, but because the demands of the country were not so great. Yet there has always been a fierce struggle for precedence among the bills of the common kind as distinguished from the privileged kind.

The first device for rescuing worthy measures from the crowd of the hopeless was the motion to suspend the rules fixing the order of business so as to enable the House to take up a particular bill. For obvious reasons it was established that such a motion should require a two-thirds vote. Even with that restriction the use of the motion became so great as to threaten to take all the time of the House. So the motion to suspend the rules was limited to certain days, until now it is in order only on two days each month.

It is obvious that the motion to suspend the rules was an imperfect device. A bill very important and desirable might be unable to command a two-thirds vote, although it could easily get a majority.

So the problem was to enable the House to rescue a worthy measure by a majority vote. It is obvious that if it was to be done by motion from the floor, every member would be making the motion, and so the order of business would be abandoned in favor of mob order, wherein the only regulating force would be the autocratic recognitions of the Speaker. Even the motion to suspend the rules had once fallen into this sad condition.

It was a natural and reasonable idea to provide that a motion so liable to abuse should require the approval of a committee before it should be made on the floor. There had been a Committee on Rules since the earliest days of the House, of which the sole function had been to report a system of rules at the beginning of a Congress and amendments from time to time. And it was quite a natural thing that to this committee should be referred motions for the consideration of bills that seemed unlikely to be reached in the order fixed by the rules. The origin of this device dates back nearly if not quite twenty-five years. The House dropped into the practice quite naturally and unconsciously, and it was only when the existence of rampant obstruction caused the Committee on Rules to prescribe the method of consideration as well as to afford the opportunity for consideration that the House and the country became aware of the system.

While obstruction of business was the fashion of partisan warfare in the House the Committee on Rules would not only report a rule giving a bill a time for consideration, but would at the same time fix the length of debate and the time of voting. Since both political parties made use of drastic restrictive orders of this kind it is evident that they were considered necessary. In the present Congress such orders have been comparatively rare, and where they have appeared restrictive generally the provisions have been so liberal as to give ample time for consideration. The most elaborate restrictive order of the present Congress was that providing for the consideration of the bill for the government of the Philippine Islands; yet in reality it was so liberal that the House agreed to it by unanimous consent.

In conclusion, two facts should be remembered:

1. That the Committee on Rules recommends to the House, but does not dictate. It may propose a special order, but that order can be adopted only by a majority vote of the members of the House.

2. That the Committee on Rules officiates, and is expected to officiate, only in relation to a very small proportion of the total number of bills passed by the House.

In recent years the House in a Congress has passed about 2,200 bills. Of the 14,000 or more bills introduced the various committees of the House report about 2,800, and these go to the calendars or docket. Fully 2,000 of them are private bills, in order for consideration on Fridays, and no one has ever expected the Committee on Rules to assist them. They come up in their own right for consideration. About 265 are public bills not requiring appropriation of money, which are in order in the first portion of a period called the morning hour, but not limited to sixty minutes. It is never expected that the Committee on Rules shall assist these bills, as they reach consideration readily in the regular order.

There remain, then, about 375 bills which go to the so-called Union Calendar. It is because of these bills that the criticisms of the Committee on Rules mainly arise. It is difficult to take up a bill on the Union Calendar unless it is privileged. About 25 of them are privileged, but there remain 350 in a position of difficulty. A few of them are of general public importance, but the greater number are really of local interest, much desired by the constituents of certain members but not generally objects of interest to the people of the whole country.

Any one of these 350 bills may be reached in the regular order of business without the aid of the Speaker or the Committee on Rules, because in the second period of the morning hour a motion to go to the Union Calendar to consider one or all of them may be made, and there is no doubt that the Speaker must entertain it. The motion once made may be carried by a majority vote.

It may be objected that the multitude of privileged bills in fact keeps the House from the morning period, and thus causes its advantages to be nominal rather than real. But the House may at any time, through the nondebatable question of consideration, set aside privileged matters by majority vote, and then the morning period results automatically.

That the House may thus at any time take up for consideration any bill before it, without assistance or even consent from the Speaker or Committee on Rules, shows that the committee is not actually a parliamentary dictatorship but a convenience, more reasonable and useful than the motion to suspend the rules.

When the critics of the Rules Committee are confronted with such a presentation of the case they reply, "True, but the bills in which we are interested are not such as to cause the House to side track the appropriation bills

in order to consider them. So we are helpless unless the Rules Committee assist us." But should the Rules Committee be expected to assist in displacing great public measures in order to forward legislation in which the House—and presumably the country also—takes so little interest?

In a Congress about 125 of the 350 nonprivileged Union Calendar bills are considered without aid from the Committee on Rules. About 25 are aided by that committee, and about 200 are left among the thousand or more reported bills that the House fails to reach.

The 12,000 bills not reported by committees are not expected to be considered in the House, and the Committee on Rules is not to be criticised on account of them. Their status of hopelessness dates far back to a period long before the present functions of that committee began.

So it may be claimed fairly, and without fear of contradiction, that the criticisms of the Committee on Rules for not bringing bills to the consideration of the House arises because of the 200 Union Calendar bills which fail. Any one of those bills might be passed in the regular order if a majority of the House could be induced to take interest in it. That being impossible, the member interested in the bill importunes the Committee on Rules to use their machinery to give his measure an easy launching. But the Speaker and his four associates on the committee are exercising a public trust for the general benefit, and it is their duty to weigh the measure well before assisting it.

A man does not have to be a philosopher, or even to have lived long in the world, to realize that a committee which has to say no to so many must, from time to time, be made the target of bitter criticism. That such criticism is not founded on justice seems to be proven amply by the fact that in ten years no serious attempt has been made in the House either to abolish or modify the functions of the committee.

Now, what is the difficulty? It is claimed, as I have already read, and my colleague [Mr. GILL], in his speech accepting his nomination, said with approval what Mr. CUSHMAN had said, as follows:

It is with humiliation unspeakable that I rise in my place on this floor and admit to my constituents at home that in this House I am utterly powerless to bring any bill or measure, no matter how worthy or meritorious it may be, to a vote unless I first consult the Speaker.

Why, Mr. Chairman, that is exceedingly adroit language, exceedingly adroit. Of course he must consult the Speaker. We have not an organization of chaos here. There is not anybody here who can do anything when the House is in session without addressing the Speaker of the House, but the inference and the intention and purpose was to show that a member of this House was powerless to bring about action upon any measure unless the Speaker was in favor of that measure, and included in that criticism comes the denunciation of the Committee on Rules.

Now, I want to say this: I venture to say that no committee invested with that great power, which I admit is nominally vested in the Committee on Rules, has ever been as free from the use of that power against the purposes of the majority of this House as has been the Committee on Rules of the Fifty-seventh Congress. Let us see. We have had some very sanguine battles on this floor, battles upon great questions. Let me enumerate three of them. The Pacific cable, the oleomargarine bill, and the irrigation bill, two of the three going, as it is claimed and as I claim, right to the root of our Government, and introducing into the Government new principles of legislation. I am not here now to criticise any one of those bills. I state this without going into detail. There was not one of those bills that received more than one vote of the five members of the Committee on Rules, as I understand it. I know that the oleomargarine bill had but a single voice in its favor among the five members of the Committee on Rules.

The bill of the distinguished gentleman from Michigan [Mr. CORLISS] had but a single voice in its favor, and that voice was of very doubtful import and power. As to the irrigation bill, I believe there was but one member of the committee who voted for it, certainly three of the committee did vote or would have voted against it; and there are the three great questions that we have had—nonpolitical in their character—every one of them vastly important to the people of the United States, and the Committee on Rules could have strangled any one of those bills. Take the oleomargarine bill, which, in my opinion, was the most offensive of them all, and we had that bill twice where it could have been strangled and destroyed in the Committee on Rules—once before the time was given for its original passage, and the second time when they were compelled to have a rule of the House in order to bring it out and settle the differences between the two Houses.

Mr. BARTLETT. Mr. Chairman, does not the gentleman think that the Senate about destroyed the oleomargarine bill?

Mr. GROSVENOR. I hope so. I am only referring to it now to point out the fairness of the Committee on Rules and to show that criticism of the committee is unjust. I have only pointed out these three great epochs here to show you that the Committee on Rules of this House has never undertaken to strangle the voice of any one of the members of this House in any manner pertaining to legislation. I have only referred to three; there have been many more of them. Our Democratic friends on that committee, as a matter of course, are not expected to coincide with the Republican majority upon questions of politics, but upon every other question, and I challenge the gentlemen—I do not challenge them, but I refer to them with high respect and high regard, and they will bear me out in it that their voice has had as much weight in framing the rules and deciding the questions that have come before us as any Republican member of the committee. In the argument made by Mr. Hinds, which I shall incorporate, you will find the reasons why we must have a Committee on Rules or else we must have chaos and how very few now of all the bills that come into this House come at last or at first or at any time from the Committee on Rules. There are but a very few of them. Let us see, now. All the bills coming from the Committee on Ways and Means for the raising of revenue are privileged bills to come before the House upon the motion and suggestion of the committee itself.

All the appropriation bills, carrying these mighty sums of money, come before the House without the consent of any man except the chairman of the committee, sustained by the majority of the Committee on Appropriations. The resolutions relating to printing, the resolutions relating to the expenditure of the contingent fund of the House, and a long line of other bills come here as matters of privilege. And then, too, when the two Houses have acted and a difference arises, these rules specifically provide that the report of a committee of conference is of the highest privilege.

Again, all contested-election cases are privileged. And then, again, the rules provide for the setting apart of the days that are allotted to the District of Columbia, to the Committee on Claims, to the Pension Committee, and the Committee of Invalid Pensions. All these are outside of the jurisdiction of the Committee on Rules; and when you come to look into it you will see how very small a proportion of all the bills that come from the membership of this House and percolate through the committees and come back onto the Calendars of the House are affected in anywise or come in anywise under the jurisdiction of the Committee on Rules.

How are you going to carry on the legislation of the House of Representatives without the action of this committee? Has anybody ever thought what we would have here without it? And now I want to point out another thing. The Speaker of the House is not present. I have served in this House under four Speakers. Among them was Mr. Carlisle, than whom no fairer minded, no abler man ever occupied a seat in that distinguished chair. Then there was Mr. Reed, "Tom Reed," the great parliamentary leader; the able man; the patriotic man; then Mr. Crisp, a man I loved, a man whose lovable characteristics impressed themselves upon the House, a man without the experience of Carlisle and Reed, but a man with a mind to grasp these questions, and he and they were foremost and always ready to do the fair thing. I could select out of that trio of great men a marked difference in their treatment of the members of the House, but that is not important.

Now, I say, and I challenge contradiction, that the present Speaker of the House of Representatives has been indefatigable, untiring, in his purpose to treat all sides of this House and all the membership of this House with absolute fairness. [Applause.] Go over his decisions. It is very easy for gentlemen to carp and criticise. Find one of those decisions, if you can, that is not justified under parliamentary law and the parliamentary history of our country and the precedents written in the books. He is fair-minded, able, and careful. Why, it is said you must go to him with a bill in order to get the right to call it up by unanimous consent. Let me contrast the management and administration of this Congress and the last Congress with some of those that have gone before. I have sat here in my seat—for I have occupied this place all the time I have been in Congress, except one session, and then I sat in the row immediately behind this one—and I have seen 50 men on their feet with bills in their hands, holding them up and swinging them and crying out "Mr. Speaker!"

What was the cause of that? It was because of the lack of system and plan in the Speaker's own mind as to how he would administer this very delicate question of recognition for the purpose of asking unanimous consent. And upon his own motion, with his long experience in the House, he has adopted the system under which we are acting, which is this: He will not recognize any man to ask unanimous consent for a bill twice over if objection has been made, unless there is some good reason shown in the merit of the bill itself; and in order to ascertain that he must read the bill and read the report and talk with the member; and I do not ask any man to respond to what I am going to say, but was there ever a member of this House now under the sound of my voice who went to the Speaker and asked him to allow a bill to be called up by unanimous consent that the Speaker refused to examine into the merits of the bill that he brought to him?

Then what next? Bear in mind, gentlemen, that these bills that come up by unanimous consent are not the proper subject of the jurisdiction of the Committee on Rules. That committee has nothing to do with those bills. Now, suppose that the Speaker was this arbitrary person that was denounced by the gentleman from Washington [Mr. CUSHMAN], and suppose he saw fit to have favorites in the House; how easy it would be simply to recognize men on this side and to single out his special friends. I stand

here to challenge any man to say if the Democratic members of this House, in proportion to their numbers, have not had, for this matter of recognition to ask unanimous consent, an equal opportunity with this side of the House. The record will bear me out that I am absolutely correct. And that is not all of it, Mr. Chairman. I will put into the RECORD the names of the members who have had unanimous consent by the recognition of the Speaker, and the number of the unanimous consents that they have had. Fortunately we have a RECORD that rises a little higher in verity than the memory of disappointed gentlemen on the floor of this House.

Mr. GAINES of Tennessee. Will the gentleman yield for a question?

Mr. GROSVENOR. Well, yes.

Mr. GAINES of Tennessee. It is purely a question. The gentleman is making an interesting speech. I do not desire to interrupt him in that, but I desire to ask him this: Does the gentleman feel that it is right, just, or legal to permit any Speaker, regardless of who the Speaker is, whether a Democrat or a Republican, to have it in his power to say that he will or will not give you recognition to ask for unanimous consent to consider a bill in this House? Again, one more question: Does the gentleman feel that it is right to the people of this country to put it in the hands of the Committee on Rules the power to say what shall and what shall not be considered in this House?

Mr. GROSVENOR. Why, of course; I say yes to both those questions. That is what I am here and making this speech for. [Laughter on the Republican side.] I did not suppose that I had not been understood. I can not yield any more, Mr. Chairman. I must apologize to the House. I thought I had been saying some things very plain, which would be understood.

Mr. GAINES of Tennessee. The gentleman does not apologize to the House enough.

Mr. GROSVENOR. Yes; I apologize to the House. I thought I had been exceedingly explicit and plain. [Renewed laughter.] What is the alternative of the gentleman's proposition? It is just what I have already described. Fifty gentlemen on their feet waving their bills, and the Speaker compelled to select one, and all the rest are dissatisfied. What do we have now? Absolute order. The Speaker indicates to a gentleman, first on this side, perhaps, then on the other, and then alternatively back and forth with absolute equality—I say with absolute equality, as I will show in my exhibit to my speech.

The result of it is that we do twice the business in an hour's time under this procedure of the House—five times the amount; and that is not all of it. There has been a great deal of it. Because the Speaker did not recognize A and did recognize B, A objects, and then comes trouble and disorganization of the whole concern.

Now, Mr. Chairman, I believe that an intelligent study and a patriotic consideration of the rules of the House to which I have referred will impress upon the minds of any gentleman the absolute fairness of those rules. Nobody proposes a change to get rid of these so-called obnoxious features.

Now, I want to apologize to the gentlemen who have made these attacks for apparently not quite understanding the rules. My friend from Ohio [Mr. GILL] in the Fifty-sixth Congress voted in the first session on 65 roll calls and was absent on 23 of them. In the second session he voted on 43 roll calls and was absent on 31. I can imagine if my friend had been here listening to the proceedings of the House constantly he would have been less severe in his assault upon the rules of the House. In this Congress we have had 58 roll calls. He has responded on 18 and was absent on 40. He is a man of large business, a manufacturer, and I know he can ill afford the time to stay here and watch the proceedings of this House. He is far more attached, apparently, more devoted to the business that seems to absorb him, and possibly if he will retire from business upon his ample fortune, which he has, and sit down here in the Fifty-eighth Congress—Republican House to be [applause]—under the old Reed rules, he will come to a better consideration of the rules of the House.

Now, the gentleman from Washington, not so much absorbed in business, but quite as unfortunate in his devotion to the business of the House—I think if he would give a little more attention and be a little more constantly in the House of Representatives, watching the procedure, that he would feel toward the rules—I seem to have lost my figures in some way by some unaccountable process of disappearance, but I shall be able to put them in the RECORD and show that his record of presence and absence is a much more startling one than that which I have referred to in the case of my distinguished colleague, and I hope that in the future he will grow better satisfied.

Now, I want to refer to another matter. Mr. CUSHMAN introduced 38 public bills; 8 were reported, and none passed or become laws. I am going to point out how an industrious and faithful young member of this House can get on. That was one of Mr. McKinley's great expressions. Everything that went well he called "getting on," and I want to show you how an industrious member of this House can "get on" without complaining. Now, I want to defend this House against any unfairness to the young, glorious State of Washington. I voted for its admission into the Union, and I have done everything I could to have it represented here in Congress by Republicans, sometimes not successfully; but it looks as if in the future we are going to have a better time in that respect than we have had heretofore. I have been very anxious that Washington should "get on." Here is what one of its Representatives has accomplished:

Mr. JONES of Washington introduced 46 public bills, 6 of which were reported, and 2 became laws. Mr. CUSHMAN introduced 58 private bills, 7 of which were reported, and 2 became laws. Mr. JONES of Washington introduced 17 private bills, 6 of which were reported, and 2 became laws.

Here is the record of the gentleman from Washington, Mr. JONES:

FIFTY-SEVENTH CONGRESS.

H. R. 12420, Wesley Brummett, pension bill, passed the House.

H. R. 12115, Chester Wadsworth, pension bill, passed the House.

H. R. 12370, Ida M. Briggs, pension bill, passed the House.

H. R. 159, extending provisions of free-homes bill to north half Colville Indian Reservation, passed the House.

H. R. 11725, amending navigation laws relating to register and enrollment of vessels, passed the House.

H. R. 8335, providing for building a bridge across the Columbia River at Vancouver, Wash., passed as Senate bill 4204.

This is aside from regular appropriation bills. Omnibus building bill increased Seattle from $750,000 to $900,000 and gave $60,000 each for sites at Spokane and Tacoma. Naval bill, in which he took special interest, carries over $1,100,000 for Puget Sound Navy-Yard.

H. R. 960, for relief of James C. Drake, covered by omnibus claims bill.

Aside from appropriations carried in general appropriation bills, as a matter of course.

FIFTY-SIXTH CONGRESS.

Pension bill for Favel Van Eaton, became a law.

John B. Wetherbee, pension bill, became a law.

Julia Traynor, pension bill, became a law.

Abner S. Crawford, pension bill, became a law.

Thomas Paul, land-purchase bill, became a law.

John C. Smith, land-purchase bill, became a law.

H. R. 9140, extending homestead laws to Philippine soldiers, passed.

H. R. 4801, for relief of Joshua Roberts, passed as an amendment to one of the appropriation bills.

H. R. 11059, admitting *Star of Bengal* and *Star of Italy*, passed as Senate bill 4448.

H. R. ——, admitting steamship *Garonne*, passed as a Senate bill.

Bill appropriating $50,000 for repair of *Thetis*, passed as an amendment to an appropriation bill.

H. R. 5267, relating to lieu land selections, reported as amended by Public Land Committee, passed as amendment to sundry civil bill.

H. R. 7331, appropriating $300,000 for light and fog-signal stations in Alaska, was provided for in the two sundry civil bills.

Introduced bill increasing cost of public building at Seattle from $300,000 to $1,000,000, and in omnibus bill increase was made to $750,000.

Passed resolution for printing work entitled "Louisiana Purchase."

Secured amendment to sundry civil bill under which Army post at Spokane will be completed as a battalion post.

H. R. 8306, extending coal laws to Alaska, was incorporated in one of the general bills.

Now, I think if the gentleman from Washington [Mr. CUSHMAN] had been present a little more in the House he would not only have got some more bills passed, but he would have had a better opinion of the House itself. In the Fifty-sixth Congress, the first session, there were 87 roll calls, on 70 of which Mr. CUSHMAN voted, and on 17 he failed to answer. You see he did pretty well; his record was high up in that Congress. Up to and including February 8, 1900, the first two months of the session, there had been 14 roll calls, 8 of which he missed.

Mr. JONES of Washington. I would like to hear that again. I did not catch what the gentleman said.

Mr. GROSVENOR. Up to and including February 8, 1900, there had been 14 roll calls, 8 of which the gentleman missed.

Mr. JONES of Washington. In justice to my colleague, Mr. Chairman, I want to say that I think he was sick during a part of that time.

Mr. GROSVENOR. And therefore he did not have an opportunity to feel so kindly toward the rules as if he had been here

and understood them. But his illness was a sufficient excuse for those absences.

Now, it shows just this: That where a gentleman will be present and attend to business, he will have a better opportunity, I am arguing, to be favorable and friendly to the administration of the House than he will if he happens to be away and then feels that he has been unfairly treated.

Now, I said that an active, persistent, and energetic member could do a great deal of work. Now, let us see. Here is a new member that came in the Fifty-sixth Congress, and I have put his record in as illustrative of what one man can do by attention to his business. Aside from the appropriations carried in the general appropriation bill which went as a matter of course, and which my friend from Pennsylvania gave the entire credit to Mr. CUSHMAN, I want to say that his colleague, Mr. JONES, has done the following, as I have stated:

The record of this gentleman in both Congresses I have given. Why, all the members, 21 of us from the State of Ohio, have not accomplished in actual legislation one-half of what the gentleman, Mr. JONES of Washington, has accomplished for that State. [Applause.]

I think I may fairly stand here and say that the people from Washington have been not only liberally looked after, but most efficiently represented in this House of Representatives.

Mr. JONES of Washington. Mr. Chairman, may I interrupt the gentleman?

Mr. GROSVENOR. Yes.

Mr. JONES of Washington. I appreciate the compliment the gentleman pays to me, but I desire the members of the House to know and realize that the members from the State of Washington are elected at large. We have no Congressional districts, we each represent the entire State, and I want to state that we work together upon all these matters, and I do not desire by my silence, here or elsewhere, to appropriate any credit for any of these matters, general appropriations or otherwise, that may be due to my colleague, because we have worked together and he is entitled to as much credit as myself. [Applause.]

Mr. GROSVENOR. A striking exhibition of modesty and generosity which I commend to the consideration of others. [Laughter and applause.]

Now, the Committee on Rules has been unfortunate enough to oppose the building of a mint in the city of Tacoma, and I will put into my speech the letter of the Director of the Mint, indorsed by the Secretary of the Treasury, stating emphatically and in clear language that they did not want any such building erected. And that is "the head and front," apparently, "of our offending"—that we did not have that bill brought in and passed. There are plenty of demands for public buildings, as we have all learned, and I think the chairman of the Committee on Public Buildings and Grounds, the distinguished gentleman from Nebraska [Mr. MERCER], would not hesitate to indorse my statement that when a public building is asked for a special public purpose, and the head of the Department to which it is to be consigned protests against its erection, there has never yet been a committee of this House that would report such a bill to the House and seek its passage.

Mr. COCHRAN. Have you read the hearings before the Coinage Committee on that bill?

Mr. GROSVENOR. I have them lying here on my desk.

Mr. COCHRAN. Do you not think the House of Representatives, not the Secretary of the Treasury, should pass upon such a question when facts are disputed and various interests are involved?

Mr. GROSVENOR. Oh, yes; but when so many public buildings are asked for that are not needed, and when there are so many that are needed, I do not think we should force a building costing half a million dollars upon the Treasury Department, that does not want it.

Mr. COCHRAN. One further question, if the gentleman pleases. I direct his attention to the fact that in the testimony before the Coinage Committee it was made clearly apparent, I think, that little or no expense would be involved in operating the mint asked for by Mr. CUSHMAN'S bill, the saving of the transportation of the bullion to the mint at Philadelphia and the mint at San Francisco and other expenses now incurred by the Government being almost sufficient to defray the entire expense of the coinage of the bullion at the town of the gentleman from Washington.

Mr. GROSVENOR. And then it would become a perpetual expense that the officers of the Government say is not necessary.

Mr. COCHRAN. I say that the expense from year to year would be almost, if not entirely, covered by the saving of the expense now incurred in shipping bullion to other mints.

Mr. GROSVENOR. I have not the time to discuss that with the gentleman. It is enough to say that the Committee on Rules was met with the peremptory statement of the Secretary of the Treasury and the Director of the Mint that they did not want this building erected.

Mr. COCHRAN rose.

Mr. GROSVENOR. Now, I will not discuss the matter any further. The official letters to which I refer are as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, March 22, 1902.

MY DEAR MR. SPEAKER: On receipt of your letter of the 14th, inclosing House bill No. 68, and the report thereon, No. 482, being a bill to establish a United States mint at Tacoma, in the State of Washington, and requesting the views of this Department thereon, I submitted the same to Hon. George E. Roberts, Director of the Mint, and inclose you herewith his reply.

I have no doubt of the correctness of the facts stated by Mr. Roberts, and agree with his conclusions.

Very truly, yours,

L. M. SHAW.

Hon. D. B. HENDERSON,
Speaker House of Representatives.

TREASURY DEPARTMENT, BUREAU OF THE MINT,
Washington, March 17, 1902.

The SECRETARY OF THE TREASURY.

SIR: Referring to the inclosed communication from Hon. D. B. HENDERSON, Speaker of the House of Representatives, asking for your opinion upon House bill 68, to establish a mint at Tacoma, I beg to say:

The Government has recently completed a new structure in Philadelphia, which was occupied by the mint in October last. The building cost $2,000,000, and $440,000 is appropriated for equipment. When the equipment is completed this will be the largest and best mint in the world. There is also now under construction at Denver a mint for which $500,000 has been appropriated and for which the Supervising Architect is now asking $300,000 more. An appropriation of at least $150,000 will be required for the equipment of this institution. These two new mints, in connection with the mints at San Francisco and New Orleans, will afford ample facilities to do all the coinage that will be required for many years to come.

In a hearing held by the Coinage Committee upon a similar bill two years ago the Director of the Mint made a statement that when the receipts of the Seattle assay office reached the sum of $30,000,000 per year it might be as cheap to coin the bullion there or elsewhere on Puget Sound as to forward it to San Francisco. This without allowing for the cost of the establishment, which the Director was not prepared to estimate. The bullion receipts of the Seattle assay office have not, however, reached that figure, and there is no immediate prospect that they will.

With the completion of the Denver mint there is no reason why the Government may not have a rest from mint construction for some years. The appropriation named in the bill, $200,000, is inadequate for the construction and equipment of a mint, and would have to be followed by other and larger appropriations before coinage operations could be begun.

Respectfully, yours,

GEO. E. ROBERTS, *Director of the Mint.*

Mr. COCHRAN. Just one further question. Does the gentleman contend that the Committee on Rules should receive its instructions from a Department of the Government, rather than from the members advocating a particular measure, and who appeal to the judgment of their colleagues in support of it?

Mr. GROSVENOR. I do not say anything of the kind. The best part of my answer, after all, is that we have reported so many bills that we were opposed to that the gentleman will find his argument will fall to the ground.

Mr. OLMSTED. Allow me one question. The gentleman from Ohio [Mr. GROSVENOR] stated, if I understood him, that the Committee on Rules opposed this mint bill. Now I wish to inquire whether they opposed it in any other way than by declining to bring in a special rule for taking up that bill ahead of all other legislation?

Mr. GROSVENOR. That was all. Here were 41 or 42 States of the Union and 2 or 3 Territories with bills recommended by the Committee on Public Buildings and Grounds, and here was one of, I affirm, a hundred other bills not recommended by the committee that was sought to be brought in here against the judgment of the Treasury Department and against the judgment of the Committee on Public Buildings and Grounds and made a special order against the entire list of bills that had been consolidated into the so-called omnibus measure; and the action of the committee upon this particular bill was, after all, only a postponement of the measure, not a killing of it—simply a refusal to bring it in here at that time as a special order.

Mr. COCHRAN. Is it not true that under the existing rules and procedure of the House, even though a majority of the House may favor action on a bill, it can be (as bills have been under those circumstances) held up—refused consideration—because the Committee on Rules do not approve of it?

Mr. GROSVENOR. There are too many prongs to that question. [Laughter.]

Mr. COCHRAN. It is all prongs.

Mr. GROSVENOR. First, I know of no bill as to which it was represented that there was a majority of the House in favor of it the consideration of which was refused by the Committee on Rules if it came within its jurisdiction.

Mr. COCHRAN. Have not petitions signed by a majority of members been presented to the Committee on Rules asking consideration of bills in vain?

Mr. GROSVENOR. What bills? Name them. Let us get right at the kernel of this matter.

Mr. COCHRAN. I can not name one just now. [Laughter.]

Mr. GROSVENOR. I think not. I will answer the gentleman's

question when he knows anything about the bill to which his question relates.

Mr. COCHRAN. I will direct the gentleman's attention to a specific bill—the letter-carrier's bill. Was not that bill——

Mr. GROSVENOR. Not that I have ever heard of, and that bill can come here under the call of the Post-Office Committee, that has had four or five opportunities to be heard during this session of Congress. That answers the gentleman.

Mr. COCHRAN. I think the bill has never been reported. [Laughter.]

Mr. GROSVENOR. Very well, then. I know another bill that has never been reported.

Mr. COCHRAN. It could not be called up under the rules.

Mr. GROSVENOR. It can not be without an invasion of the entire practice of the House.

Mr. COCHRAN. I say it could not be called up under the rules, although the majority of this House desire it.

Mr. GROSVENOR. It could not be without a deviation from the entire record and history of the Committee on Rules. But the Committee on Rules has nothing to do with it.

Mr. COCHRAN. It is here when they see fit to bring it, or put back to sleep the eternal sleep.

Mr. GROSVENOR. There is no such condition, as I have abundantly shown. Now, take this very bill, and I am glad the gentleman has referred to it. In the first place, that bill can come here by the report of the Post-Office Committee, and when it does come here it can be heard under the call of committees. That is the first way. The second is, the gentleman from Missouri is at liberty to demand to be recognized on suspension day and move to discharge the committee and pass the bill. The third is, whenever there is a call of the committees one hour is spent in the consideration of a single bill, which has happened 25 times during this Congress, and the gentleman can move to go into the Committee of the Whole, take up that bill and consider it, and I challenge the gentleman to show where the Committee on Rules of this House has ever taken hold of a bill of that character. That would be considered an invasion of the rights of the committees of the House. That would be the consideration of an attempt to supplant the action of the committees of the House.

I add now certain statements from the Journal and records of the House, and which will be very interesting to show the enormous work of the House.

The following shows what we have done in comparison with former Congresses:

Congress.	Reports to June.	Number of days.	Bills introduced.	Bills passed.			Pages of Journal.	Pages of Record.	Remarks.
				Public.	Private.	Total.			
Fifty-second	1,535	251	10,337	237	200	437	....	5,040	Entire first session.
Fifty-third	935	357	9,076	307	134	441	....	5,744	Including extra session.
Fifty-fourth	2,105	193	10,639	223	270	493	613	6,137	Entire first session.
Fifty-fifth	1,465	175	10,547	279	444	723	705	5,546	To June 1.
Fifty-sixth	2,006	139	12,220	279	880	1,159	800	7,765	To June 7.
Fifty-seventh	2,591	139	15,187	262	1,592	1,854	....	7,547	To June 19.

The following shows the length of service of members of this House, which is important as reflecting upon the tables which follow:

Service of members.

Term.	Republicans.	Democrats.	Total.	Remarks.
First	49	40	89	
Second	43	36	79	
Third	33	43	76	
Fourth	31	8	39	
Fifth	23	13	36	
Sixth	3	5	8	Messrs. Hull, Lacey, Loud, Jones (Va.), Latimer, Livingston, Meyer (La.), and Pierce.
Seventh	3	2	5	Messrs. Ray, Sherman, Smith (Ill.), Elliott, and Lester.
Eighth	5	3	8	Messrs. Dalzell, Hepburn, Russell, Steele, Wadsworth, Bankhead, Lanham, and Robertson (La.).
Ninth	3	3	6	Messrs. Grosvenor, Hopkins, Payne, Hooker, McRae, and Richardson (Tenn).
Tenth	1	0	1	Mr. Henderson.
Eleventh	2	0	2	Messrs. Grow and Hitt.
Twelfth	1	0	1	Mr. Bingham.
Fourteenth	1	0	1	Mr. Cannon.
Fifteenth	1	0	1	Mr. Ketcham.

The following shows the committee service of first and second term members:

Committee.	Membership.			First and second term.	First term.			Second term.		
	Total.	Republicans.	Democrats.		Total.	Republicans.	Democrats.	Total.	Republicans.	Democrats.
Accounts	9	6	3	4	3	2	1	1	1	0
Agriculture	17	11	6	10	3	3	0	7	4	3
Alcoholic Liquor Traffic	11	6	5	10	6	2	4	4	3	1
Appointment and Payment of House Employees	5	3	2	0	....	....	....	....	....	....
Appropriations	17	11	6	2	0	....	....	2	2	0
Banking and Currency	17	11	6	8	5	3	2	3	2	1
Census	13	8	5	5	2	1	1	3	1	2
Claims (15)	13	9	4	12	9	4	5	3	3	0
Coinage, Weights, and Measures	17	11	6	9	5	3	2	4	4	0
Disposition of Useless Papers in the Executive Departments	2	1	1	0	....	....	....	....	....	....
District of Columbia (17)	16	11	5	6	2	1	1	4	4	0
Education	13	8	5	8	6	4	2	2	1	1
Election of President, Vice-President, etc	13	8	5	9	7	5	2	2	0	2
Elections:										
No. 1	9	6	3	6	4	2	2	2	0	2
No. 2	9	6	3	7	4	3	1	3	2	1
No. 3[a]	9	6	3	8	6	4	2	2	2	0
Enrolled Bills[b]	7	4	3	6	4	3	1	2	1	1
Examinations and Disposition of Documents[c]	3	2	1	2	1	0	1	1	1	0
Expenditures in—										
Agricultural Department	7	4	3	5	3	1	2	2	2	0
Department of Justice	6	4	2	3	2	1	1	1	1	0
Interior Department	7	4	3	5	2	1	1	3	1	2
Navy Department	7	4	3	5	4	1	3	1	1	0
Post-Office Department	7	4	3	5	1	1	0	4	2	2
State Department	7	4	3	4	4	2	2	0	....	....
Treasury Department	7	4	3	4	2	0	2	2	2	0
War Department	7	4	3	4	4	2	2	0	....	....
Expenditures on Public Buildings	7	4	3	6	5	3	2	1	0	1
Foreign Affairs	17	11	6	5	3	3	0	2	0	2
Immigration and Naturalization (11)	10	7	3	6	3	2	1	3	1	2
Indian Affairs	17	11	6	9	3	2	1	6	4	2
Industrial Arts and Expositions	9	5	4	3	2	0	2	1	1	0
Insular Affairs	17	11	6	1	1	0	1	0	....	....
Interstate and Foreign Commerce	17	11	6	5	2	2	0	3	0	3
Invalid Pensions	15	9	6	7	6	5	1	1	0	1
Irrigation of Arid Lands	11	7	4	5	2	2	0	3	1	2
Judiciary	17	11	6	5	2	2	0	3	3	0
Labor (13)	12	8	4	6	2	1	1	4	1	3
Levees on Mississippi	13	8	5	6	4	1	3	2	2	0
Library (5)	4	3	1	2	1	0	1	1	1	0
Manufactures	11	6	5	7	2	1	1	5	2	3
Merchant Marine and Fisheries	17	11	6	9	2	0	2	7	5	2
Mileage[d]	5	3	2	4	2	1	1	2	2	0
Military Affairs	17	11	6	3	0	....	....	3	2	1
Militia	13	8	5	7	4	2	2	3	1	2
Mines and Mining	13	8	5	8	5	3	2	3	2	1
Naval Affairs	17	11	6	2	1	1	0	1	1	0
Pacific Railroads	15	10	5	9	5	4	1	4	1	3
Patents	13	8	5	9	4	4	0	5	2	3
Pensions	13	8	5	9	6	3	3	3	2	1
Post-Office and Post-Roads	17	11	6	3	0	....	....	3	2	1
Printing	3	2	1	1	0	....	....	1	1	0
Private Land Claims	13	8	5	9	7	5	2	2	1	1
Public Buildings and Grounds	15	9	6	4	1	1	0	3	1	2
Public Lands	17	11	6	10	1	1	0	9	7	2
Danish West Indies	7	4	3	0	....	....	....	....	....	....
Railways and Canals	13	8	5	9	6	4	2	3	1	2
Reform in the Civil Service	13	8	5	7	4	2	2	3	2	1
Revision of the Laws	13	8	5	8	6	4	2	2	1	1
Rivers and Harbors	17	11	6	2	0	....	....	2	1	1
Rules	5	3	2	0	....	....	....	....	....	....
Territories	15	9	6	7	1	1	0	6	4	2
Ventilation and Acoustics	7	4	3	5	2	1	1	3	2	1
War Claims	13	8	5	8	5	3	2	3	2	1
Ways and Means	17	11	6	1	0	....	....	1	1	0
Memorial Exercises	45	31	14	19	10	9	1	9	8	1
Total	....	496	289	373	199	122	77	174	108	66

[a] Chairman, 2. Weeks.
[b] Chairman, 2. Wachter.
[c] Chairman, 2. Roberts.
[d] Chairman, 2. Reeder.

CUSHMAN complained of the treatment accorded new members. He is serving his second term.

There are 168 first and second term members present. There are 65 committees of the House. With the total membership of the House 352, these 168 new members control 36 of these 65 committees.

They have 10 of the 17 members of the Committee on Agriculture, which reported the oleomargarine bill and the agricultural appropriation bill.

They control the following committees, having a majority of each of them:

Alcoholic Liquor Traffic, Education; Election of President, Vice-President, and Members of Congress; Elections No. 1, Elections No. 2, Elections No. 3, Enrolled Bills, Examination and Disposition of Documents, Expenditures in Agricultural Department,

Expenditures in Interior Department, Expenditures in Navy Department, Expenditures in Post-Office Department, Expenditures in State Department, Expenditures in Treasury Department, Expenditures in War Department, Expenditures on Public Buildings, Immigration and Naturalization, Manufactures, Mileage, Militia, Mines and Mining, Pacific Railroads, Patents, Private Land Claims, Railroads and Canals, Reform in the Civil Service, Revision of Laws, Ventilation and Acoustics. They have also majorities on the following important committees: Claims; Coinage, Weights, and Measures; Indian Affairs, Merchant Marine and Fisheries, Pensions, Public Lands, War Claims.

All told, there are 785 places on the House committees, 496 Republican and 289 Democratic. Of these the first and second termers have 373, 230 Republican and 143 Democratic. There are 168 first and second termers, 92 Republicans and 76 Democrats.

The 49 Republican first termers have 122 committee places; the 40 first-term Democrats have 77 places. Total, 89 first termers, 199 places.

The 43 second-term Republicans have 108 committee places; the 36 Democrats 66 places. Total, 43 second terms, 174 places.

Four second-term members have committee chairmanships, to wit: Reeder, Mileage, and one of the best committee rooms; Roberts, Examination and Disposition of Documents; Wachter, Enrolled Bills, with several clerks; Weeks, Elections No. 3, clerks,

There are 46 older Republican members of the House who do not have committee chairmanships. They are—

Third termers (28).—ALEXANDER, BOUTELL, BROWNLOW, BURLEIGH, BUTLER of Pennsylvania, CALDERHEAD, CAPRON, CONNELL, CRUMPACKER, GRAHAM, GREENE of Massachusetts, HAMILTON, LANDIS, LAWRENCE, LITTAUER, LONG, LOVERING, MANN, MONDELL, MORRIS, SHELDEN, SHOWALTER, SIBLEY, SAMUEL W. SMITH, SOUTHWICK, STEVENS of Minnesota, WATSON, YOUNG.

Fourth termers (11).—ACHESON, BARNEY, DAYTON, GIBSON, HENRY of Connecticut, HILL, HOWELL, JENKINS, MUDD, OTJEN, PRINCE.

Fifth termers (6).—ADAMS, BROMWELL, DOVENER, MCCALL, PARKER, VAN VOORHIS.

And BINGHAM, serving his twelfth term.

At the close of business June 9, 1902, there had been 2,417 committee reports made. Of these, 684 had been made by first-term members; 264 by second termers. Total for first and second termers, 948 out of 2,417.

In the Fifty-sixth Congress there were 385 recognitions for unanimous consent. The 89 present second termers, then first termers, had 68 of these recognitions. CUSHMAN had 4 of them.

To May, 1902, there had been 119 recognitions for unanimous consent in the Fifty-seventh Congress. Of these the first termers had had 14 and the second termers 25; total, 39.

The following shows the work of the first and second term members in this House. This record speaks too loudly to be drowned by mere detraction:

FIRST TERMERS.

Name.	Number of bills introduced.		Had bills reported.		Of which became laws.		Made reports on bills.	Unanimous consents.	
	Public.	Private.	Public.	Private.	Public.	Private.		Fifty-sixth.	Fifty-seventh.
Aplin	4	48	0	7		4	96		
Ball, Delaware	1	21	0	4		2	8		1
Bates	7	32	0	3		2	0		
Beidler	7	25	1	4		3	0		
Belmont (D.)	0	2	0	0		0	1		
Blackburn	6	20	0	0		0	0		
Blakeney	5	24	0	3		0	1		
Bowie (D.)	2	14	0	2		2	0		
Bristow	3	21	0	5		0	0		
Brown	2	9	0	6		3	1		1
Burgess (D.)	5	1	0	0		0	0		
Burk, Pennsylvania	2	20	0	2		1	0		
Butler, Missouri (D.)	4	1	0	0		0	0		
Candler (D.)	5	38	0	2		2	0		1
Cassel	6	16	1	3		0	0		
Cassingham (D.)	0	33	1	9		5	0		
Conry (D.)	9	12	1	4		1	0		1
Coombs	1	29	0	4		2	14		
Currier	4	30	1	10		9	0		
Darragh	3	34	0	10		8	89		
Deemer	1	30	0	8		5	104		
Douglas	2	13	0	4		3	0		
Draper	0	15	0	3		3	16		
Edwards (D.)	9	11	1	4		2	0		1
Evans	1	57	0	3		2	0		
Feely (D.)	1	11	0	3		0	0		
Flood (D.)	4	31	0	1		1	0		
Foerderer	1	3	0	1		0	1		
Foster, Vermont	6	32	0	6		4	12		
Gaines, West Virginia	3	0	0	0		0	0		
Glenn (D.)	1	1	0	1		1	0		1

FIRST TERMERS—continued.

Name.	Number of bills introduced.		Had bills reported.		Of which became laws.		Made reports on bills.	Unanimous consents.	
	Public.	Private.	Public.	Private.	Public.	Private.		Fifty-sixth.	Fifty-seventh.
Goldfogle (D.)	2	5	0	1		0	6		
Gooch (D.)	2	28	0	0		0	0		
Hanbury	10	32	2	6		1	0		
Haskins	5	35	0	6		3	0		
Henry, Mississippi (D.)	0	74	0	0		0	0		
Hildebrant	2	33	0	1		0	0		
Holliday	4	95	0	11		6	82		
Hughes	4	68	0	5		2	0		
Irwin	5	76	1	10		5	0		
Jackson, Kansas (D.)	5	60	0	7		3	0		
Jackson, Maryland	1	25	0	2		0	0		
Johnson (D.)	6	10	20	5		2	0		
Kehoe (D.)	15	122	1	17		3	21		1
Kern (D.)	5	28	0	1		0	0		
Kitchin, Claude (D.)	1	2	1	2	1	0	3		1
Knapp	2	27	0	2		2	0		
Kyle	1	37	0	1		0	0		
Lessler	1	3	0	0		0	0		
Lever (D.)	4	4	0	1		0	0		
Lewis, Pennsylvania	0	13	0	4		3	0		
Lindsay (D.)	0	6	0	4		4	37		
McAndrews (D)	2	18	0	1		0	0		
Mahoney (D.)	0	3	0	0		0	0		
Marshall	6	20	1	7		3	1		1
Martin	10	17	3	3	1	1	5		2
Maynard (D.)	8	41	0	2		0	0		
Mickey (D.)	3	27	0	7		4	0		
Moody, North Carolina	9	50	1	4		2	1		
Moss	2	30	0	0		0	0		
Nevin	5	120					5		
Padgett (D.)	3	61	0	8		4	0		
Palmer	0	7	0	5		4	0		
Patterson, Pennsylvania	1	26	0	5		3	13		
Patterson, Tennessee (D.)	4	53	0	0		0	0		
Perkins	5	7	2	4	2	2	13		
Pou (D.)	4	6	0	1		1	0		1
Powers, Massachusetts	7	34	0	3		0	0		
Pugsley (D.)	9	13	0	3		2	0		
Randell, Texas (D.)	5	0	1	0		0	0		1
Reid (D.)	2	20	0	1		0	9		
Rumple	4	30	0	13		6	102		
Scarborough (D.)	5	3	1	1		0	0		
Schirm	12	41	1	4	1	1	13		1
Scott	10	16	1	2	1	2	1		
Selby (D.)	5	42	0	5		2	16		
Shallenberger (D)	6	37	0	0		0	0		
Skiles	3	38	0	4		3	0		
Snook (D.)	1	23	0	1		1	0		
Storm	0	10	0	5		1	10		
Sutherland	7	11	1	6		3	1		
Thompson (D.)	7	10	0	2		0	9		
Tirrell	1	10	0	3		3	1		
Tompkins, Ohio	1	78	0	2		2	3		
Trimble (D.)	3	31	0	5		3	4		
Warnock	4	63	0	5		3	1		
White (D.)	0	23	0	4		1	11		
Wiley (D.)	7	24	0	8		3	10		
Wooten (D.)	4	4	0	1		0	2		
Eighty-nine members	345	2,464	23	323	6	157	737		14

SECOND TERMERS.

Allen, Kentucky (D.)	5	23	0	2	0	1	0		
Allen, Maine	11	20	0	6	0	5	0	2	
Bellamy (D.)	15	15	3	1	1	1	0	4	2
Boreing	9	87	1	6	1	6	17		
Bowersock	14	99	0	7		4	0		2
Breazeale (D.)	7	24	0	0		0	0	4	1
Brick	7	37	1	4	0	1	4	3	
Burke, South Dakota	13	17	3	7	1	5	3	2	2
Burkett	9	46	0	3		2	0	1	1
Burleson (D.)	9	2	0	0		0	0		
Burnett (D.)	2	68	0	4		2	0		
Caldwell (D.)	9	33	1	5	1	3	17		
Conner	1	14	0	6		5	1		
Creamer (D.)	1	2	0	0		0	0		
Cromer	2	8	0	2		2	0		
Crowley (D.)	2	117	0	8		8	54		
Cushman	38	58	8	7		2	2	4	
Dahle	0	16	0	3		1	0		
Dougherty (D.)	0	39	0	1		0	0		
Driscoll	1	16	0	2		0	0		
Emerson	2	22	0	4		2	1		
Esch	1	18	0	6		2	15	2	
Finley (D.)	2	5	0	0		0	1	1	
Fitzgerald (D.)	6	13	0	3		3	0	2	2
Fordney	4	76	0	7		1	1	1	

SECOND TERMERS—continued.

Name.	Number of bills introduced.		Had bills reported.		Of which became laws.		Made reports on bills.	Unanimous consents.	
	Public.	Private.	Public.	Private.	Public.	Private.		Fifty-sixth.	Fifty-seventh.
Foster, Illinois (D.)	1	9	0	1	.....	0	0	.....	.....
Gardner, Michigan	5	32	0	5	.....	2	0	.....	.....
Gilbert (D.)	4	94	0	7	.....	3	0	.....	.....
Gill	0	38	0	3	.....	1	0	.....	.....
Gordon (D.)	6	32	0	4	.....	4	0	1	.....
Green, Pennsylvania	2	20	0	5	.....	2	0	1	.....
Hall (D.)	0	67	0	6	.....	4	0	.....	.....
Haugen	3	43	1	4	.....	3	5	1	.....
Hedge	2	38	0	5	.....	4	0	3	1
Jack	4	26	0	4	.....	3	0	.....	.....
Jones, Washington	46	17	6	6	2	2	12	7	.....
Kahn	19	63	0	10	.....	2	4	3	1
Kluttz (D.)	5	10	0	0	.....	0	0	.....	.....
Lassiter (D.)	4	25	0	2	.....	1	0	.....	.....
Littlefield	11	39	1	9	1	6	14	4	2
McDermott (D.)	11	5	0	1	.....	1	0	.....	.....
McLachlan	8	115	0	3	.....	2	0	.....	1
Metcalf	11	19	0	7	.....	4	0	.....	.....
Miller	5	43	0	1	.....	1	11	3	.....
Moody, Oregon	11	14	4	1	.....	0	12	2	1
Morgan	1	47	0	4	.....	3	0	.....	.....
Morrell	4	25	0	3	.....	1	1	.....	.....
Mutchler (D.)	1	19	0	3	.....	1	0	.....	.....
Naphen (D.)	16	46	0	6	.....	0	0	.....	.....
Needham	11	17	1	4	.....	3	7	1	.....
Neville (D.)	6	40	0	3	.....	2	0	.....	.....
Pearre	37	117	2	12	.....	5	3	.....	.....
Powers, Maine	4	56	2	4	.....	3	4	.....	1
Ransdell, Louisiana	1	27	0	0	.....	0	0	3	.....
Reeder	2	64	0	2	.....	1	0	.....	.....
Rhea (D.)	1	14	0	1	.....	0	0	1	.....
Richardson, Alabama (D)	5	186	0	7	.....	5	39	.....	1
Roberts	16	68	0	5	.....	0	2	1	.....
Robinson, Nebraska (D.)	3	25	0	3	.....	0	0	1	1
Rucker (D.)	20	58	0	9	.....	8	0	.....	.....
Ruppert (D.)	2	16	0	3	.....	1	0	.....	.....
Ryan (D.)	8	21	0	4	.....	2	0	1	1
Shackelford (D.)	7	66	0	5	.....	2	4	1	.....
Sheppard (D.)	7	2	0	0	.....	0	0	1	.....
Small (D.)	17	31	1	2	1	0	2	.....	.....
Smith, Iowa	3	66	0	5	.....	3	1	.....	1
Smith, Henry C.	23	195	2	14	1	4	16	.....	1
Snodgrass (D.)	4	51	0	6	.....	1	1	2	.....
Stewart, New York	3	19	0	5	.....	1	0	1	.....
Thayer (D.)	3	1	0	0	.....	0	0	1	.....
Thomas, Iowa	1	23	0	7	.....	3	16	.....	1
Thomas, North Carolina (D.)	7	48	3	3	1	1	0	3	.....
Tompkins, New York	3	28	0	5	.....	3	0	.....	.....
Vreeland	8	32	0	3	.....	1	1	.....	.....
Wachter	11	34	0	5	.....	2	0	.....	1
Weeks	10	25	0	9	.....	3	14	.....	.....
Wilson (D.)	3	11	1	3	.....	1	0	.....	.....
Woods	13	17	3	4	.....	4	0	.....	.....
Wright	0	11	0	4	.....	2	0	.....	.....
Seventy-nine members	589	3,130	44	226	10	166	284	67	24

I append the following editorial from the Sioux City Journal. It is written by Hon. Mr. Perkins, for many years an able and distinguished member of this House:

THE HOUSE RULES.

Nothing in party management is more difficult than orderly procedure in the House of Representatives. The House is composed of 357 members, and with the next Congress will be increased to 386. Under the law each member is the equal of any other member. Each member has his own constituents; he is the representative of a district. Each member has individual responsibility to which his constituents hold him; he must care for their interests or meet condemnation. The pressure to do things in the House of Representatives is enormous.

Within a few days after the meeting of Congress the files of the various committees are full of bills. Many of these bills are the legacy which each Congress bestows upon its successor. No limit is placed upon the number of bills that may be introduced, and interested parties are pleased by receiving a copy of a printed bill, with the name of their member upon it, and with the information set forth on the title page that it has been referred to the committee for examination and report. Very soon the Calendar is choked. The time of the House is occupied with great appropriation bills and with measures of overshadowing importance. There must be lodged somewhere and in some fashion authority for the determination of the order of business. The House would run wild if left to itself. There must be lodged somewhere the power and the will to exercise arbitrary power. The members in the aggregate appreciate this and determine upon rules. The office of the Speaker is to enforce the rules; the office of the Speaker is to employ the rules to compel the House to do business.

The difficulty in the way of the orderly dispatch of business in the House of Representatives is chiefly in the relation which one side of the House sustains to the other. On all important issues it is the business of one side of the House to prevent affirmative action on the part of the other side of the House. The minority will take advantage under the rules to prevent the majority from recording the will of the majority. Thus arbitrary power must be located in the rules for which the Speaker and his Committee on Rules stand as the exponents. The real power is in the House itself, but it surrenders much of this power in the interest of orderly procedure and the public welfare.

If the individual member of the House could be trusted not to take advantage of his opportunity, nor to enter into combination with fellow-members in the service of local and personal ends, there would hardly be need of rules at all. If the minority side of the House could be trusted to deal fairly by the majority, forego filibustering and other wicked devices, the rules might without detriment to the rights of the majority or injury to the public service be much simplified. As it is the liberty of the individual must be abridged to conserve the general good. What war is is well understood; and politics in the House of Representatives is much the same thing.

The Fifty-first Congress, under the Speakership of Mr. Reed, was extremely turbulent; the Democratic side was frequently in a state of riot. But the Fifty-first Congress did business. The outcry, however, against the exercise of arbitrary power by the Speaker was never more intense. When the Democrats came into power with the succeeding Congress they sought to improve upon the rules, but their effort was short lived. The proudest political success of Mr. Reed was when the Democratic majority in effect adopted what were called his rules. The Democrats found this to be necessary in order to do business.

The speech of Mr. CUSHMAN the other day was catchy. Aside from its humor it was only a squeal. He has had his difficulties, as other members have their difficulties, and to lodge complaint against the Speaker and his aids in the government of the House is not unnatural, and is certainly the most convenient recourse. Speeches from the same text are not uncommon, but not all the speakers redeem themselves in the humor of their protest.

Following his experience in the Fifty-first Congress, it might have been thought Mr. Reed would never again be tolerated in the office of Speaker. Our good friend, Mr. Struble, at the time representing this district, may have thought so, for Mr. Struble was extremely anxious to forward the Sioux City building bill and was repeatedly disappointed, and finally gave way to speech of such inflammatory topknot that the Democratic side applauded. But Mr. Reed returned to the Speakership in the Fifty-fourth Congress, and at the close of it was complimented by the Democratic side, in conjunction with the Speaker's side, and this pleasant incident was repeated at the close of the Fifty-fifth Congress. The Democrats had gotten used to the Reed rules, and they had learned out of their own experience the necessity for them.

When the House itself is materially re-formed, the rules will be less stringent, but the prospect seems remote.

Mr. Chairman, I believe it may modestly be claimed that I have shown:

First. That the assaults made upon the Speaker and the Committee on Rules were without justification.

Second. That the rules of the House are wise and just and indispensable to an orderly and successful discharge of the duties incumbent upon us as members of a great legislative body.

Third. That the entire organization of the House has been and is made upon just appreciation of the rights of all the members; that greater power has been given members in their first and second terms than ever before in any prior organization.

Fourth. That the record shows that no discrimination against the gentleman from Washington or his State has been shown.

THE PHILIPPINES AND THE ASSAULTS UPON THE ARMY.

Mr. Chairman, during the very brief time that I have left I want to say a few words about these attacks upon the Army of the United States, which have been the stock in trade of the opponents of the pending bill during its progress through the Senate and over to the House of Representatives. I want to put on record a single statement of my opinion about how much force and effect ought to be given to the complaints made upon the other side in regard to the conduct of our army in the Philippines. I believe in the Army. I am a great admirer of the Army of the United States. I believe that the Regular Army of this country embodies in proportion to the numbers on their muster roll as much of personal honor, as much of patriotism, as much of dignity, as much of humanity as can be found in any equal number of men on the face of the earth. [Applause on the Republican side.]

That is my judgment of the Regular Army; but I have kept my eye upon the progress of events in all the wars about which I have read, and I believe that, taking all that has been said, admitting all that is claimed on the other side, which I do only for the purpose of argument, there has been no war of modern times where there was as little of retaliation, as little of the execution of the purposes of revenge, as little of that brutality which is always invoked in war between men, as in the Philippine Islands. I believe that when history is fairly and justly written it will be said of the army in the Philippines what has been said of the army under Chaffee in China, that the American soldier at Pekin, commanded by that gallant and distinguished representative, first of the volunteer forces and then of the Regular Army, set an example that was commented upon favorably by all the civilized world. I believe that when Pekin fell and when the rescue had been successful, that had the verdict of civilization been written the highest meed of praise would have been given to the portion of the Regular Army of the United States commanded by Chaffee. [Applause on the Republican side.]

Then there was no politics involved; then there was not any necessity for a political party to be paving the way to a coming campaign upon the hope, the feeble, faint hope, that they might be able to lodge a majority in Congress upon slander of the Army of the United States. I want it to be understood that I differentiate not in one hair between the condemnation of the officers of

that Army and the soldiers. I believe that when the full history of those events has been shown and brought to the surface it will be shown that there has been more of moderation, more of suppression and the curbing of inhumanity than there has been of violation of duty or the violation of the principles of humanity. War brings these things, Mr. Chairman. I heard a gentleman on the other side say that we went through a long, deadly war. He said it was a war between the States. I said it was some other kind of a war. I will compromise with the gentleman and will say the civil war. He said that there was no act of inhumanity; that we were generous to each other, loving and kind; shooting at each other, but always binding up the wounds that we made; that Christianity was the prevailing sentiment of that war, and barbarity through the descendants of the men who fought that war on both sides, it is claimed, has been the prevailing sentiment of this war.

Let me tell you, Mr. Chairman, that taking the worst thing that has been said about General Smith, I can produce a counterpart more deadly and more inhuman, coming from both sides in the civil war. Take his plea of guilty that he told the men to make Samar a howling wilderness and to kill the combatants. And I stop here to point out that no man has shown yet that under that order any woman or child was ever killed. They have started out by saying that "Hell-Roaring Jake Smith," as they call him, ordered that everybody should be killed down to 10 years of age, and then they say a hundred thousand were killed; but it does not appear that Jake Smith's order killed a woman or child or anyone not guilty of treachery or other crime, and the witnesses who testify said that they never killed one. But let us see what our ancient comrades of the war of the rebellion used to say. There was over here a beautiful valley, the Shenandoah. It was a troublesome valley. The rebel army had an unpleasant way of slipping out of the Shenandoah Valley and striking the Baltimore and Ohio Railroad at Harpers Ferry and going almost everywhere after they had got there, and it became necessary, finally, to destroy the means of subsistence in that valley. I have a few brief words of that general who has been so often quoted on the floor of this House, who said, "Let us have peace," "Give them back their horses," "Extend the olive branch," etc. That was in time of peace when he said all those good things. Here is what he said in time of war. He said:

> I am perfecting arrangements to break up the railroad in front of Dalton, including the city of Atlanta, and push into Georgia, break up all its railroads and depots, capture its horses and negroes, and make desolation everywhere.

That is what Grant said. Then he said:

> If you can possibly spare a division of cavalry, send them through Loudoun County to destroy and carry off the crops, animals, and negroes, and all men under 50 as prisoners of war.

Not as citizen prisoners. Then, again:

> Do all the damage to railroads and crops you can, so as to prevent further planting. We want the Shenandoah Valley to remain a barren waste.

And before Phil Sheridan got through with it he had obeyed the orders of his chief. There are a number of other choice extracts. That was what the Yankees said. How pious were our friends on the other side? I read from a memorable book. I was told by the gentleman from Pennsylvania [Mr. MAHON] that there was but one copy of it in the world, and he told me where it was likely to be found, and I found it in the Library of Congress. It is the Life and Letters of Stonewall Jackson, by his wife; New York: Harper & Bros., 1892.

Now, I take it that it is likely to be true. I presume it is, because the letters are here. Stonewall Jackson was the embodiment of the Christian soldier—lovable, it was said by his men, feared by his enemies, gallant, and brave; and there is only one question left in all the ex-Southern Confederacy to-day, and that is whether, if Jackson had only lived, they would not have had two countries here. He was the great embodiment of the chivalrous Southern soldier. Now, he got tired of the ordinary processes of war, and here is what he said. I read from a statement made by his brother-in-law, Col. L. S. Baker, a young West Pointer.

At that time the authorities at Washington had begun to change their war policy and Maj. Gen. John Pope had entered northern Virginia, and as he himself boasted, with "headquarters in the saddle." The author of this book, the wife of General Jackson, on page 307, says:

> But what disturbed the Southern people more than his martial prowess was the way in which he began his operations, which were said to be in violation of all the laws of war. This naturally provoked bitter resentment and led to threats of retaliation. That alone explains the following interview, in which Jackson speaks of raising the black flag—a suggestion so alien to his character that the statement would be received with the greatest reserve did it not come from his own brother-in-law, Capt. (afterwards General) Rufus Barringer, who might be supposed to be in his confidence. Even then it is justified only as a retaliation for the similar conduct of Pope. But as the latter's campaign soon came to an inglorious end, nothing more is ever heard of the retaliation. With this explanation I give the following letter, as furnishing a glimpse of the secret councils of the war, which will have its interest for the students of history:
>
> "During the battles around Richmond in June and July, 1862, I was a captain of cavalry in the First North Carolina Regiment, Col. L. S. Baker, a young West Pointer, commanding. Brig. Gen. J. E. B. Stuart had charge of all the cavalry in the Army, and for some days after the battles General Jackson still held the front, facing McClellan at Harrisons Landing.
>
> "On the 14th of July I was in picket along the Chickahominy and the James with my squadron, Companies C and F, the Mecklenburg and Cabarras companies. On that day Colonel Baker sent me a note, received from Stuart, as follows:
>
> "HEADQUARTERS CAVALRY BRIGADE, *July 6, 1862.*
>
> "COLONEL: General Jackson is anxious to see Capt. Rufus Barringer. Please send him up this afternoon, as Gen. J. may be gone after that. Please forward a report of operations of your cavalry from 26th June to 10th July as soon as possible.
>
> "In haste,
>
> "J. E. B. STUART,
> "*Brigadier-General.*"
>
> "This note is now before me in Stuart's own writing, and, not coming through the ordinary staff channels, plainly showed it was the result of a personal interview between Stuart and Jackson. As General Jackson and I, however, were brothers-in-law, I attached no importance at the time to these incidental matters. It is proper, though, to add that in point of fact we had seen very little of each other prior to this time. He living in Virginia and I in North Carolina, and our occupations quite differing, we had only met a few times, and not at all since the war began. But he was now, when I reached his camp, unusually cordial, and at once remarked, 'Captain, I have sent for you for a matter entirely between ourselves. You will stay with me in my tent here to-night. If General Pope does not disturb us, I am sure McClellan will not, and we can have a good talk.' At that time the authorities at Washington had already begun to change their war policy, and Maj. Gen. John Pope had entered northern Virginia, and, as he himself boasted, 'with headquarters in the saddle,' threatened to overrun the whole country and speedily lay it waste.
>
> "With a soldier's plain supper, and lying together on army couches, and with this new movement of the enemy emphasizing his whole tone, General Jackson soon began the business in hand. Once fairly at ease, he said:
>
> "'I recall, Captain Barringer, the talk you and I once had at my table in Lexington in the heated party struggle of 1860. Though differing in politics, we happened to agree as to the character of this war, if it once began. We both thought it would be internecine in its results. Neither of us had any special concern for slavery, but both agreed that if the sword was once drawn the South would have no alternative but to defend her homes and firesides, slavery and all. I, myself, see in this war, if the North triumph, a dissolution of the bonds of all society. It is not alone the destruction of our property (which both the nation and the States are bound to protect), but it is the prelude to anarchy, infidelity, and the ultimate loss of free responsible government on this continent. With these convictions I always thought we ought to meet the Federal invaders on the outer verge of just right and defense, and raise at once the black flag, viz, "No quarter to the violators of our homes and firesides." It would in the end have proved true humanity and mercy. The Bible is full of such wars, and it is the only policy that would bring the North to its senses.'
>
> * * * * * * *
>
> "This new phase of the struggle is full upon us, and General Lee is in great perplexity how to meet it. I have just had a conference with him on this vital point. No plan of campaign has as yet been agreed on. But I gave him frankly certain outlines of my own plan of waging the contest, which he considered favorably, and which he promised to lay before Mr. Davis, and try to secure his approval, in whole or in part. In which event, Captain, I expect to need your services here, and I shall have to order you up."
>
> * * * * * * *
>
> General Jackson then told me in confidence, as a Confederate officer, that he was already under marching orders to move against Pope in Culpeper. "But," he said further, "General Lee is now considering certain special features of my war policy as applicable to the present emergency, and as the only way to check Pope's dastardly system of warfare and plunder. Unfortunately, the Confederate authorities are fully committed to a different policy—in fact, to a very stilted style of waging war. In every aspect the situation is embarrassing. McClellan is nominally in command, and his mode of warfare is in strict conformity to the usages of civilized nations."
>
> * * * * * * *
>
> "As to a general policy, I think it unwise to attempt to defend the whole of our extended lines, especially our extended coast and water line. The enemy largely exceed us in men and material of war, especially in naval appliances, and our limited supply of both troops and munitions of war would ultimately be exhausted in a prolonged, gigantic struggle. To offset their palpable advantage in this respect I would seek to utilize the special points in which the South clearly leads the North, and I would risk the whole issue on the development of these special characteristics and the war policy based thereon. As I always said, my own first policy would have been the black flag to all comers against the safety of our Southern homes. Next to that, I would give up, as circumstances might seem to require, many exposed points and all untenable positions and gradually concentrate our choicest fighting men and most valuable material at a few strong interior camps, thoroughly fortified and so located as best at one and the same time to protect our communications, defend our people and territory against invasions of the enemy, and also keep up ceaseless aggressions upon them. These counter invasions would be the main feature of my policy.
>
> "I would organize our whole available fighting force so selected and located into two, four, or more light movable columns, specially armed and trained and equipped for sudden moves and for long and rapid marches. These light movable columns I would hurl against the enemy as they entered our borders, but only when sure of victory and when the loss of an army was impossible. But, better, I would hurl these thunderbolts of war against the rich cities and teeming regions of our Federal friends. I would seek to avoid all regular battles. I would subsist my troops as far as possible on the Northern people. I would lay heavy contributions in money on their cities. I would encumber my marches with no prisoners except noted leaders, held mainly as hostages for ransom or for retaliation. All the rank and file I would parole, but only at risk of life if the parole was violated. All this just as Pope is doing in Northern Virginia. I would train and practice the troops with special reference to the tactics of attack and retreat. But before turning my back to the foe or the enemy's country I would see that some other one or more of these 'movable columns' was on the march and striking at some other vital point, possibly hundreds of miles away. And so I would make it hot for our friends at their homes and firesides all the way to Kansas, 'bleeding Kansas,' and doubly so for Ohio and Pennsylvania."

Mr. Chairman, I can not go further, but in response to the statement of General Jackson the Confederate congress received the

following telegram, as appears by the official records of the Confederate States:

CHARLESTON, S. C., *October 13, 1862.*

Hon. W. PORCHER MILES,
Member of Congress, Richmond, Va.:

Has bill for execution of abolition prisoners after 1st of January next passed? Do it and England will be stirred into action. It is high time to proclaim the black flag for that period. Let the execution be with the garrote.

G. T. BEAUREGARD.

(Official Records of the Union and Confederate Armies, Series II, Vol. IV, p. 916.)

The "bill" to which General Beauregard referred in the above-quoted communication appears to have been "joint resolutions," introduced in the Confederate house of representatives October 1, 1862. A copy of the original, on file in the War Department, follows:

"Whereas it is manifest that despairing of the subjugation of the Confederate States or any of them, the Congress and President of the United States have deliberately set about the work of inciting the slave population of these States to insurrection by declaring them emancipated from and after the 1st day of January, 1863, which action on the part of the said Congress and President is in direct violation of the Constitution which they were sworn to support, in contravention of all law, human and divine, and has been resorted to for the diabolical purpose of involving the slaves and their owners, embracing innocent women and children, in one common ruin, and for the further purpose of maintaining themselves in power by catering to the fanatical spirit of abolitionism; and

"Whereas each of the States of this Confederacy have enacted laws punishing with death all persons engaged in inciting the slave population to insurrection or rebellion, and there is much stronger reason for inflicting this penalty upon persons who not only voluntarily conspire to perpetrate this horrible felony, but in addition thereto come to devastate our land, burn our dwellings, waste our substance, and murder our citizens: Therefore,

"The Congress of the Confederate States of America do enact that so long as the proclamation of Abraham Lincoln, the President of the United States, dated the 22d day of September, 1862, proposing to emancipate the slaves of this Confederacy from and after the 1st day of January, A. D. 1863, shall remain unrevoked, all commissioned officers of the United States Army who shall be seized, captured, taken, or arrested within the limits of this Confederacy after the said 1st day of January, 1863, shall be deemed and held voluntarily to have entered the Confederate States for the purpose of maintaining said proclamation and of bringing about the result thereby contemplated of a servile insurrection, and the said officers shall in no wise be regarded or treated as prisoners of war, but as felons, and it shall be the duty of the President to cause to be constituted a sufficient number of courts-martial to try said offenders and, if condemned, to see that they are promptly executed by being hanged by the neck until they are dead.

"SEC. 2. Congress do further enact that should the aforesaid proclamation of Abraham Lincoln continue unrevoked on the 1st day of January, 1863, it shall be the duty of the President of these Confederate States to make proclamation that this act will be strictly enforced."

[First indorsement.]

No. 4.

OCTOBER 1, 1862.

Referred to Committee on Foreign Affairs.

OCTOBER 10, 1862.

Reported back.

CHILTON.

[Second indorsement.]

OCTOBER 10, 1862.

Read first and second times and recommitted to Committee on Foreign Affairs.

Reported back, printed, and made special order for 2 o'clock Saturday, October 11, 1862.

DE JARNETT, *From Foreign Affairs.*

I confess that the measure did not pass in its original enormity, but it did pass in the form of a most bitter retaliatory measure, as follows:

It appears from the journal of the Confederate House of Representatives for October 11, 1862, that the foregoing resolutions were taken up and, after the introduction of amendments thereto, finally passed, as follows:

"Whereas the Northern States, now represented by the Federal Government of the late Union, commenced the present war of invasion to enforce an unfounded and tyrannical claim of dominion over sovereign States which had withdrawn from the Union; and, pretending that these States are in rebellion, have sought to deny to them from the beginning of the war the rights accorded to belligerents by the usages of nations; and, after prosecuting this war without success more than a year since this Government was recognized by European nations as a belligerent power, have continued, under the same pretext, to inflict upon the good people of these States inhuman injuries, in contemptuous disregard of the usages of civilized warfare, exacting from them treasonable oaths and service, and upon refusal subjecting unarmed citizens, women and children, to banishment, imprisonment, and death; wantonly burning their dwelling houses, ravaging the land, murdering men for pretended or trivial offenses, making rapine of private property a systematic object of the war, organizing the abduction of slaves by armies and agents of Government, endeavoring to foment servile insurrection by tampering with slaves, by proclaiming schemes for emancipating them, by passing laws to equalize the races, by protecting slaves in resisting their masters, and by preparing armed bands of negroes to fight in the presence of negro slaves for the subjugation of the white race; permitting outrages on women to be committed by a licentious soldiery, encouraged in a memorable instance by the order of a major-general and the acquiescence of his Government; attempting, until restrained by a threat of retaliation, to murder privateersmen for engaging in a mode of warfare expressly sanctioned by the Constitution of the United States and the Confederate States and by the laws of nations; refusing, with double inhumanity, to exchange prisoners until constrained by the long duration and adverse fortune of the war; attempting to ruin our cities by filling up the entrances of their harbors with stone and diverting the ancient channels of great rivers; cutting off our supplies of medicines, needed as well for suffering women, children, and captive enemies as for the sick of our armies, and perpetrating other atrocities which would be disgraceful to savages; and

"Whereas the said Government of the United States, in the same spirit of barbarous ferocity, has recently enacted a law entitled 'An act to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other purposes,' and has announced by a proclamation issued by Abraham Lincoln, the President thereof, that in pursuance of said law, on the 1st day of January, 1863, 'all persons held as slaves within any State or designated part of a State, the people whereof shall be in rebellion against the United States, shall be thenceforward and forever free,' and has thereby made manifest that the vast war of invasion which it wages with such lawless cruelty is conducted with a view, by judicial murders, banishments, and otherwise, to exterminate the loyal population of these States, to transfer their property to their enemies, to emancipate their slaves, to destroy their labor system, to subvert the institutions, human and divine, upon which it is founded, employing slaves and other negroes for these purposes, with an atrocious design of adding servile insurrection and the massacre of families to the calamities of war; and

"Whereas since the passage of said act executive and military orders have evinced a determined purpose of the enemy to carry out this policy of rapine and extermination with brutal and surprising severity; and

"Whereas justice and humanity require the government of the Confederate States to endeavor to punish and repress the atrocious practices and designs of the enemy by inflicting severe retribution: Therefore,

"*Resolved by the Congress of the Confederate States*, That the president will be sustained in resorting to such measures of retaliation as in his judgment may be demanded by the above-recited lawless and barbarous conduct and designs of the enemy."

The journal of the Confederate senate for October 13, 1862, shows the receipt of a message from the house of representatives, in words as follows:

"Mr. President, the house of representatives have passed a joint resolution (H. R. ——) in regard to retaliation, in which they request the concurrence of the senate.

"And, on motion by Mr. Clay,

"*Ordered*, That the joint resolution (H. R. 21) in regard to retaliation be transferred to the secret legislative calendar."

The journal of the senate in secret session October 13, 1862, shows that the resolution was unanimously adopted without amendment.

Now, Mr. Chairman, I have shown both sides, but not for the purpose of rekindling the embers of the war.

Mr. BARTLETT. May I interrupt the gentleman?

Mr. GROSVENOR. Certainly.

Mr. BARTLETT. Is it not true that before that act was introduced or offered, that there had been a proclamation issued by the President of the United States directing that certain citizens in the valley of Virginia and elsewhere should be seized and tried by court-martial and these men were then imprisoned; and is it not true that upon that act being passed——

Mr. GROSVENOR. I do not know whether that is true or not: it may be that the gentleman is correct.

Mr. BARTLETT. That is the history of the country.

Mr. GROSVENOR. I have no such history; but assuming for the purposes of my argument that it is so, then the stronger is my position, and yet that is no reason why any man to-day ought to be fast to criticise a soldier in the army in the Philippines because he is not willing to have his comrades sneaked up to and murdered by a cowardly enemy over there. I stand by the Army. [Loud applause on the Republican side.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. GIBSON having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House by Mr. B. F. BARNES, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

On June 7, 1902:

H. R. 11124. An act granting an increase of pension to Mary Scott; and

H. R. 11288. An act granting an increase of pension to William E. Ball.

On June 17, 1902:

H. R. 13296. An act granting an increase of pension to Francis Scott.

On June 19, 1902:

H. R. 9334. An act to amend an act to prohibit the passage of special or local laws in the Territories, to limit the Territorial indebtedness, and for other purposes.

On June 20, 1902:

H. R. 12865. An act regulating the use of telephone wires in the District of Columbia.

On June 21, 1902:

H. R. 12420. An act granting a pension to Wesley Brummett;

H. R. 4103. An act granting a pension to William C. Hickox;

H. R. 12828. An act granting a pension to Mary E. Culver;

H. R. 11052. An act granting a pension to Nelson Johnson;

H. R. 14411. An act to regulate commutation for good conduct for United States prisoners;

H. R. 7679. An act granting an increase of pension to Franklin Snyder;

H. R. 8794. An act granting an increase of pension to Henry I. Smith;

H. R. 10545. An act granting an increase of pension to Solomon P. Brockway; and

H. R. 13278. An act granting an increase of pension to Levi H. Collins.

On June 23, 1902:

H. R. 6847. An act to correct the record of Michael Hayes.

PHILIPPINE GOVERNMENT.

The committee resumed its session.

Mr. WILLIAMS of Illinois. Mr. Chairman, with a measure of such far-reaching importance before the committee, I was very

sorry indeed that the distinguished gentleman from Ohio [Mr. GROSVENOR], who of all Republicans has the authority to disclose the hidden policy of the Administration on this question, should consume almost his entire hour, not in discussing this bill, but in defending himself and his colleagues on the Committee on Rules against the charges made by one of his Republican colleagues from the State of Washington, that this House was no longer a deliberative body, but, under the leadership of the distinguished gentleman from Ohio, had passed into an oligarchy. This is the third answer made to the charges of the gentleman from Washington by those in the oligarchy, and no one knows how many more answers are in waiting. I suppose it is about time that the gentleman from Washington should have another inning. It may be easier for these gentlemen to amend their rules than to make a satisfactory answer to the charges of the gentleman from Washington.

Mr. Chairman, in discussing the bill under consideration and the subject to which it refers, I shall assume that neither the American Congress nor the American people have yet determined the future status of the Philippine Islands. I know it is frequently asserted by those who take only a superficial view of this subject that the ratification of the Paris treaty settled this question. But those Senators who voted for the ratification of that treaty did not so understand it, as shown by their repeated declarations upon the subject while the treaty was still pending in the Senate.

Senator LODGE, of Massachusetts, on the — day of January, 1899, declared:

Suppose we ratify the treaty. The islands pass from the possession of Spain into our possession without committing us to any policy. I believe we shall have the wisdom not to attempt to incorporate those islands with our body politic or make their inhabitants a part of our citizenship.

And Senator SPOONER, of Wisconsin, one of the ablest Republicans in the Senate, and one who did more, perhaps, than any other Senator to secure the ratification of the treaty, on the 2d day of February, 1899, spoke as follows:

But, Mr. President, I shrink from the notion that the interests of this country will be subserved by making permanently a part of our land territory thousands of miles away, inhabited by peoples alien to us, not of our blood, not of our way of thinking, foreign to all our associations, living in a tropical climate, where the white man can not work, under labor conditions of necessity which we would not permit to exist in the United States.

Every argument which has been made in support of this doctrine of territorial expansion—and by "territorial expansion" I mean permanent territorial expansion—seems to me to be superficial, some of them sentimental, and some of them fantastic.

The jingle of words which we read every day about "hauling down the flag" does not in the least either thrill me or impress me. Our flag has been hauled down before, Mr. President. It will be hauled down again.

* * * * * * *

To-day it floats in Cuba; the Spanish flag has gone forever, but our flag is not there to stay. It floats there in sight of the poor, wrecked *Maine* at Habana, but there will come a day, Mr. President—and I hope it will not be long—when we will take down our flag, raised there in the cause of liberty, and leave behind it liberty and an independent government, won and established under its folds. I hope that, too, about the Philippines, and that is not at all inconsistent in my view with the ratification of the pending treaty.

It is insisted that we must have permanent territorial expansion in order to extend our trade. Mr. President, I do not think so. I have been strongly inclined to think that in the long run, with all the embarrassments and complications and dangers it will bring upon our people, it will retard rather than develop the foreign trade of the United States. We have been growing rapidly in our trade without territorial expansion. To acquire distant, nonassimilable peoples in order, through permanent dominion, to force our trade upon them, seems to me to be the poorest imaginable national policy. How far will that be carried? We want the trade of the world, and we intend to have our share of it. Are we, therefore, to obtain it by carrying this doctrine of expansion to the uttermost parts of the earth? If territorial expansion means national trade, if it be necessary to national trade, where are we to stop?

Permanent dominion over the Philippines by the United States as a part of this country means to me an endless and vast burden upon the industries our people.

Those who will take the trouble to read the very able speech of this distinguished Republican Senator from Wisconsin will find it an unanswerable argument against the permanent retention of the Philippines by the United States. Sir, such clear and definite statements by such able Republican Senators show beyond question that they did not suppose for a moment that the ratification of the treaty determined the status of the islands. They all understood that the treaty itself provided that Congress and not the Senate should determine the status of the Filipino people, and as Congress has never exercised this power it is still its duty to determine whether the Filipinos shall be citizens of the United States or citizens of their own free and independent country. As I said on a former occasion, I think the Senate made a very serious mistake in the ratification of the Paris treaty; but Senators did not realize that American greed would be harder to deal with than Spain in giving independence to the Philippines. I know it is repeatedly declared that the people have already settled this question. Why, sir, this issue has never been fairly presented to the people for their judgment.

The Republican leaders up to this time have not had the courage or the candor to declare any definite policy on this question, but have preferred to lead the American people and the Filipino people step by step in darkness and uncertainty, careful to conceal their final purposes until they had passed beyond the point of retreat. It can not be contended that the last President was elected on this issue, because he was supported by such distinguished citizens as ex-President Harrison, of Indiana; Senator Hoar, of Massachusetts, and thousands of others who were bitterly opposed to the policy of the Administration in the Philippines. So, Mr. Chairman, I think it is still in order to submit to this House and to the country some evidence and some reasons which may help to bring the Congress and the people to a just settlement of this question. Going back to the beginning, we find that when the United States declared war against Spain for the liberation of Cuba, the Filipinos were then engaged in a revolution against the same country. In this connection let me read from Oscar Williams, our consul at Manila, to the Washington Government, February 23, 1898:

Peace was proclaimed, and since my coming festivities therefor were held; but there is no peace and there has been none for about two years. Conditions here and in Cuba are practically alike. War exists, battles are almost of daily occurrence, ambulances bring in many wounded, and hospitals are full. Prisoners are brought here and shot without trial, and Manila is under martial law.

The Crown forces have not been able to dislodge a rebel army within 10 miles of Manila, and last Saturday, February 19, a battle was there fought and five dead left on the field. Much of such information is found in my longer dispatch referred to, and which is at your command.

A republic is organized here, as in Cuba. Insurgents are being armed and drilled and are rapidly increasing in numbers and efficiency, and all agree that a general uprising will come as soon as the governor-general embarks for Spain, which is fixed for March. (Senate Document 62, p. 319, 56th Cong.)

When Admiral Dewey attacked and destroyed the Spanish fleet at Manila the American forces at once received the hearty and constant cooperation of the Filipino people. Our leaders sought their leaders, invited their assistance, and received it. Mr. Pratt, the American consul at Singapore, writing to the Secretary of State, April 28, 1898, said:

No. 212. CONSULATE-GENERAL OF THE UNITED STATES,
Singapore, April 28, 1898.

SIR: I have the honor to report that I sent you on the 27th instant, and confirmed in my dispatch No. 211 of that date, a telegram, which deciphered read as follows:

SECRETARY OF STATE, *Washington:*

General Aguinaldo gone my instance Hongkong arrange with Dewey cooperation insurgents Manila.

PRATT.

The facts are these: On the evening of Saturday, the 23d instant, I was confidentially informed of the arrival here, incognito, of the supreme leader of the Philippine insurgents, Gen. Emilio Aguinaldo, by Mr. H. W. Bray, an English gentleman of high standing, who, after fifteen years' residence as a merchant and planter in the Philippines, has been compelled by the disturbed condition of things resulting from Spanish misrule to abandon his property and leave there, and from whom I had previously obtained much valuable information for Commodore Dewey regarding fortifications, coal deposits, etc., at different points in the islands.

Being aware of the great prestige of General Aguinaldo with the insurgents, and that no one, either at home or abroad, could exert over them the same influence and control that he could, I determined at once to see him, and, at my request, a secret interview was accordingly arranged for the following morning, Sunday, the 24th, in which, besides General Aguinaldo, were only present the General's trusted advisers and Mr. Bray, who acted as interpreter.

At this interview, after learning from General Aguinaldo the state of and object sought to be obtained by the present insurrectionary movement, which, though absent from the Philippines, he was still directing, I took it upon myself, while explaining that I had no authority to speak for the Government, to point out the danger of continuing independent action at this stage; and having convinced him of the expediency of cooperating with our fleet, then at Hongkong, and obtaining the assurance of his willingness to proceed thither and confer with Commodore Dewey to that end, should the latter so desire. I telegraphed the commodore the same day as follows, through our consul-general at Hongkong:

"Aguinaldo, insurgent leader, here. Will come Hongkong arrange with commodore for general cooperation insurgents Manila if desired. Telegraph.

"PRATT."

The commodore's reply read thus:

Tell Aguinaldo come soon as possible.

DEWEY.

I received it late that night, and at once communicated to General Aguinaldo, who, with his aid-de-camp and private secretary, all under assumed names, I succeeded in getting off by the British steamer Malacca, which left here on Tuesday, the 26th.

Just previous to his departure I had a second and last interview with General Aguinaldo, the particulars of which I shall give you by next mail.

The General impressed me as a man of intelligence, ability, and courage, and worthy the confidence that had been placed in him.

I think that in arranging for his direct cooperation with the commander of our forces I have prevented possible conflict of action and facilitated the work of occupying and administering the Philippines. (Senate Document No. 62, p. 341, Fifty-sixth Congress.)

This shows how our own officers invited Aguinaldo and his followers to cooperate with us in that war.

Here is a plain invitation from Admiral Dewey to Aguinaldo to join him in the war against Spain, and no explanation can ever change the plain meaning of this message or weaken its force.

Just as soon as arrangements could be completed between Pratt, Dewey, and Aguinaldo, the latter was taken to the Philippines under American authority, and upon his arrival he issued a proclamation which contained the following:

Filipinos, the great nation, North America, cradle of true liberty, and friendly on that account to the liberty of our people, oppressed and subjugated by the tyranny and despotism of those who have governed us, has

come to manifest even here a protection which is decisive as well as disinterested toward us, considering us endowed with sufficient civilization to govern by ourselves this our unhappy land.

Sir, these sublime sentiments inspired the dusky followers of Aguinaldo to rally around the American flag by the thousands to do battle for the independence of their own country. If it were not the desire for liberty that induced them to leave their families and their homes to enter upon the bloody mission of war, then, sir, what could have been the motive which induced them to offer their services and their lives in the cause of a foreign power? It was not for money, for we did not hire them. It was for no other reward than the freedom and independence of their own country. Remember, there was not an American soldier in those islands when Dewey destroyed the Spanish fleet on May 1, 1898, and none till July following. During all this time and long before all the fighting on land was done by the Filipinos.

That you may have some idea of the valuable services which they rendered in that campaign, let me read from our consul at Manila to the Washington Government:

[June 16, 1898. Williams to Day, page 329, Senate Document No. 62.]

Sir: I have the honor to report that since our squadron destroyed the Spanish fleet on May 1 the insurgent forces have been most active and almost uniformly successful in their many encounters with the Crown forces of Spain. Gen. Emilio Aguinaldo, the insurgent chief, who was deported late in 1897, returned recently to Cavite and resumed direction of insurgent forces. He is not permitted by his people to personally lead in battle, but from headquarters governs all military movements. He told me to-day that since his return his forces had captured nearly 5,000 prisoners, nearly 4,000 of whom were Spaniards, and all of whom had rifles when taken. General Aguinaldo has now about 10,500 rifles and 8 field pieces, with 8,000 more rifles, 2 Maxim guns, and a dynamite gun bought in China and now in transit. The insurgents have defeated the Spaniards at all points except at fort near Malate, and hold not only North Luzon to the suburbs of Manila, but Batangas Province also, and the bay coast entire save the city of Manila. * * * We fear the city may fall too soon.

This evidence shows that the Filipinos had driven the army of Spain into Manila, had captured several thousand Spanish prisoners, and practically ended the war on the islands before the American soldiers arrived.

When our Army first reached the Philippines they were received with open arms and friendly greetings. The Filipinos had already learned that the Americans were friends of liberty, and they regarded them as their coming liberators. And why not? Listen to the first words of the first American general to land on the islands, General Anderson.

July 4, 1898, Brigadier-General Anderson to Aguinaldo, page 390, Senate Document No. 62:

HEADQUARTERS FIRST BRIGADE,
UNITED STATES EXPEDITIONARY FORCES,
Cavite Arsenal, P. I., July 4, 1898.

Señor Don EMILIO AGUINALDO,
Commanding Philippine Forces, Cavite, Luzon.

GENERAL: I have the honor to inform you that the United States of America, whose land forces I have the honor to command in this vicinity, being at war with the Kingdom of Spain, has entire sympathy and most friendly sentiments for the native people of the Philippine Islands.

For these reasons I desire to have the most amicable relations with you, and to have you and your people cooperate with us in military operations against the Spanish forces.

Also on page 394, same document:

General Anderson to Aguinaldo.

GENERAL: When I came here three weeks ago I requested your excellency to give what assistance you could to procure means of transportation for the American army, as it was to fight in the cause of your people.

Also Major Jones to Aguinaldo, on same page, same document:

We are here to befriend the Filipinos.

And so our first general to reach these islands invited Aguinaldo and his followers to cooperate with the American forces, and declared that our army was there to fight in the cause of their people.

Sir, it is mere idle words to be quibbling whether this was an alliance or not. It is enough for honorable people to know that we invited the Filipinos to cooperate with us and they did so; we sought their assistance and received it.

That they rendered us very valuable services in that engagement no American can deny. Their brave patriots who fell before the Spanish guns saved to the American nation millions of money and thousands of lives. For if the Filipinos instead of cooperating with us had united against us or even remained neutral it would have made it necessary for us to send to those islands several thousand more soldiers and continued the war much longer than we did.

So it matters not whether in so many words we promised those people their independence or not, we were under a great moral obligation to recognize their independence after they had proven themselves such brave and loyal friends at a time when their services were so useful to our cause.

They had rendered us much more service than the Cubans and deserved just as much of our gratitude. No American ever has and no American ever can give one good reason why we should give freedom to the Cubans and not to the Filipinos. There is no ground for such unjust discrimination. The evidence before the Paris Commission was that the Filipinos were better fitted for self-government than the Cubans. Admiral Dewey, in a dispatch from the Philippines on June 23, 1898, said: "These people are far superior in their intelligence and more capable of self-government than the Cubans, and I am familiar with both races." There was much proof before the Commission that the Filipinos had already begun to establish in a very intelligent manner a representative government; that they were very enthusiastic for independence and would resist to the bitter end any attempt to establish American sovereignty over the islands. One Major Bell testified as follows:

There is not a particle of doubt but what Aguinaldo and his leaders will resist any attempt of any government to reorganize colonial government here. They are especially bitter toward the Spaniards, but equally determined not to submit any longer to being a colony of any other government. * * * Aguinaldo—honest, sincere, and poor, not well educated, but a natural leader of men, with considerable shrewdness and ability, has the power of creating among the people confidence in himself, and is undoubtedly a very popular man, highly respected by all. (Senate Doc. No. 62, p. 380.)

And Mr. Vanderlip, Assistant Secretary of the Treasury, on page 570, same document, stated:

There can be no thought of assimilation. It can not be expected that the people of these islands will ever be brought to a comprehension of our institutions. We need not even hope for sympathetic submission.

So, Mr. Chairman, we were fully forewarned by our own witnesses that if we undertook the forcible annexation of those islands we might expect war, long-continued war, with their people.

Notwithstanding their hearty cooperation with us in the war just ended and all the flattering promises with which our officers and generals had encouraged such cooperation, the American authorities turned a deaf ear to all their appeals for liberty, to all their prayers for freedom, and did not even permit them to be heard in the trial of their own cause.

And yet it would have been just as easy to force Spain to relinquish her sovereignty over the Philippines as to cede it to the United States. It would have been just as easy to compel Spain to free the Filipinos as the Cubans. Spain was already whipped, whipped by the Americans and Filipinos, and lay powerless at our feet ready to surrender upon almost any terms rather than resume a war which surely would have ended in her complete destruction.

We have some reason to believe that in the beginning of the deliberations neither our commissioners nor the President favored the forcible annexation of those islands. But mighty influences were in operation which could not be resisted. American greed already had its exploiters in the islands investigating their lands, their timbers, and their minerals, and they were the first to decree the forcible annexation of the islands. It is true the Administration also was doing a little investigating about that time, and in this connection the following from the testimony of Commodore Bradford before the Commission is rather interesting, on page 472, Senate Document No. 62, Fifty-sixth Congress:

Q. Will you please state your name, residence, and position in the United States Navy?

A. R. B. Bradford, commander, United States Navy, Chief Bureau Equipment, Navy Department, Washington, D. C.

Q. How long have you been in the naval service of the United States?

A. Since 1861.

Q. When were you at Manila?

A. I was there first in 1867, again in 1868, and again 1869; not since.

Q. Have you had any occasion recently to investigate the situation on these islands?

A. During the past two months I have made a study of the islands and their value as colonies of the United States.

* * * We have driven the Spanish Government out of the Philippines; there is no Spanish authority there now, or practically none.

* * * Of course I am interested, primarily, from a military point of view, on account of my profession.

* * * It seems to me that they are parceling out the coast of China, and we should be in it or as near it as possible.

Why had this American officer been engaged for two months studying the value of these islands as colonies of the United States unless for the purpose of enabling the Administration to determine whether it would pay to make colonies of them? It seems that the Administration was not depending entirely upon the suggestions of the Almighty as to the proper course to pursue. But at the very time our commissioners were in session an investigation by the Administration was going on to determine the value of those islands as colonies of the United States. We were not studying the people to ascertain if they were capable of self-government or fit to become citizens of the United States, but studying the valuables of the islands to see if there would be any money in their forcible acquisition.

Sir, in the face of all such evidence, how ridiculous it is to talk about those islands coming to us as the fate of war or the act of Providence. Their annexation was as deliberately planned as any wrong ever committed. How strange, indeed, that a just God should lead us out of Cuba with one hand in order to make her people free, and with the other lead us into the Philippine Islands to subjugate the people there.

The resolution which Congress had passed disclaiming any intention to annex Cuba applied with equal force to the Philippine Islands.

If we had treated the Filipinos as we treated the Cubans, we would have escaped all this horrible war. We would have saved to the American people the $600,000,000 wasted in this bloody enterprise. We would have saved several thousand brave American soldiers whose lives have been lost in trying to maintain this foolish, un-American policy in the Philippines. If we had refused to recognize the independence of Cuba and undertaken to establish our sovereignty in that island, we would have had the same bitter experience in Cuba we have had in the Philippines. If we had recognized the independence of the Filipinos as we did the Cubans, we would now have the same peace and good will in the Philippines as in Cuba. What American citizen does not feel proud when he reflects upon that beautiful scene in Cuba a few days ago, when the flag of the American Republic was lowered amid the joys and welcomes of the Cuban people where they had assembled to pay their last farewell to its protecting folds and to raise in its place the proud emblem of their own free Republic?

Where is the political phrasemaker who has so often declared that where the American flag goes up it shall never come down? Where is the American citizen who would haul down the flag of the Cuban Republic and raise in its place the flag of the American Republic to be maintained by the American Army? Where is the American citizen who does not wish in his soul that the American Government at the close of the Spanish war had recognized the independence of the Filipinos so they, too, might now be enjoying their own free republic? Who, sir, is so mercenary as not to prefer a peaceful picture like this to the painful scenes now going on in the Philippines? But it has been charged that the Filipinos commenced hostilities before the treaty was acted upon.

And Buencamino, a Filipino twice a traitor to his own people and once a traitor to Spain, now receiving a salary of $3,500 under the American Government in the Philippines, was brought to the United States to prove the Filipinos commenced hostilities, but admitted on cross-examination it was not true. Mr. Chairman, the evidence of American officers on this question very clearly shows that in the conflict between the Americans and Filipinos the first gun was fired by an American and the first man killed was a Filipino. And the evidence further shows that the Filipino generals were not expecting the outbreak, were absent at the time it occurred, and at once endeavored to arrange with the American generals to end hostilities. But the American generals refused, declaring that war, having been commenced, must continue to the grim end. However, it is of but very little consequence who fired the first shot, because the Administration had already instructed the American Army to proceed at once to take possession of the islands by force if necessary long before the treaty was ratified and without any authority for such military occupation. It was virtually a declaration of war by the President against the Filipinos, and they so considered it. They were invited to surrender their liberties and turn over their country to American authority long before the treaty went into effect.

A people who will not fight for liberty are unworthy of liberty. If we had only intimated to the Filipinos that it was our intention to recognize their independence at some future time after a stable government had been established, there never would have been a gun fired or a man killed. But instead of giving them any such encouragement the Senate at the time it ratified the treaty even voted down a resolution favoring the final independence of the islands. Sir, it has often been asserted by gentlemen on the other side that the Democrats forced the Administration into the war against Spain. The war against Spain was for the liberation of Cuba. It was not a war for conquest, but a war for humanity. The war against the Filipinos is a war for conquest and not for humanity. The war against Spain was declared by Congress; the war against the Filipinos was declared by the President. The war against the Filipinos is quite a different war from the one against Spain, notwithstanding some gentlemen try to make them appear as one war in order to confuse and deceive the people.

The Administration was not forced into this war against the Philippine Islands. It went into it of its own free choice. At the close of the Spanish war the Administration had the opportunity to choose peace and the independence of the Philippines or war and their forcible annexation, and it deliberately chose war, and we have had it with all its horrors ever since. Sir, the Democrats have tried to end this war in the Philippines, and if they had the power they would end it now. They would say to those people: "If you will lay down your arms and establish a stable government, we will follow our glorious example in Cuba and recognize your independence." This, sir, would be no surrender or retreat on our part, but would be a very honorable termination of a very dishonorable war.

Who can read the inhuman cruelties in the Philippines and desire the war to continue one day longer?

The evidence before the Senate committee shows that innocent and peaceable citizens have been forcibly taken from their homes, stripped of their clothing, thrown upon their backs, their mouths forced open with sticks, their stomachs pumped full of water until their bodies were greatly swollen, their eyes bloodshot, their whole body scringing in pain, not as retaliation, but for the purpose of extorting information which they were supposed to have.

The evidence shows that in many instances wounded and defenseless prisoners have been tortured and killed. The evidence shows that in many engagements the Filipinos killed outnumbered the American losses over 20 to 1; that while the Americans wounded were always much greater than the Americans killed, yet the Filipinos killed were always many times more than the Filipinos wounded, showing it has been almost a war of extermination. General Hughes testified the Filipinos were almost as helpless in battle as women.

The evidence shows that thousands of peaceful homes have been burned from over the heads of innocent and helpless women and children. I now recall the testimony of one American officer who stated that he had been in charge of a certain town of 10,000 people for several months where there was no insurrection, where all was quiet and peace, until one morning, when a certain Captain Glen, of the Regular Army, made his appearance in the town with a small force, commenced the torture of the water cure, and ordered the whole town burned. The torch was quickly applied, and that town of 10,000 people was burned into ashes, except about 15 buildings; that another peaceful town of about 12,000 near by was burned about the same time in the same manner.

The evidence shows that one General Smith gave orders to kill all over 10 years, whether armed or unarmed, including innocent and helpless women and children. When this cruel order first came out no Republican attempted to defend it, but I heard Republican Senators condemn it and express the hope it was not true. But when it was discovered that the fact could not be disputed they began to work themselves up to a point where they could defend it. The venerable gentleman from Pennsylvania, Mr. GROW, grew very earnest in trying to defend this inhuman order before the House. He declared a boy of 10 was very dangerous with a gun in his hand. It occurred to me that if a little Filipino lad of 10 could have been at the side of the stately Pennsylvanian it would have illustrated very forcibly the nonsense of the proposition which his zeal was attempting to defend.

The evidence shows that in a single province of 300,000 people 100,000 have died since this war began; not all killed, but many of them died from starvation, others of disease because they were so weak for want of food they were not able to resist the ravages of disease, but most all due directly or indirectly to the war and its policy. Do you tell me, sir, that such inhuman treatment as this will establish in the hearts of those people a love and respect for American institutions? Will it not produce in the Filipinos an everlasting hate for the American people and American Government?

Mr. Chairman, let me say in language which can not be misunderstood that I do not hold the American soldiers responsible for these cruel outrages in the Philippines, except an occasional officer. The American soldiers in those islands have had their full share of hardships, disease, and death as a part of the high price we are paying for that unhappy country. And I have no doubt but the American soldier in the Philippines has been as humane and merciful as any other soldier could have been under such conditions. I have had some soldiers who have returned from those islands tell me that while they had had the opportunity to witness some of these tortures, they had not the heart to do so, and some of them have been so outraged in their feelings that they have ventured to report some of the tortures for investigation. So I repeat that as a rule our soldiers there have been as humane and sympathetic as any you will find, and some of the hardest things said about these brave soldiers have been said by some of their own military officers, and the records will show it.

Ah, Mr. Chairman, the responsibility for these barbarous cruelties in the Philippines does not rest upon the soldiers, but upon men right here in Washington—men who are advocating and directing this mercenary policy of torture, bloodshed, and destruction in the Philippine Islands. You can not maintain such a policy of force by any other kind of warfare, and these horrors will continue not for one year or two years, but so long as we attempt to fasten our yoke upon those people. While we may think our yoke is easy and our burden is light, those who are compelled to bear them may not think so. Why is it, sir, that the President and his followers have made such a uniform effort to make it appear the Army has been assailed? Because it is easier to defend the Army than the policy of the Administration, and that is their common motive.

Sir, the only peace we can ever hope to obtain by such methods

as these is the peace of the grave. I know we have the power to destroy the Filipinos and take their country by force. We have the money and the men to kill all over 10 and under 10, burn their peaceful homes to ashes, convert their land into a howling wilderness, and write over their untimely graves: Here lies the work of "American assimilation." But who, sir, wants this cruel and unnecessary war continued until the peace of death is everywhere established? Not the liberty-loving, humane people of America, but the greedy syndicates, speculators, and exploiters now hovering around the islands like hungry buzzards watching for their prey. But it is insisted the war is again over. I say again, because it has already ended several times since it first began.

Why, Mr. Chairman, up to this time we have only been fighting the Christian people in the Philippines. The non-Christian people have been permitted to live in peace, undisturbed in the enjoyment of their slaves and concubines. And we have it from the lips of witnesses who ought to know that when we undertake to abolish slavery and polygamy among those people and bring them under American sovereignty and the moral rules of American institutions we will have with them such a war as we have never had before in those islands. It is said they would rather give up their lives than slavery and polygamy.

But I admit, Mr. Chairman, that there is a semblance of peace in the islands, one which has been obtained very largely under false pretense, by promising the Filipinos that if they would lay down their arms they would soon become American citizens and be admitted into the Union as such. Governor Taft declared before our committee that the Federal party in the Philippines had done more, perhaps, than any other agency to secure peace among those people, and one of the main planks in the platform of that party favors a Territorial form of government for the Philippines and finally their admission into the Union as a State, their people to become citizens of the United States and be treated as such under our Constitution. We have the evidence that the Filipinos have been persuaded by their leaders and by American officers to believe that all this will be brought about if they will cease hostilities.

Two members of the Philippine Commission and hundreds of officers under the American Government are members of the Federal party. I do not say the American Commissioners have made such promises, but I have no doubt but the American Commissioners in their public meetings did give the Filipinos to understand that Congress would give them much freer trade with the United States than it has, and a much more liberal government than it will. I do not say our Commissioners were acting in bad faith, but they were disappointed in what Congress has done, and will be further disappointed in what Congress shall still do. The members of this Federal party are bitterly opposed to colonial government in every form.

Now, when those Filipinos learn, as they must learn, that they are not to be given a territorial government under the Constitution and finally admitted as a State into the Union; that they are not to become citizens of the United States, but held as subjects and governed as colonists; when they learn, as they must learn, that they are to be governed without their consent and taxed against their will, why, will they not resist the American yoke of tyranny as the American colonies resisted the British yoke in 1775? Has human nature so changed, or is the wrong of a republic any less offensive than that of an empire? Is not liberty just as precious now as then? Sir, I will not compare the American colonies to the Philippine Islands, but I will compare the treatment of the American colonies by Great Britain to the treatment of the Philippine Islands by the American Government. And no one can read the causes and history of the American Revolution without being strongly impressed with the very striking resemblance between the legislation with which Great Britain sought to oppress the American colonies and the legislation which the American Congress is attempting to inflict upon the Philippine Islands. And what a striking similarity you will find between the arguments used in the British Parliament for and against the right of one people to tax and govern another without their consent and the arguments made in the American Congress on that same subject.

For it must be remembered that while Great Britain was engaged in oppressing the American colonies they had their loyal friends and supporters in the British Parliament, who had the courage and humanity to rise and defend the colonies against the abuses of the British Government. And these distinguished patriots were not so severely criticised for their action as members of the American Congress in this day who have the courage and humanity to defend the Filipinos against the abuses of the American Government. Sir, I will not charge that we have our Whigs and Tories in the American Congress, but I will say that nearly every argument used by the Tories in the British Parliament in 1775 in favor of taxing and governing the American colonies without their consent has been repeated by some Republican leader in the Senate or House of Representatives in favor of taxing and governing the Filipinos against their will.

Why, the Tories insisted that the taxes which they sought to impose upon the American colonies were for their benefit. So say the Republican Senaters and Representatives with reference to our tax on the Filipinos. The Tory insisted that at least enough tax should be left upon the colonies to force them to admit England's right to tax them. A Republican Senator recently declared that we should govern the Filipinos by force until they acknowledged our right to govern them.

Why, sir, the British insisted then that what they were doing was for the benefit of the colonies. And when they could not persuade it into their heads they undertook to shoot it into their bodies, just as we are doing in the Philippine Islands. And I have no doubt but Great Britain boasted that she too was proceeding in the cause of the Almighty. How often has the cruel tyrant who sought to oppress and crush a defenseless people done it in the name of the Lord. Sir, we have always flattered ourselves that in that great Revolutionary struggle the Almighty was on the side of American liberty, and I believe in such earthly struggles He is always on the side of human liberty and against oppression, whether by an empire or republic.

History, sir, will draw this parallel between the cruelties of Great Britain and those of our own Government much stronger than I have been able to make it.

Another very striking coincidence is, while Massachusetts was the first colony to openly resist British oppression, a distinguished son of Massachusetts is the first to lead American oppression against the Filipinos. But, thank God, Massachusetts has another distinguished son to speak for that same personal liberty for which his glorious ancestors so nobly contended. Little did Washington ever dream that the sons of the American Revolution would ever attempt to force upon a foreign and defenseless people that same yoke of tyranny against which their fathers so bravely fought and so gloriously triumphed. [Applause on the Democratic side.]

Why should we wander from the precious paths of liberty and peace marked out by the fathers of the Republic and take to the slough of despotism and despair?

It is said, sir, that we are out in search of new markets, that we need those islands in our business and must have them at any cost. Let us first see what their trade is worth and then count its cost. The most we have exported to those islands in any one year is less than $4,000,000, and a large portion of this was coin and supplies for our soldiers. And yet if all this were profit it would take over a hundred years to get back the six hundred millions we have already expended there, according to the estimate of a very reliable Republican Senator. And our expenses there are still going on, as shown by the annual increase for our Army and Navy.

The annual appropriation for the Army for the year ending June 30, 1898, was $23,193,392, and for the year ending June 30, 1902, $115,734,049, an increase of over $92,000,000. The appropriation for the Navy for the year ending June 30, 1898, was $33,003,234.19, and for the year ending June 30, 1902, $78,101,791, an increase of over $45,000,000. Total increase of the annual appropriations for Army and Navy since 1898 over $137,000,000. Most all due to the militarism of this new colonial policy.

Who can compare our great expenses in the Philippines with the small trade of the islands and say it is not a very poor investment? Besides, sir, I have not taken into account the several thousand brave American soldiers who have lost their precious lives in this unnecessary war, and whose aged mothers, bereaved widows, and dependent children will go upon our pension roll; nor have I taken into this account the several thousand American soldiers who have returned from the islands in poor health, with their systems poisoned with some of the dreadful diseases common to that tropical country, and most all of whom will deserve and receive liberal pensions from the American Government; nor have I yet included in this cost the saddest consideration of all. I refer to the several hundred American soldiers who were brought back from the Philippine Islands as poor, unfortunate lunatics, many of them raving maniacs, made so by the severe heat and hardships to which they were subjected in fighting for a country we did not need.

Great Britain, without any loss of money or life, has had a greater share of the Philippine trade than the United States. We do not have to own a people to secure their trade. We have much more of Canada's trade than Great Britain, and yet Canada is Great Britain's colony and not ours. We have a splendid trade with England, and yet we have never attempted to make an adopted daughter of our mother country.

You can never force a people to trade with you by the use of the sword. The truth is the Filipinos have been reduced to such poverty and desolation by several hundred years of war and oppression it will be some time before they become very profitable customers to any people.

[Here the hammer fell.]

Mr. JONES of Virginia. I yield the gentleman ten minutes more.

Mr. WILLIAMS of Illinois. But if we should pursue a policy that would establish friendly relations between the United States and the Philippines, we would certainly secure much of their trade.

There are many ways in which we might have used for the benefit of our own people these large sums of money wasted on the Philippines. Much of it might have been very profitably expended to improve our rivers, thereby cheapening the transportation of products and giving the people a better price for what they have to sell and a better bargain in what they have to buy. Much of it might have been very wisely expended in improving our mail facilities among the people, giving them free delivery wherever desired, and a large portion of the money wasted on those islands might have been very justly used to give more liberal pensions to the old soldiers who fought so bravely and so well for the good and glory of our own people and our own country.

Mr. Chairman, who are to be benefited for the money and the men we are daily sacrificing in this foreign war? Listen to the testimony of Governor Taft, the head of the American government in the Philippines, and see who these beneficiaries are. In his testimony before the Senate committee, he said the Philippine Islands would furnish a splendid field for American investors. He stated before our committee that there was a regular swarm of exploiters in the islands now with all kinds of schemes. They are there waiting for the special privileges of this bill. They are there waiting for an opportunity to appropriate as fast as possible the fertile lands, the fine timbers, the precious minerals, and valuable franchises in the islands, which rightfully belong to the Filipino people.

While the bill under consideration regards 40 acres sufficient for a farmer in the Philippines it allows a corporation to own 5,000 acres for agricultural purposes. As a reason for limiting the Filipino farmer to 40 acres it is said that 40 in the Philippines is equivalent to 160 acres in the United States. Then the 5,000 acres in the Philippines, which a corporation of three Americans may own, is equivalent to 20,000 acres in the United States. This is not the only provision in the bill where the Republicans show their accustomed preference for corporations.

When the genial gentleman from California [Mr. KAHN] declared that the Filipinos were very friendly to the Americans since they had learned that we did not want their property, it was very evident he had not read the bill which he was so eloquently defending. While he and his Republican colleagues are prating about giving liberty to the Filipinos, by this bill they are authorizing the Philippine Commission to vote away to American corporations all the valuable lands, timbers, minerals, and franchises of the Filipinos without their consent or approval. And this, sir, they call liberal government. Indeed it is liberal, not for the Filipinos, but for the American beneficiaries.

On account of the war and its dreadful consequences property of all kinds in the Philippines has a very low value, and under such conditions to grant away to corporations large tracts of their best lands instead of reserving them for future homes for their own people is bold, daylight robbery, ten times worse than Great Britain ever treated the American colonies. While this bill does not authorize the sale of timber lands except those suitable for agriculture, yet it does authorize the issue of a license to cut timber under certain regulations, and who does not know that when a lot of timber sharks are turned loose on those fine timbers they will make quick work of everything valuable, regardless of any and all restrictions?

Why should we dispose of their public property before we decide whether they are to remain a part of the United States or become an independent country of their own? Professor Schurman, president of the first Philippine Commission, appointed by President McKinley, discussing this question, said:

> We have no right to vote away their public property and franchises without their joint consent. If Filipinos as legislators and administrators are to join us in the government of the archipelago, why should the weightiest and most important business be disposed of before their admittance?

General MacArthur, in his testimony before the Senate committee, expressed a similar opinion. Mr. Chairman, if all the privileges and franchises provided in this bill are granted, it will not be long till American syndicates will own the very cream of the islands. The most valuable lands, timbers, minerals, and franchises will soon be theirs. Railroads will be built where they will be most profitable to American investors, and not always for the best interest of the Filipinos. The native will scarcely be allowed the poor privilege of working on their farms or in their factories, for these greedy exploiters are already clamoring for the importation of Chinese labor.

Yes, the battlefields which we have drenched with so much innocent blood will soon be covered with magnificent plantations, and upon the untimely graves we have made will be erected splendid American factories; but all this will not bring a single penny to the American farmer or workingman in this country. Governor Taft stated before our committee that the American workingman could not endure the hot sun of that tropical country, nor would the American farmer or laboring man care to subject himself to all the oriental diseases so common in the Philippines.

And so it must be plain to all that the craving speculators now in the Philippines or on their way will receive the principal profits from these islands, while the American farmer and laboring man will be taxed to maintain a large army and expensive navy to preserve these distant possessions. Let me make this further suggestion to the plain American people who remain here at home, pay the taxes, and receive no share in these foreign profits: The more American capital that goes to the Philippines for investment, the less will remain at home to develop our own country. If the millions of American capital which will go to those islands could be used here at home in building new railroads, in establishing new factories, in opening new mines, in starting new industries, this would give additional employment to the American workingman, additional comfort and happiness to the American people, and additional greatness and grandeur to the American Republic.

But the millions of capital which leave this country for the Philippine Islands will give no additional employment to the American workingman and no additional comfort to the American people, because it will be used to employ the Chinese labor of the islands and such cheap oriental labor as may be imported.

Mr. Chairman, before we undertake to dispose of the public property of these people, before we grant away to corporations their lands and their franchises, we ought to determine whether it is our purpose to retain those islands permanently or not. While the war was going on you declared that you could not treat with a people in arms. But now you claim that the war is over and the way is clear for civil government. The Federal party, composed, as Governor Taft says, of Filipinos who are friendly to the United States and who desire to be incorporated into the United States as American citizens, have presented their memorial to Congress, asking us to define the status of their people—to say whether they are Americans or not. They express a great desire to be recognized as Americans, but declare most positively that they will not accept colonial government in any form. They are entitled to an answer; the American people are also entitled to an answer.

If you do not believe the Filipinos are qualified for American citizenship at this time, will you say that it is your purpose to make American citizens out of them at some future time, and eventually admit them into the Union? If that be your purpose, then define your policy, so it can be submitted to the American people for their judgment. Unless it is your intention to admit them into the Union under the Constitution as American citizens to compete with American workingmen and participate in American government or to recognize their independence, then, sir, you have but one course left, and that is to hold the islands as colonies and govern their people as subjects. If this be your purpose, the Filipino people are entitled to know it and the American people are entitled to know it.

Some leading Republicans now supporting the Administration still insist they are opposed to the permanent retention of the islands. I suppose they are in favor of a ninety-nine-year lease until the craving exploiters behind their mercenary policy have stripped the islands of everything that is valuable. You say you can not give them self-government now because they are not qualified for it. Who says they are not qualified for it? Why, the American officeholders in the islands and perhaps a few of the Filipino officeholders who are enjoying good salaries under the American Government.

But all the evidence we have shows that the Filipinos are a Christian people, quick to learn, kind, peaceable, obedient, virtuous, and devoted to their domestic relations. A large per cent of them can read and write in Spanish or their native language, many of them are highly educated, some graduates of foreign colleges. They have had their own schools and colleges in the islands for over three hundred years.

Their lawyers, their teachers, their business men, will compare favorably with the best of these classes in many other countries. And the American Government has found among their number men able enough and learned enough to fill positions of the highest responsibility in the Philippine government, members of the Philippine Commission, chief justice of the supreme court, governors of provinces, heads of bureaus, and thousands of other positions of less importance. Sir, if the Philippine Government can find so many Filipinos capable of filling the highest positions in the Philippine government, why could not the Filipino people, if left without American interference, find among their able and educated citizens men capable of forming and maintaining a good Filipino government adapted to the wishes and necessities of the Filipino people, allowing them to develop along their own racial lines?

No one claims they would be qualified to administer an American government like our own as well as Americans do, but it would be their own government, made and administered to suit their own people; and the fact that America had done so much to achieve their independence would be notice to the civilized world not to interfere. I believe it was Henry Clay who declared: "It is the doctrine of thrones that man is too ignorant to govern himself? I contend it is to arraign the disposition of Providence himself to suppose that He has created beings incapable of governing themselves and to be trampled on by kings. Self-government is the natural government of man." Who can find a more happy solution of this question for the benefit of those people and the general welfare of our own?

I was about to overlook another class who have some interest in retaining these islands. I refer to the American officeholders in the Philippines. There is no question but what most of them will very cordially support a policy that enables them to hold onto their jobs as long as possible. If they can have their way it will be a long time before the Filipino will be capable of governing himself. To show you how deeply this class is interested let me give you a list of some of the salaries received:

Governor Taft, president of the Commission	$20,000
Each of four commissioners	15,000
Secretary to the Commission	7,500
Chief justice, a Filipino	7,500
Six justices, two of them Filipinos	7,000
Treasurer	6,000
Auditor	6,000
Collector of customs	6,000
Head of department of posts	6,000
Chief of bureau of education	6,000

Mr. Chairman, there is not a State in the Union where such extravagant salaries are paid, and yet the Filipinos are much less able to pay high salaries than our own people. Besides, the Filipinos have no voice in fixing these high salaries. And when gentlemen declare what wonderful things we are doing for the Filipinos, let it be remembered that they with their own money are paying us a very high price for all these favors in addition to the rivers of blood we have shed in their unhappy land.

Mr. Chairman, high salaries may not be the worst feature of this carpetbag government if it proves to be anything like the one in Cuba, and it is liable to become much more corrupt on account of the great distance of the officers from the Government to which they owe responsibility.

It must be remembered that American officers 10,000 miles away will have a much better opportunity to conceal their corruption than public officers here at home, under our immediate observation and among people to whom they owe some responsibility.

But, Mr. Chairman, considering this whole Philippine business as a financial proposition, there can be no special gain to any American citizen outside of the scheming speculators to whom I have referred and who include, as I understand, some Senators and members of Congress.

But whether the annexation of those islands is profitable or unprofitable, I rest this case upon no such mercenary grounds as these. I am unwilling to barter away the sacred honor of my country for thirty pieces of silver. I am unwilling to buy American trade with American blood, to continue to slaughter innocent and defenseless women and children, to burn their peaceful homes to ashes and convert their land into a howling wilderness in order to make way not for liberty, but American greed and despotism.

I am unwilling to withhold longer from the Filipinos that personal liberty and national independence which I claim for my own people and my own country. I am unwilling to exchange the time-honored principles and traditions of the American Republic for the glittering jewels of a colonial empire, though they come to us on a platter of gold. Are we so dazzled with commerce and so blinded with trade that we have lost all devotion to human liberty and American institutions? Have we at last reached that fatal point in our civilization so eloquently described by the late President Harrison in these significant words, while discussing this subject, "God forbid that the day should ever come when in the American mind the thought of man as a consumer shall submerge the old American thought of man as a creature of God, endowed with inalienable rights?" (Views of an ex-President, p. 221.)

I place this sublime thought against some of the brilliant skyrockets of Indiana's more recent statesmen. I confess, sir, I entertain a much higher admiration for the immortal names of Washington and Lincoln, the great defenders of human liberty, than I do for some of our more modern statesmen of commercialism and imperialism, who place markets above men, commerce above humanity, and national trade above national honor. [Applause on Democratic side.]

Would to God we had a Washington or a Lincoln in the White House to-day to bring the American Government back from these new paths of commercialism and despotism into which it is so rapidly drifting and reestablish it once more upon the Declaration of Independence.

[Here the hammer fell.]

Mr. JONES of Virginia. I yield the gentleman five minutes more.

Mr. WILLIAMS of Illinois. Sir, I do most solemnly protest against this new spirit of greed and conquest which has carried us 10,000 miles from home to make war on a people whose only offense is the love of liberty. I not only protest against the cruel tortures and inhuman barbarities upon those people at their own homes, in their country, but I most earnestly protest against a policy which has brought so much hardship, suffering, disease, and death upon the brave American soldiers engaged in this unnecessary war.

Sir, in opposing this new colonial system I stand not only for the protection of the Filipino people against the indefensible assaults of the American Government, but I stand for the protection of the American people against the dangerous encroachment of the American Government upon their own constitutional rights and liberties. I stand for the defense of the American people against the willful waste of so much blood and treasure in trying to govern a people against their will. But how often do we hear it asserted what we owe to civilization, what we owe to this people and to that people. Sir, in my judgment, we owe more to the American people than any other people on the face of the earth. [Applause on the Democratic side.]

I believe in the doctrine that America should stand for America first and other countries afterwards, and it is for the general welfare of our own people that I protest against taking into the American family ten millions of people 10,000 miles away, alien in race, alien in customs, alien in habits, alien in education, alien in almost everything that helps to make good American citizenships; people who were never born to become Americans. When we say they are fit to govern themselves we do not admit that they are fit to govern us. For many years we have stubbornly resisted the immigration of Chinese into the United States, but now it is proposed to take into our national family in one lump ten millions of Orientals, including several hundred thousand Chinese, to compete with American workingmen and participate in American government.

Ex-President Harrison, on page 185 of his work entitled Views of an Ex-President, in discussing the annexation of these islands, said:

> We have done something out of line with American history, not in the matter of territorial expansion, but in the character of it. Heretofore the regions we have taken over have been contiguous to us, save in the case of Alaska, and indeed Alaska is contiguous, in the sense of being near. These annexed regions were also at the time of annexation either unpeopled or very sparsely peopled by civilized men, and were further, by their situation, climate, and soil adapted to the use of an increasing American population. We have now acquired insular regions situated in the Tropics and in another hemisphere, and hence unsuitable for American settlers, even if they were not, as they are, already populated, and their lands already largely taken up.
>
> We have taken over people rather than lands, and these chiefly of other race stocks, for there are "diversities of tongues." The native labor is cheap and threatens competition, and there is a total absence of American ideas and methods of life and government among the eight or more millions of inhabitants in the Philippines. We have said that the Chinese will not "homologate;" and the Filipinos will certainly be slow. Out of the too late contemplation of these very real and serious problems has arisen the proposition to solve them, as many think, by wresting our Government from its constitutional basis; or at least, as all must agree, by the introduction of wholly new views of the status of the people of the territories, and of some startlingly new methods of dealing with them.

Sir, we already have race problems enough of our own without going 10,000 miles from home in search of others. The proposition presented by the minority has been criticised as an effort to scuttle. We did not scuttle away from Cuba, and we propose the same plan for the Philippines. It might have been better for Cuba if some of our officers had scuttled away from there before they did.

The bill offered by the minority is based upon the fundamental principle that self-government is the natural government of man; that a more powerful nation has no right to impose its government upon a foreign and unwilling people. By our bill we simply say to the Filipinos, lay down your arms and take up your liberty. We do not want your country. While your fertile valleys, your magnificent forests, and your precious minerals have been very inviting to American greed, they all belong to your people and to your country, and we will not have them.

Establish your own government as did the Cubans, and the old American flag that helped to drive from your shores your Spanish oppressors we will haul down as we did in Cuba in honor and in glory, amid the shouts and joys of your people, that you may raise in its stead the proud emblem of your own dear republic, to wave over a free and independent people with hearts full of love and admiration for the great American Republic. [Applause.] Then we will withdraw our gallant troops from

your islands and carry Old Glory back to "the land of the free and the home of the brave."

We have had a costly and bitter experience in the government of people by the sword. We are ready to retire forever from this colonial business and forsake all such glories of war for the grander glories of peace. [Applause on the Democratic side.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. McCLELLAN 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 bills of the following titles:

H. R. 2063. An act amending an act creating the middle district of Pennsylvania; and

H. R. 2066. An act to change the terms of the district court for the eastern district of Pennsylvania.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 4284) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. QUARLES, Mr. CLAPP, and Mr. JONES of Arkansas as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 12804) making appropriations for the support of the Army for the fiscal year ending June 30, 1903, including amendment No. 14, disagreed to by the House of Representatives; that the Senate had receded from its amendment No. 13, and had disagreed to the amendment of the House to the amendment of the Senate No. 15, and had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PROCTOR, Mr. FORAKER, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, had further insisted upon its amendments disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. PERKINS, and Mr. TILLMAN as the conferees on the part of the Senate.

PHILIPPINE GOVERNMENT.

The committee resumed its session.

Mr. NORTON. Mr. Chairman, we are here, the Representatives of the United States, to perform for our country the duties of Government; back of us are the millions of people who make up our nation. We hold in our keeping a trust committed to our care by those people, and it is a grave responsibility. In our legislation we should strive to conserve the people's best interests, our country's good. No thought of personal preferment, no desire for mere partisan profit should control our action or interfere with our deliberations, and yet, sir, what are the conditions? What do we find to be the course of action pursued by the leaders and guides of the party now in the majority? Naught but a departure from the principles upon which our country was founded, a betrayal of the rights of the people, and an abject surrender to the demands of organized rapacity and greed, the most shameful that has ever been recorded on the pages of history.

The despoiling of the Egyptians by the children of Israel was a part recompense of over a century of servitude; the tortures of the Inquisition were the result of religious fanaticism, a relic of the Dark Ages; the robberies and inhuman atrocities committed by England's brood in Ireland are the fruits of absentee landlordism and a long-established policy; the aggression and tyranny of George III in his acts toward the American colonies was but the logical carrying out of his inherited belief in the divine right of kings, a practical exposition of the tenets of monarchy and imperialism, but there is no excuse, no palliation, for the existence and continuance of any of these foul stains at this day and under this Government.

We talk loudly and long of the advance of our country, and we are to-day at the world's front in all that goes to make up material greatness. We are not backward in intellectual culture; our hills and valleys, our mountains and plains, are dotted with universities, colleges, schoolhouses, and churches, and with them we have the free press, which is the mightiest engine of the world's progress. All these join in proclaiming that this nation leads in the van of civilization; but if we are to judge by the disclosures of the past few years, by the revelations of the record of the dominant party, then it is but a sham civilization, a thin veneer of pretension, through which the savage and barbarian oft appear. It is too true we are of this earth earthy and have only a hope that we may at some distant time reach a higher, nobler plane for our poor humanity as an inspiration for our perseverance toward maintaining right action as a nation.

There is naught in the heritage handed down to us from a brave, patriotic, liberty-loving, and heroic ancestry that could bring about the present state of affairs. The blood of our Revolutionary fathers was untainted, but the microbes of the trusts, the germs of ambition and greed, have gained entrance, swarmed, and multiplied until now almost the whole body politic is corrupted and diseased. It has been swift in the infection and growth. A few short years ago there was no such thing as the trusts, which now dominate and control the commercial industries of the country and even have their grasp upon the Government itself. The bill before us can not be well considered except by going down to the causes of its inception, its framing, and its support, and hence I have been led to speak of the trusts, as they are back of the bill and demanding its passage.

The taunt has been flung in our faces that a Democratic Administration failed to do aught to restrain trusts; that it was negligent in the performance of its duty, and therefore we of to-day are estopped from criticising Republican neglect and failure and Republican participation in trust criminality. If their charge was true, it would be no reason why we should not demand justice to-day; why we should not, in the name of humanity, call a halt in the criminal aggression and greed of organized rapacity. But, sir, the charge is false; it is untrue! Trusts are of recent growth. It has only been since 1896, since the induction of the Republican party into control of all branches of the Government, that trusts have reached the plentitude of power, strength, and insolence that they now possess, making them an enemy to the people and a menace to the Republic. Under Democratic administration they did not, could not, exist as to-day. [Applause.]

We are cited to the Sherman law of a dozen years ago, and that is used as evidence that trusts existed then and that the Republican party was trying to suppress them. Why, that law is admitted by themselves to be the veriest sham—a spider web to hold and restrain a tiger—and they have antagonized and defeated every effort that has ever been made to strengthen and make efficient the provisions of that law. Whenever we have tried to right the wrong—to amend the old law or pass a new one—we have been met by the statement from the Republican high priests that it was not necessary, because there were no trusts, even while their party in national convention, for political effect, I admit, included a denunciation of growing trusts in their platform. Still they kept up the cry, until the very food of the people was being held up by a trust, when an angry nation compelled the recognition of the existence of a mighty foe.

It is true the Attorney-General of the United States has been apparently making arrrangements to rebuke this one trust, but there are nearly 500 trusts in the land, all banded together to fight for continuance of the stolen privileges they hold, and what is needed is legislation that would reach every one of these trusts instead of a puny, farcical suit, under a confessedly weak statute, against one of these combinations. [Applause on Democratic side.]

We hear from the Republicans that we are shouting "Tariff! tariff!" as the cure-all for the evil effects of the trusts. Well, that is better than the Republicans are doing, for they offer no remedy, but favor their growth. To a certain extent the tariff does affect the trusts. We have the testimony of a high officer in one of the trusts, and a Republican, that the tariff is the mother of the trusts, and it is true that not until the present monstrous and iniquitous high protective tariff law came into force and effect was there such an unholy brood of evil combinations as exist at this time, and exist and are possible because of a high protective tariff.

Bad as the workings of the trusts are to us in our own land, a more deplorable result of their extension and expansion presents itself in the Philippines. Avarice, greed, robbery, militarism, imperialism, hypocrisy, falsehood, murder, rapine, torture, and savagery all follow in hideous procession in the train of trust dictation. This bill is here at their demand. I shall not attempt to analyze the bill item by item. Others may analyze, dissect it with their scalpels, melt it in their crucibles, bray it in their mortars, and disclose its base ingredients, but as for myself I do not regard it as being worth the trouble. The bill is essentially and fundamentally bad; so bad that no modifications can improve its vicious character without wholly destroying it.

We are in the Philippines not as a consequence of our war with Spain, but by reason of the will of a combination, a trust, in this country that is seeking the spoliation of those islands.

While Cuba was yet struggling for her freedom the members of this side of the House steadily labored to bring about the recognition of her independence. If we had succeeded, there is not the shadow of a doubt but our late as well as our present war would have been avoided, Cuba would have achieved her inde-

pendence, and without question ere this would have sought admission to the United States. Failing in our efforts for recognition of Cuba, we advocated and plead for armed intervention. The growing syndicates were opposed to our success, and for months and months you on that side of this Chamber sat silent, at the dictation of the trusts, and dared not to open your mouths on the question until there was such a sentiment aroused throughout the length and breadth of the country that if you had longer remained dumb and inactive there would have been a holocaust among you in comparison with which the horror at Martinique would have seemed but as an infant's breath. [Applause.]

War was proclaimed in the name of humanity, and conquest and expansion of territory was solemnly declared to have no place in the designs of the Government in its conduct of the war.

Dewey at Manila and Schley at Santiago destroyed the Spanish power. The war should then have ended, and the people freed from Spanish domination and misrule in Cuba, and the people freed from Spanish cruelty and authority in the Philippines should have been started on the high destiny of nations among the nations of the earth, with our declaration that they were, ought to be, and should be free and independent nations. This was, indeed, the first thought of the Administration, it was the expectation of the American people. Every spark of manhood kindled, every patriotic heart throbbed quickly, every thought of liberty, all the memories of our own history, with the record of our father's struggles for freedom, all thrilled in glad pulsations in the hope that to us was to be given the grand spectacle of two nations being born in a day, and two peoples being given the opportunity of enjoying the fruits of their labor under God's gift of freedom. [Applause.]

But this was not to be. Milton, in his Paradise Lost, tells us how, while Lucifer was yet high in the counsels of the Almighty, he listened to the whisperings and foul suggestions of ambition, and then entered upon his rebellious career and downfall. Some such malevolent imp of hell was here in Washington four years ago, and in the rooms of the Arlington whispered to the Administration leaders the immense possibilities for plunder and profit that would be opened up in those isles of the Orient if they were held. Then a wonderful change came over the spirit of the dreams of Republicans. Greed consumed their souls. Avarice burned their consciences and destroyed their judgment. They heeded not the story of Ulysses and his comrades who stopped their ears when they came within the sound of the seductive songs of the siren, but fell over each other in their mad rush to be in on the ground floor of the proposed scheme of plunder.

Hypnotized by the voice of the trusts, they forgot their solemn pledges, forgot the traditions of the past, forgot the proud boast that this was the land of the free; that for two hundred years before the days when our Revolutionary heroes were giving their lives that we might be free, the Filipinos were shedding their blood with the same aspirations and hopes of freedom and independence.

Before the ink was dry on the treaty which allowed us Manila and Manila Bay, aye, before the treaty was signed, a secret cablegram was sent around the world to American officials in Manila instructing them to go out beyond the limits of Manila and spy out the land and report as to timber and minerals.

The despoiling of the Filipinos had begun, and the spark of liberty just beginning to glow in Filipino hearts at the thought of its speedy realization was extinguished by the ruthless heel of one who assumed to be the personification of liberty.

The gentleman from Michigan [Mr. HAMILTON] in his attempted defense of the Republican party is not an accurate historian when he distorts and contradicts or ignores the official reports of Dewey, Pratt, Anderson, Wildman, and all of the men on the ground at the time, nor when he said that "there never was a time when we could have sailed away from there with honor to ourselves or safety to the people of the Philippines;" but as he was forced to admit that he did not know anything at all about part of the subject upon which he spoke at so much length, I will give him the benefit of the assumption that he knows still less about the rest. All over this land the ministers of every denomination and creed have joined with the most prominent laymen in the business, professional, and laboring world in appealing to this body, this Congress, to give back to the Filipinos that which is theirs by right.

It is the result of the criminal acts of aggression in the most virulent form on the part of the Republican party that we have this problem to meet. We must face the question, What shall we do with the Philippines? To the Cubans, who, as Admiral Dewey says, are not as capable of self-government as the Filipinos, we have given freedom and quasi independence. Shall we, can we in justice and equity do less for the Philippines? Then comes the immediate question, When shall we stand aside, call home our frigates of war, withdraw our armies, and place the Filipinos on an equality with the Cubans by giving them their freedom and independence?

The answer the Republicans make in this bill is, "Ultimately;" some time in the dim and misty future; in a few generations, when we have desolated their country, given the trusts a monopoly of their hemp and tobacco, and permitted syndicates to rob and carry away their vast forests of mahogany and valuable timber, under the protection and guard of American soldiers. You say, "By and by we will give them their freedom; 'ultimately,' when they know us a great deal better; when we have taught them that the Declaration of Independence is a lie, that Washington was only a selfish partisan, that Jefferson, Franklin, Patrick Henry, and Abraham Lincoln were hypocrites, deserving only of contempt." Then, say you, grant them their coveted independence.

The minority substitute, the Democratic measure, is based on entirely different principles. We say to them, "You are of right free. We concede the claim for which you have contended and been willing to lay down your lives. We concede it now, not in a few generations (if we do not forget it), but now, immediately, according to the meaning of that word in the intercourse of nations, as soon as, after full and free and friendly conferences or conventions of your people, you shall form a republic, to which we can turn over the control of the islands, and arrange for repayment of our legitimate expenditures, giving you credit for the revenues we have collected from you." That is what our bill says; that is Democratic principle on the Philippine question.

This course, as outlined in accordance with Democratic policy, meets the demands of the Christian people of the land; it meets the views of every humanitarian, of every loyal citizen, and would give us the respect of the world. In our intercourse with the Filipinos I agree with a correspondent, a Christian minister, who writes me, "Conciliation and helpfulness, not subordination, must be our watchword." These islands are in our power to do with as we list. We can easily conciliate that people by justice and helpfulness, or we can keep on with our inhuman butchery till Eastern nations interfere. We have an inkling that they may do this in the action of England and Germany denying our claim to the Sulu Islands.

Our present policy will make us a divided people, if it is continued till we provoke the interference of foreign nations. Our present brutal course of barbarity and butchery is losing us our prestige and the high respect of other nations. England dictates to us a colonial policy, and yet will be the first to turn against us in time of storm.

We will be stronger and more free in the East with a Philippine republic than with an insubordinate colony. Any man with an ounce of common sense can see this. Suppose to-day that Japan should declare war against us. With our hands bound by the antagonism of the millions of the inhabitants of the Philippines, we would be defeated at the outset. Give them their independence, and their whole army would fight for us anywhere. As it is, they will fight against us as long as they have life, as they have ever against Spain. We may depopulate the islands by butchery, but we will never subdue that people even to the extent we have subdued the Indians in this country in the last four hundred years.

If you Republicans determine to govern the Filipinos by a partisan nabob or grand mogul sent from Washington, you must avoid fooling with the buzz saw of human equality and popular rights.

When King John of England was forced to yield to the demands of his people, the greatest privilege the Magna Charta gave to the English subjects was the right of trial by jury, and ever since it has been cherished and handed down from age to age as the chief palladium of liberty; and yet you free-born American citizens, clothed yourselves in all the panoply of liberty and equality, would deny to the inhabitants of your American province this right of trial by jury. Where is your boasted righteousness and justice?

What has happened in the Philippines since we have been there? Bloodthirsty conquest, rapine, and desolation. But the one thing that has happened, creating more amazement and consternation to our American people than anything else, has been the revelation that officers of our Army, sent to the Philippines in the cause of "benevolent assimilation," have repeatedly ordered and compelled the infliction of torture, not alone of an armed enemy, but upon inoffensive, helpless victims for the purpose of extorting confession or extracting information.

The war between the States from 1861 to 1865 familiarized the adults of this generation of America with the severity, the suffering, and hardships that follow in the horrible path of war, but torture, which we supposed had been buried with the Dark Ages, physical torture, we were not prepared for, and when the news came all America was startled and shocked. There has existed in the minds of our people admiration and respect for our soldiery. We have had a feeling for Army officers akin to worship. We had placed them on a pedestal of regard, and thought that they

were all gentlemen of honor and humanity, as well as of bravery. We thought the "bravest are the tenderest," and that no man who carried a commission in our Army could do aught that would cause us to hang our heads in shame.

How changed is all this! Because of the acts of some high in command, the once fair escutcheon of our warrior's honor is stained with disgrace and barbarity.

During October, 1901, Brig. Gen. Jacob H. Smith, in command of the Sixth Brigade in the Philippines, commonly known now by the refined appellation of "Hell-roaring Jake," gave orders to Maj. L. W. T. Waller that he "wanted no prisoners taken, meaning thereby that giving quarter is not desired or required;" that he "wishes you to kill and burn, and the more you kill and burn the better you will please me. The interior of Samar must be made a howling wilderness."

This order of General Smith commands the killing of everybody over the age of 10, as he placed that limit upon his order in reply to a question, whether they were friendly or hostile, whether they possessed arms or ever had possessed any. It also ordered the killing of women as well as men, and it was literally carried out.

Now, the Army is not to be censured for this order, and no speaker on this side of the House—the voice of no Democratic speaker anywhere has been heard in criticism or abuse of the Army because of this order of an epauletted bully and brute, but there is a political phase about this which has an extremely bad odor.

This inhuman order was known to the Secretary of War and hidden among the "secret archives" of his Department for six months, while the Secretary was assuring the Senate Philippines Committee that he had furnished all orders and cases of alleged cruelty that were on record in the Department or in his possession. This and the further fact that the Department has upheld other officers in their outrages leads one to believe, nay, makes it certain, that these officers have acted under instructions from Washington, and emphasizes the fact that the trusts, the masters of the Republican party, are in such close communion with the infernal regions that the souls of the puppets they place in charge of governmental affairs are sizzled and seared to an unrecognizable crisp by their contact with their bosses.

The horrible "water cure," which this Administration has made familiar to Americans for the first time, is not a new invention. It is a bequest from the Spanish inquisition, but it had been long since done away with in civilized lands. The last case where it was employed was in Toulouse, France, in 1763, one hundred and forty years ago, when it was used on an innocent, good, and virtuous old man, Jean Calas, 64 years of age. A hundred years earlier this outrageous torture would have excited no comment, but new ideas had come with new generations. Tolerance and humanity were showing their fair faces to the people of Europe. The philosopher Voltaire came to the defense of Calas, and, by his fiery eloquence and great talent in his denunciation of this persecution, so wrought upon the conscience and sensibilities of France as to make this the last case of torture inflicted within the realm.

Is our administration harking back to the times before Voltaire? The use of the "water cure" is admitted and apologized for by the gentlemen on the other side. Is it true that the American church takes no interest in the barbarous tortures carried on in the Philippines? Because the Filipinos commit acts of atrocity and cruelty shall we strive to exceed them in fiendish torture? Would that another genius like Voltaire might rise and arouse the sympathies and just indignation of the American people at this foul blot upon our national honor. [Applause.]

I insist, however, that it is not the Army that is to blame, but the wicked and dastardly policy of the Republican party, and that party must be held responsible for all the cruelty and torture committed either by our soldiers or by the Filipinos.

My friend the distinguished and eloquent gentleman from California [Mr. KAHN] has been heard on this measure. He has, in fact, been heard twice at least, and in two different ways. On the evening of March 2, the anniversary of the birth of the Irish patriot and martyr, Robert Emmet, he made a fiery speech in the Columbia Theater, this city, in which he vigorously declared himself in favor of the independence of Ireland; he wanted it right away, or sooner; then he wanted the independence of the South African republics, and of all people who were struggling for liberty. On Friday last, with an alacrity that would do honor to the protean changes of the theatrical board, he faced squarely about and took the other side of the question here on the floor of the House. He was in favor of the Republican bill; in favor of completely subjugating the Filipinos and refusing them independence.

Four months ago, yea, less than that, he was in favor, heart and soul, of the independence of the Filipinos. But that was in a theater. Now he is opposed to it, because, forsooth, the Filipinos do not want independence. He declares it, he himself has said it. Probably they are just fighting and dying for fun. They don't want independence, but they combine, plan, plot, conspire in order to obtain it. They do not want independence; they suffer the tortures of the water cure rather than give up their demand for it, but the gentleman from California knows much better than they do that they do not want it at all, and would be very much distressed if we should insist on their having it. Every mother sends not only her husband, but her kids of 10 to do battle with the invaders, so "Hell-roaring Jake" says, but they do not want independence. The eloquent gentleman declares that they are quite ignorant, but they are not so densely ignorant, it seems, as not to want to govern themselves.

My friend of the sock and buskin makes another discovery. He tells us that no American general or admiral ever explicitly promised Aguinaldo independence for his people, though he always persistently demanded it. Is it possible to overestimate the importance of this discovery? Yet, as it has never been asserted by an American that a definite promise of Filipino independence was made to Aguinaldo or anybody else, it was hardly necessary to deny it so vehemently. As General Anderson says:

> Whether Admiral Dewey and Consuls Pratt, Wildman, and Williams did or did not give Aguinaldo assurances that a Filipino government would be recognized, the Filipinos certainly thought so.

Was not our whole history a promise of independence? Our Constitution was a promise; our immortal bill of rights was a promise. The thrilling speeches of our great orators were a promise; the songs of our poets were a promise, and our liberty-breathing salutation to Bolivar, Toussaint L'Ouverture, Kosciusko, and Kossuth was a solemn promise, sworn to on all the evangels of our faith. [Applause.]

You make hypocritical claims to be lovers of and proud of our liberty; you appeal to the leaders of the past, but you ignore their teachings. The names of Washington, Jefferson, and Lincoln fall flippantly from your lips, but you turn aside from their words of wisdom and warning, and dare not repeat them, for they condemn your policy and your acts. With veriest sacrilege you profane the name of Lincoln by comparing him with your leader of to-day. You profess to admire Grant, but you disgrace his name and desecrate his memory by placing him in the same category with "Hell-roaring Jake."

Even McKinley, whom you eulogize so highly with pretentious sounds, while you charge us with garbling his words, yet you do not dare to quote his public speeches, but hide behind his alleged sayings in pretended interviews.

Another of your preposterous claims that your party is the proprietor of the American Army—a claim the insolence of which is only equaled by its monotonous repetition. The bare statement of your claim carries its refutation, but I indignantly deny your right to and the truth of the claim. Instead of being the private property of the Republican party, the American Army, owned by no party, is at once the ward and the champion of the whole American people. Recruited from all ranks and from all sections of the country, it is, in its normal character, the defender of popular rights. It contains as many Democrats as Republicans—probably more.

In only one way is the Army Republican; its atrocities are Republican; its debaucheries are the result or a sincere effort to carry out the infamous policy of your party. The water cure is a Republican institution; Republican because a legitimate and inevitable result of your schemes of conquest and spoliation. What a descent from the party of Lincoln and Sumner is the Republican party of the year of our Lord 1902. To-day "Uncle Tom's" cabin is being burned, remorselessly burned, over his head in the Philippines. John Brown's body has completely moldered in its grave, and his soul has marched far beyond the confines of the grewsome graveyard which the Republican party calls its own.

The Democratic party may not be perfect—I admit it is not; it may not always have been right in its policies, its leaders may not always have been either honest or great, but compared with the Republican party, its policies have been as clear and true as the sunlight, and its leaders as pure as the dewdrop on the hillside. Its principles and aims have ever been for the uplift, protection, and betterment of the people. It has been a rock standing against the encroachment of centralization, corruption, and trust domination, and on this question we are for extending the blessings of freedom, liberty, and independence to a long-struggling and long-suffering race; we are for the defense of the Army against Republican uncleanness, and believe that everywhere, in all climes, among all peoples, and under all circumstances, Democratic doctrines of humanity, equality, liberty, and justice must and will prevail. [Applause.]

Mr. SHATTUC. Mr. Chairman, by invitation of the Committee on Immigration of the Senate, on Wednesday, June 18, I made an argument in favor of an educational test for immigrants,

which I think will be of interest to members of the House and of the Senate as well, and I therefore ask unanimous consent that I may print my remarks in the RECORD.

The argument referred to is as follows:

Mr. Chairman, I appear with you at this time to argue in favor of House bill No. 12199, which I had the honor to report to the House from the committee of which I am chairman. With the exceptions I shall mention in my argument, I hope the bill will pass the Senate substantially as it came from the House.

I understand, of course, that the honorable Senators composing this committee will give to the consideration of the bill that discriminating care and thoughtful attention which the importance of the subject treated demands. I venture, however, to briefly mention some of the features of this legislation which I hope will have due weight in your deliberations.

You will admit, gentlemen, that it is unusual for a committee to report unanimously in favor of a bill covering a controversial subject. Such a report was made in favor of the bill reported by me to the House. That result was gained because the members of the committee sought to give to the House a comprehensive measure, symmetrical and harmonious in all its parts, and effective for the administration of the Bureau of Immigration.

The necessity of the law was imperative because no codification of the immigration laws had been made for twenty-five years. The work of the officers having charge of the enforcement of the law was hampered, not only by the restrictions of court decisions on laws already existing, but also by the absence of provisions of law needed to meet changed conditions, and evasions which experience had taught aliens and their importers how to easily make.

The House bill as reported, therefore, may be said to have been framed with three things in view: First, to include all parts of existing laws which experience had proved effective or, which is of equal importance, had received the sanction of judicial interpretation; second, to insert such changes as were necessary to make the administration of the law conform to judicial decisions by which existing law had been made inoperative; third, to add such new provisions of law as were necessary to meet new or changed conditions, and bring within the purview of the public statutes certain features now only partially reached through decisions of the Treasury Department officials.

Many weeks' earnest and careful thought were given to the formation of the bill, and all the expert knowledge available was utilized, so that the completed bill might serve the purpose intended with the fullest possible success, while inflicting no unnecessary hardships upon either the transportation lines of land or sea bringing the aliens to our country or upon the aliens themselves.

Knowing how equally patient and conscientious work of past Congressional committees had been rendered fruitless and needed legislation throttled by the addition of extraneous matter, offered in the shape of amendments ostensibly for the purpose of perfecting but really with the effect of ultimately defeating pending legislation, I urgently opposed in the House, while the bill was under consideration, all amendments that led in any other direction than that planned by the committee I had the honor to represent.

That committee having unanimously placed in my hands a bill framed after most careful thought, embracing substantially the experience of the Treasury Department, as to what was needed, and indorsed personally, in writing, by the honorable Secretary of the Treasury, and by the Commissioner-General of Immigration and his experts, as well as in the main essentials by the recent Industrial Commission, which had gone into the subject of immigration thoroughly and exhaustively. I felt it my duty to save this bill from the fate that had fallen to so many others. Knowing the urgent need of legislation at this session of Congress, and the danger of attempting too many things in one bill, I felt it was unfair to load down the bill with additions which might prevent the passage of the legislation itself.

Substantially as reported by the committee the bill passed the House, with the exception of the amendments prohibiting the sale of intoxicating liquors at immigrant stations and at the Capitol at Washington, and establishing an educational test.

For the reasons already stated, I believed it to be my duty to strenuously oppose these amendments. Whatever the merit of either proposition, I objected to loading down the bill with matters which could not but arouse antagonism that might endanger the passage of the bill. I was overruled and the House, by its action, put itself on record in favor of legislation such as is embraced in the amendments adopted.

At this time and before this committee I have nothing to offer concerning the sale of intoxicants at immigration stations and at the Capitol. If the Senate wishes to indorse these amendments it is their privilege to do so. I only plead that these or any other amendments shall not be permitted to endanger the bill, prepared with such patient labor and of itself and by itself so good for the administration of the immigration laws.

So, also, in regard to an educational test as a means of restriction of immigration. If you will not allow such an amendment to jeopardize the bill and thereby deprive the country of the general legislation so imperative upon this subject of immigration, I am content. But I most earnestly protest against the form of the amendment tacked on to the bill in the House to secure that result. When the amendment was under consideration in the House I pointed out several objections thereto which seemed to me sufficient to prevent the adoption of the amendment. It may be well to ask you to analyze the amendment and notice its exceedingly objectionable features in the form in which it now stands. The amendment says, page 4, line 21, of the bill:

All persons—

Note the words—

over 15 years of age and physically capable of reading, who can not read the English language or some other language.

The section denies admission to "all" persons. Thus it affects the immigration into the United States from Canada and Mexico, and applies, not only to the elements all wish to exclude, but also to the citizens of those countries along our border, north and south, who daily come into the United States for trade or otherwise and return to their homes at nightfall. It would apply to the 70,000 migratory "birds of passage" that annually come into New England at the beginning of the labor season and return at the end thereof. The test would have to be applied daily and would thus be so obnoxious as to provoke immediate retaliatory legislation by our neighbors, and there are quite as many citizens of this country who cross the Canadian line for trade and work as there are of the Canadians who cross the line for like purposes to this country.

Should this view be held to be correct, then the proviso, commencing on line 18, page 5, of the bill, designating certain places through which alone "all persons" may enter, acts with still more rigid force, for every citizen of Canada, for instance, from Vanceboro, Me., along the frontier to Newport, Vt., would have to enter the United States, if only to do a day's shopping, at those two places or "be adjudged to have entered the country unlawfully and shall be deported as by law provided."

I leave it to your good sense and sound judgment whether the matter in the educational test in the House bill should remain in that crude form, and if I am not justified in deprecating the addition of such a monstrosity to my committee bill as originally framed. I feel it my duty to most strenuously urge you to do one of two things, either to strike those sections from the bill, leaving it, as at first intended, a bill purely for the administration of the immigration service, or to incorporate in lieu thereof provisions to accomplish the purpose desired in a logical, effective, scientific, and unobjectionable manner.

Assuming that the vote of the House indicates a demand by the country for an educational test to be applied to aliens seeking admission to the United States, why not perfect such legislation in the best possible manner instead of placing upon the statute book a measure so crude and amateurish.

With the hope that this suggestion may meet your approval, I now submit for your earnest consideration a draft for an amendment which I have prepared and the substance of which may very properly be substituted for section 3 of the bill that passed the House. It is as follows:

That, to the classes of aliens now excluded by law from admission into the United States, there shall be added all aliens, other than citizens of the Dominion of Canada or of the Republic of Mexico or bona fide residents of the said Dominion or Republic for a continuous period of at least one year prior to seeking entrance to the United States, who have attained the age of 15 years and who can not read the English language or some other language, except as hereinafter provided; but any alien, other than Chinese or of Chinese descent, now lawfully resident in the United States, or any alien who may hereafter be lawfully admitted thereto, may bring into the United States, to join him as members of his family, his wife, his children under 15 years of age, and his parents or grandparents over 50 years of age, if they are otherwise admissible, whether they are so able to read or not.

SEC. 2. That for the purpose of testing the ability of any alien to read, the inspection officers shall be furnished with copies of the Constitution of the United States on uniform pasteboard slips, each slip containing not less than 20 nor more than 25 words of said Constitution, printed in double small pica type, in the various languages of the countries from which aliens migrate to the United States or which they profess their ability to read. Each alien shall be required to read the words printed on the slip in the language he may designate; and, if he shall fail to read such words intelligibly, he shall be refused admission and returned to the country whence he came at the expense of the vessel, transportation company, or corporation which brought him; and no two aliens listed on the same manifest shall be tested with the same slip: *Provided*, That any alien, other than a citizen of the Dominion of Canada or of the Republic of Mexico or a bona fide resident of the said Dominion or Republic for a continuous period of at least one year, whether able to read the English language or some other language or not able to do so, who shall enter the United States, except at the seaports thereof or at Vanceboro, Calais, Lowelltown, Houlton, Fort Fairfield, Me.; Newport or St. Albans, Alburgh, Island Pond, Richford, Vt.; Rouse's Point, Malone, Fort Covington, Ogensburg, Morristona, Nyando Bridge, Cape Vincent, Niagara Falls, Lewistown, or Buffalo, N. Y.; Detroit, Port Huron, or Sault Ste. Marie, Mich.; Pembina, N. Dak.; Sumas, Wash.; Laredo, El Paso, or Eagle Pass, Tex., or Nogales, Ariz., shall be adjudged to have entered the country unlawfully, and shall be deported as by law provided.

SEC. 3. That nothing contained in this act shall be construed to affect the right of aliens who are seamen or members of railway-train crews to pass freely back and forth over the land or water boundaries of the United

States in the pursuit of their respective callings; nor shall the provisions hereof operate to exclude aliens who are members of a race which, by the statistical records of the Bureau of Immigration, Treasury Department, shows an average annually of not more than 10 per centum of persons who can not read, said average to be computed upon the basis of the illiteracy shown in the statistics of the three fiscal years immediately preceding the year in which the educational test is applied.

The most superficial examination will show that this bill is a vast improvement upon the sections added by the House, and that it removes the serious defects therein, while it in no respect diminishes the efficiency of the test proposed to accomplish the result intended.

The proposed bill excepts from examination citizens of contiguous countries or those who have been bona fide residents thereof for a period of one year or more. It thus avoids interference with the neighborly interchange of visits along the frontier which have continued so long, and prevents annoying obstructions to the commercial and social intercourse with our neighbors, so indispensable and valuable, and to that reciprocal freedom of relations with our neighbors so conducive to comity and harmony between peoples of countries alien to each other.

The bill dispenses with the cost and labor of testing the ability to read of a people as to whose acquirements in that respect no question has been or need be raised.

It qualifies the broad language of the sections named in regard to aliens lawfully resident in the United States having the right to bring in their families, by excepting from such provision Chinese aliens. But for such exception it might be held that registered Chinese laborers were given such right, which clearly was not the intention of the author of the amendment. But certainly if there was such an ulterior purpose on the part of anyone, it was not the design of the House when it adopted the amendment.

My proposed amendment will tend still further to remove unnecessary obstruction to our commercial intercourse with foreign countries. Under a proper construction of the language of the amendment in the House bill it might be held by the administrative officers as well as by the courts that Congress did not intend to include alien members of train crews and alien seamen crossing our land or water boundaries in the pursuit of their respective vocations, but my amendment removes all doubt, because it expressly exempts from the educational test such aliens.

These details, however, important as they are in perfecting the features of the bill mentioned, are relatively of slight value compared with a feature of the proposed law somewhat unique and distinctive in such legislation. This feature meets successfully some of the most serious objections to the enactment of any legislation requiring an examination of aliens and the exhibition by them of having some standard of mental training above total illiteracy. The most ardent advocates of an educational test have freely confessed the practical difficulties to be met under any system heretofore devised, the delay and consequent congestion of numbers of aliens and their discomfort at the ports of entry, the large additional expense of caring for them during the extra time of detention, the increase of the official force, etc., but they have contended that the importance thereof justified submission to all such difficulties.

With all due modesty, Mr. Chairman, I feel justified in saying that these difficulties are minimized by the simple and entirely proper expedient I suggest. I have examined the statistics of alien immigrants arriving during the past three fiscal years as to their illiteracy, and I find that the various races maintain a practically uniform ratio of illiteracy, varying from less than half of 1 per cent of the total arrivals of one race (Scandinavian) to nearly 55 per cent of the arrivals of another (Turkish).

To examine all the Scandinavians, for example, to discover and turn back the 1 illiterate out of 400 arrivals, would be an expenditure of time and labor out of all proportion to the results to be attained. The same reasoning, only in a somewhat less degree, applies to many other races.

I submit herewith a compilation showing at a glance the percentage of illiteracy by races, taking the average of 1899, 1900, and 1901 of the different races represented in the alien immigration into the United States. It is as follows:

Statement showing percentage of immigrants who can not read, during the fiscal years 1899, 1900, and 1901.

	Per cent.		Per cent.
Bohemian and Moravian	1.8	Lithuanian	33.3
Bulgarian, Servian, etc	33.5	Magyar	10.3
Croatian and Slovenian	34	Polish	28.7
Dalmatian, Bosnian, etc	28.9	Portuguese	45.8
Dutch and Flemish	6.2	Roumanian	30.8
English	1.2	Russian	17
Finnish	1.5	Ruthenian (Russniak)	46.7
French	3.2	Scandinavian	.4
German	3.4	Scotch	1
Greek	20.2	Slovak	26.1
Hebrew	16.8	Spanish	7.9
Irish	3.1	Turkish	54.3
Italian, north	11.8	Welsh	2.5
Italian, south	48.2	Japanese	5

My amendment, therefore, provides that no examination shall be made to test the ability to read of aliens of those races which, for the three fiscal years preceding the test, have shown an average capacity in that respect which would appear to make the results in the way of excluding totally ignorant aliens too insignificant to justify the cost, labor, etc., involved in such examination. This average I have placed at 10 per cent. Although the establishment of any fixed ratio may seem to the casual observer somewhat arbitrary, perhaps even whimsical or prejudiced, I have accepted this advisedly and after a close scrutiny of the statistical reports of the United States Immigration Bureau and with the conviction, which no practical man would care to dispute, that some exact standard must be fixed.

I call your attention to another very important fact in connection with this new feature. It does not deal with countries but with races. It does not, therefore, discriminate against the citizens of any particular country as such, but treats aliens as individuals, apart from their political allegiance, and distinguishing them simply as races.

By this means we do not disturb the comity so desirable between our country and foreign governments. We avoid conflict with treaty obligations and apply our restrictive test exactly where it should be applied and where the effect sought will be thereby most certainly reached. If by this means any lenity is shown, it will be to those races from whose sturdy stock have sprung in bygone days the elements so conducive to our growth and prosperity.

In this connection there is another significant reflection. Environment enters largely into causes for racial conditions and prospective improvement. A child raised in a community where education is universal will absorb a degree of intelligence impossible under an environment of ignorance and degradation. There is a good foundation to build upon, and with those races which show a percentage of illiteracy of less than 10 per cent no risk is encountered in permitting them to be exempt from the educational test.

One illustration may be pertinent as to the effect of my proposed amendment and of the distinctive feature of the 10 per cent exemption suggested. The total immigration reported for the fiscal year ending June 30, 1901, numbered 487,918.

Deduct from this total the 62,562 children under 14 years of age, and the number to be considered will be 425,356.

Of this number the 10 per cent exemption would have applied to 153,445, of whom only 3,465 were unable to read.

This leaves 271,911 that would have been examined, and of these 114,122 were unable to read and would have been debarred; that is to say, about 26.8 per cent of the 425,356 immigrants over 14 years of age who applied for admission during that year.

Contrast the results attained by the proposed substitute with those from the sections in the bill. In the item of time saved alone there is a marked difference. As the bill now stands the test must be applied to all over 15 years of age. For the year ending June 30, 1901, the number under 14 years of age was 62,562. Assume that 25,000 may have been added to this number by placing the age limit at 15 years. Then under the bill the inspectors would have examined about 400,000 immigrants with the educational test. Under my substitute, as stated, the test would not apply to 153,445 of this number. I am quite sure you will appreciate the time saved by eliminating 38 per cent from the examination, especially when thereby the very small number of 3,465 only are admitted, and these of immigrants whose environment at home was such as to reduce to a minimum any risk attending their admission.

I feel that I can not emphasize too strongly this feature of environment in its effect upon the alien migrating to the United States. It is not my purpose to make invidious comparisons between peoples, but to state a palpable fact. Abundant illustration can be found right here in our own country to sustain the argument.

Since, then, the number affected by the suggested substitute is but 3,465, and these of races whose general intelligence, civilization, and progress justify the exception in their cases, and since by their admission the time and labor are saved by thus examining 38 per cent of the total number received, I submit that it presents an unanswerable argument in favor of my substitute.

One other feature may be mentioned. The simple and easily applied method suggested by my substitute will not only prove effective at all our own ports of entry, but as soon as adopted will impel, naturally, a sifting process at the place whence the emigration begins. It will be known there very soon that admission is denied at our ports to those races whose illiteracy is greater than the limit.

The emigrant will either not start at all or postpone his starting until he has acquired the foundation of knowledge sufficient to make his admission permissible and to guide his footsteps along the path that leads ultimately to American citizenship. The thirst for knowledge once aroused will not be quenched while life

lasts, and even if the results in the present generation may be meager, the immigrant will be inspired with the necessity of broadening the opportunities of his offspring by the aid given through education in our schools.

Very much more may be said in advocacy of the general legislation wished for under this bill, but I will not impose upon your kind indulgence. I simply join with others who have addressed you in urging prompt and favorable action. The immigration service needs this bill. It needs this bill with the least possible delay. I trust your committee will appreciate the situation and act accordingly.

Many important measures have claimed the attention of the Fifty-seventh Congress. Some of these affect not only our standing at home, but our place among the family of nations. The future of the world's commerce lies in the balance. But in the decision of this question the welfare of our own people is at stake. The standard of wages, the standard of citizenship, the standard of our civilization are involved, and with them our power to command the position in the world's drama which destiny seems to have ordained we shall fill.

By this legislation, also, we continue and perfect that policy which has secured our labor from unjust and unfair competition and enabled it to develop the resources of our own land with such marvelous rapidity. Let us act promptly and wisely, to the end that our progress may continue, our prosperity receive no check, and our country be advanced still further along the course of intelligence, civilization, and righteous power that has been decreed for it, and continue the beacon light that shall ultimately guide the nations of the earth to liberty and peace.

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER-GENERAL OF IMMIGRATION,
Washington, June 12, 1902.

Hon. W. B. SHATTUC,
Chairman Committee on Immigration and Naturalization,
House of Representatives.

DEAR SIR: In response to your oral request for an expression of opinion, I have the honor to state that, in my judgment, there would be no difficulty whatever in operating under and carrying out the proposed amendment to the immigration law which reads as follows, viz: "Nor shall the provisions hereof operate to exclude aliens who are members of a race which, by the statistical records of the Bureau of Immigration, Treasury Department, shows an average annually of not more than 10 per cent of persons who can not read, said average to be computed upon the basis of the illiteracy shown in the statistics of the three fiscal years immediately preceding the year in which the educational test is applied."

Very truly, yours,
T. V. POWDERLY,
Commissioner-General.

The Committee on Immigration and Naturalization has been assured by the office of the Secretary of State that the adoption of the percentage plan for the application of an educational test that I have described will not in any way involve the United States in any difficulties whatever with any other nation.

Mr. COOPER of Wisconsin. I yield twenty minutes to the gentleman from Michigan [Mr. CORLISS].

Mr. CORLISS. Mr. Chairman, during the few years that I have had the honor to serve in this House I have, until the present session, been content to follow our leaders without raising my voice in criticism or warning with reference to the future.

I fully appreciate the danger to one who arouses the dogs of warfare by assuming to criticise the conduct of affairs upon this floor; but dangers, however great, shall not restrain me in the performance of a duty I owe to the people. I recognize the importance of harmony in the party, the necessity for party leaders, but the man who represents a constituency composed of citizens of all parties must fail in the performance of his public duty if he does not oppose party leadership when such leadership runs away from the declared principles of the party and does not conserve the welfare of the people.

When I found, not long ago, the Republican and Democratic leaders yoked together upon this floor advocating a cause in the interest of a foreign (Cuban) people which seemed most unwise for our country and detrimental to our labor and industries, with the promise of benefit to no one but the sugar trust, I was constrained to record my judgment by word and deed in opposition. On the 12th day of last March I called public attention to the most reprehensible methods used by the monopolists to create public sentiment in the interest of private greed. I endeavored to bring to the attention of the members and the people the corporate bureau known as the "United States Export Association," organized evidently for the dissemination of misinformation for the purpose of influencing legislation for the special benefit of combinations and trusts.

I was not surprised to find that the unsuspicious were heedless of the facts and deaf to the voice of warning. The clever pettifogger, F. B. Thurber, had prepared the attack upon our unsuspecting, trustful public so adroitly as to conceal the truth and make private greed seem honorable and the stealthful usurpation of a public franchise appear to be a righteous expansion of private enterprise.

This is indeed a new and most ingenious method of the trusts and monopolists to mold public sentiment, stop legislation, and secure a new and stronger clutch upon the purse strings of our Treasury, trade, and commerce.

I for one desire to brand such methods as infamous, and those who use them, whether in a righteous or unrighteous cause, are lending their influence to the profit of the devil. Public sentiment thus created is unholy and full of evil. All good deeds and laws in this life and country are founded upon a natural public sentiment. Such methods may prevail for a day, but can not endure.

An honest public sentiment does not require the aid of private enterprise or scheming pettifoggers to give it force.

The people are occupied and prosperous. They believe in a government of the people, by the people, for the people. They are watching the rapid movements of combinations and trusts for the gratification of private greed.

I hope and pray their trust in their chosen representatives may not be shaken, their confidence in the administration of public affairs may be justly continued, but I am reminded of the prophetic words of our martyred Lincoln, who said:

> Beware of the money power which seeks to perpetuate its reign until the wealth of the country has passed into the hands of the few and the nation is lost.

The fierce struggles that have taken place upon this floor this session between private and public interests, the decapitation of public measures by honorable men inspired by a false public sentiment, which was created by concealed private greed under the cover of the methods of the devil, prompts me to recall the words of our immortal Lincoln as a warning for the future.

When the cable bill, after waiting on the Calendar for nearly four months, had finally forced the hand of the all-powerful and secured recognition, I will admit I was surprised to find it ignominiously gagged by the leading satellites on this floor before it had been even read.

Mr. Chairman, this is rather a hard charge, but I simply want to read the specific rule that was adopted for the consideration of that bill, the rule offered by the gentleman from Pennsylvania [Mr. DALZELL]. After stating that the bill was to be considered every day after the reading of the Journal until it was disposed of, allowing no other matters to intervene, the rule as amended read as follows:

> And after four hours of general debate in the Committee of the Whole the bill shall be considered for amendment under the five-minute rule, and any proposition relating to ocean cables shall be considered germane thereto.

When that rule was adopted, Mr. Chairman, it disposed, so far as the Committee of the Whole was concerned, of the rules of this House. There was but one thing for the Committee of the Whole to do, and that was to take up that bill and amend it, and no amendment was proper except those with relation to ocean cables. The proposition to strike out the enacting clause was not permissible. A special rule either is of no effect whatever or it disposes of the general rules of the House. I want to call attention to the only precedent on this subject. That is a decision rendered by the gentleman from New York [Mr. SHERMAN] in the Fifty-fifth Congress, where he held that a special rule of identically the same nature could not be defeated by a motion to strike out the enacting clause; that such a motion was not permissible under a special order of the House.

Now, I say that the cable bill was gagged unlawfully, illegally, contrary to the precedents of this House, and in the silent presence of the leaders on this floor. At that time I did not think of this ruling. My mind was occupied with the general subject of the bill. I care not now, except that had the bill been read as it was intended to be, had it been subject to the amendment with reference to cable matters only, the proposition of the gentleman from Pennsylvania [Mr. DALZELL] would at least have been adopted, and the President of the United States would have had the power to act, and American interests would have been protected. I think it is time that other men speak out when such measures of great magnitude are ignominiously gagged. The special order provided that the bill should be considered, and that only those amendments relating to the subject of ocean cables should be germane. Therefore any other proposition was not in order.

I had anticipated bitter opposition, for I understood the motive that prompted those who wished to protect private interests in the hands of the cable monopoly. I expected opposition from those honorable gentlemen who live in holy horror of the management of public utilities by the people or any extension of the post-office facilities into the avenues of trade and commerce, but I was shocked when it was beheaded by the broadax in the hands of the Robespierre of the House, the gentleman from Illinois [Mr. CANNON], for I know him to be an honorable gentleman uninfluenced by private interests. Nothing but the blind worship of his idol, the self-constituted guardian of the public Treasury, could induce him to lend the destructive influence of his broadax to the cable monopolist.

Some one has said that our Robespierre is a consistent guardian of the Treasury and wields his broadax upon all measures affecting the people's money, and refers us to his effective assault upon the forest-reserve bill, which he gleefully decapitated, to quote his own language, "just back of its ears." Also the isthmian canal bill, upon which he applied his broadax with all the power of his masterful character. But the session had then barely commenced; the measure was backed by an honest public sentiment, unaided by the artful circulating bureau of the monopolist, and the edge of the broadax was muffled by those who usually prepare the beheading block and who direct its deadly course, and our Robespierre's efforts were in vain.

While I admit his sincerity and honorable fidelity to his self-constituted guardianship, I am constrained to ask where our Robespierre was and who had possession of his broadax when that swine-like beast ran off with the plug to the public Treasury and emptied over $60,000,000 of the public funds into the rivers, harbors, and navigable highways of the country, embracing more useless appropriations than sufficient to construct two Pacific cables. Lest some one refer as a just excuse for the silence of our Robespierre and the loss of the broadax on that measure to the sledge-hammer strokes of the honorable gentleman from Iowa [Mr. HEPBURN] as a substitute, I will remind you that I watched with much interest the great effort of the gentleman from Iowa on that occasion, and I observed that instead of the broadax he wielded an old torch with an expiring flame and waved it so high in the air that the animal passed through without scorching a hair.

But what was the matter with our swarthy, pessimistic friend from California [Mr. LOUD]? He not only jumped upon our measure with both feet, but unwantonly thrust his black spear into the vitals of the honorable Committee on Rules by characterizing "its actions as dark and secret as the acts ever committed in the dark of the night." What direful and mysterious "dark and secret action" has he discovered hidden in the pessimistic gloom witlsin which he roams? I feel it my duty to protect our honorable Committee on Rules from such dangerous thrusts of the mysterious spear of our friend, for it was drawn in defense of the cable octopus, missed its aim at the dyspeptic wolverine, and landed in the bowels of an innocent committee of this House.

Some one should take charge of our esteemed friend from California and endeavor to extricate him from the damp, dark, and stagnant gloom which surrounds him, clouds his vision, and befogs his knowledge of ancient history. While we may be able to discover and withstand the "dark and secret acts of the Committee on Rules," we can never consent to permit him to transport the lovely Desdemona from the light and joy of Venetian history back four hundred years into the gloomy associations of the lean and hungry Cassius.

We expected to arouse his wrath. We have been made to understand his position upon the administration of the Post-Office Department. We did not suppose that his swarthy appearance indicated Indian blood, but the memory of the defeat of his Economic Postal Company's scheme by the gentleman from Michigan in the Fifty-fourth Congress, has evidently not been forgotten. We did not expect one who would voluntarily turn over the Postal Rural Free-Delivery Service to private contract could support Government ownership of a public utility.

Perhaps it may not be regarded as unfair to call his attention to the fact that the rural free-delivery patrons, farmers of this country, who are desirous of securing the benefit of such service, are to-day paying an average of $2 each for boxes that could be secured for 50 cents apiece if the honorable gentleman from California would but provide the Postmaster-General with power to supply such boxes at cost without expense to the Government.

Do you wonder that I am confounded trying to reconcile the course of legislative events?

DANGERS OF TRUSTS.

I am constrained, in consequence of the silence of the leading members of the Ways and Means Committee when the cable bill was being ignominiously gagged, to call public attention to the unjust discriminations made by the steel trust against American and in favor of foreign cable manufacturers. They may not be aware of the fact that the steel armor wire, the component part of a cable, can be purchased by foreign cable manufacturers 20 per cent less than the same material can be obtained by American cable plants.

In support of my position I submit two letters, written by the same manufacturer to the same consumer, offering to sell the steel wire for cable manufacture for export at 20 per cent less than it can be acquired in this country. The letters, with the exception of the names, are as follows:

GENTLEMEN: In response to your request we name you on Nos. 7 and 8 galvanized BB. telephone wire 4¼ cents per pound, less 2½ and 2½ per cent, delivered at Perth Amboy.

This quotation applies on an order for 60 tons, or two carloads. Terms, thirty days, or 1 per cent off for cash if paid within ten days from date of invoice.

Yours, truly, ——— ———.

GENTLEMEN: Confirming our quotation of to-day, we can sell you 200 tons of No. 8 extra BB. galvanized telegraph wire at 4¼ cents per pound, and BB. quality at 3¾ cents, burlapped in half-mile bundles, f. o. b. New York. Terms, thirty days, or 1 per cent off for cash ten days.

The above quotation is for export only. If you require the wire not burlapped, the price would be 10 cents per bundle less. This quotation only to hold good for twenty-four hours.

Yours, truly, ——— ———.

I also submit an extract from a letter written by the president of one of our large cable institutions conclusively showing the unjust discrimination against American cable industries, and I especially desire to call this to the attention of the honorable gentleman from Pennsylvania [Mr. DALZELL], whose dread of Government ownership of public utilities seems to dull his zeal for American industry to the extent of permitting the only hope for the establishment of a cable plant on the Pacific coast to be destroyed.

You will see that they quoted No. 8 BB galvanized wire 3¾ cents per pound, f. o. b. New York (10 cents per bundle for burlapping does not cut any figure), and stated that "the above quotation is for export only," while the other letter quotes the same wire, identically, at 4¼ cents per pound, less 2½ and 2½ per cent, delivered at Perth Amboy.

In other words, the f. o. b. Perth Amboy price is 4.15 cents per pound, while the f. o. b. New York price "for export only" is 3.75 cents, making the home price a trifle over 20 per cent higher than the export price on identically the same material.

It was admitted that the contract price for the cable between California and Hawaii was $2,280,000. The actual cost of the material required for the construction thereof was not less than $800,000, one-half of which would embrace the cost of the steel armor wire that enters into the construction thereof, and it will be observed that the English cable plant could purchase this steel armor wire at 20 per cent less than our own cable industries. This saving, in consequence of the methods adopted by the steel trust, is equivalent to a bonus to the foreign cable manufacturer of from fifty to eighty thousand dollars on the one strand between California and Hawaii.

NO TARIFF DUTY ON CABLES.

I also desire to call the attention of the distinguished chairman of the Committee on Ways and Means of this House [Mr. PAYNE] to the ruling of the Treasury Department with reference to the collection of duty under the tariff law on this cable. He may be suprised to learn that no duty can be collected. While I do not concur in the judgment of the Treasury Department, because I hold that the territory from California to Hawaii is wholly within our jurisdiction and there is no international boundary which limits our jurisdiction to 1 marine league from shore, yet I am confronted with the ruling of the Treasury Department, and when the cable monopoly desires to lay that strand made by a foreign cable plant the Treasury Department, if it follows the rulings heretofore made and set forth in the letter which I herewith submit, will waive the payment of the duty of 35 per cent on gutta percha and 45 per cent on copper and steel wire, equivalent to nearly half a million of dollars upon this cable.

Let me have read the letter from the Secretary of the Treasury upon the subject in support of my argument, and ask the members of the Ways and Means Committee to carefully consider the dangers that confront our interests, When I have presented the matter to their attention and the public, my duty has been fulfilled; the responsibility is now upon them and the executives of the nation.

While admiring the heroic efforts of our Robespierre for the protection of the public Treasury, we must not overlook the responsibility of those charged with the duty to replenish the revenues and enforce our tariff laws.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, November 20, 1901.

Hon. JOHN B. CORLISS, *Detroit, Mich.*

SIR: The Department is in receipt of your letter of the 11th instant further in the matter of the dutiability of the proposed cable across the Pacific, extending from California to Hawaii and thence to the Philippines, which matter was the subject of your letter of the 1st instant and the Department's reply thereto of the 9th instant.

You state that you desire further explanation of the last clause of the Department's letter, wherein it was stated "that only such portions of the cable of foreign production would become dutiable as are actually landed or laid within the jurisdiction of the United States. As this jurisdiction does not extend beyond 1 marine league from shore, only such portion of the cable as was actually brought or laid within that limit would be dutiable."

You state that it seems to you that such a cable, when laid, extending from California to Hawaii, connecting the territory of our own country, must be regarded as an importation of the entire cable, as that part within the 1 marine league can not be severed from the whole.

In reply to your request for further information, I have to state that the tariff laws of the United States do not become operative until merchandise is brought within the jurisdiction of the United States; that is, within 1 marine league from shore. Therefore, should a vessel specially fitted out for the laying of the ocean cable begin operations at a point, say, just beyond 1

marine league from shore, and should there anchor, or otherwise securely fasten one end of the ocean cable, to be subsequently joined to the shore end, there is no way by which the laying of the cable across the Pacific Ocean to a distance of, say, just beyond 1 marine league from the shore of Hawaii, where the end could be anchored or securely fastened in like manner as before, can be interfered with for the purpose of assessing duty. It is only when the shore ends are to be attached, and for that purpose must necessarily be brought within the jurisdiction of the United States, that the tariff laws become operative, and for that reason duties on shore ends accrue and are collected by the proper customs authorities.

Respectfully,

H. A. TAYLOR,
Assistant Secretary.

DEMOCRACY ON TRUSTS.

I was astonished the other day to hear the Democratic leader on this floor, the honorable gentlemen from Tennessee [Mr. RICHARDSON], state that—

the factor in American affairs at this time most dangerous to our institutions and threatening to their permanency is the trusts. * * * That they are a factor to be feared and one that imperatively demands the strong hand of the Federal Government, for control can not be denied, but must be apparent to all persons—

And charge that the Republican Administration, Senate, and House of Representatives must be held responsible for the extension of the trusts' power and the enactment of laws for their proper control.

We are familiar with such Democratic wails and vituperations. Ordinarily I would pass them by as unworthy of consideration, but the opportunity to call attention to the acts of the Democratic leader and his cohorts on the minority side of this House in supporting one of the greatest trusts, combinations, and monopolies of the world in its effort to steal a public utility is too fresh in the minds of the members upon this floor to permit such slanderous charges to remain unchallenged.

The RECORD shows that of the members who voted to decapitate the cable bill and permit the cable monopoly to fasten its tentacles upon the arteries of trade and commerce of our country 62 were Democrats, with the honorable gentleman from Tennessee [Mr. RICHARDSON] boldly in the lead, and with the exception of the Robespierre of the House and my pessimistic friend from California made all of the arguments in support of the cable trust; and of the 77 members who voted for the people there were only 15 patriotic Democrats who had the courage to stand up for the people.

"Actions speak louder than words." "Wherefore, by their fruits ye shall know them."

I am aware that the criticisms which I have assumed to make will be looked upon as the natural utterances of one who has met disaster with an important public measure in which he felt the deepest interest.

While defeated, I have the satisfaction of knowing that through my efforts the Government has been saved from the burden of a subsidy, the purposes of the cable monopoly clearly shown and now well understood by the people, that the Executives of our country can protect our interests by assuming to exercise the inherent power held by the nation over public utilities and international communication.

I feel amply rewarded for my efforts in behalf of the cable bill, as expressed by an editorial that was published in the leading independent newspaper of my State, which I desire to print with my remarks, as it is an impartial, disinterested recognition of the service rendered upon this important public question.

[The Evening News, Thursday, June 12.]

DEFEAT WITH HONOR.

Congressman CORLISS has met the enemy of the Government cable project very much as a man meets a dead wall. He can get up and brush the dust off his clothes without experiencing the pangs of total defeat. His main purpose failed. It was doomed from the first. The Government is still too "weak" to cope with giant monopolies that oppose Government ownership of utilities. In one particular Mr. CORLISS stands a winner, and so there is victory even in his defeat.

When he proposed a Government cable across the Pacific an organized lobby was demanding a big subsidy for a private cable. Had there been no bill for a Government cable, it is quite probable that the subsidy scheme might have carried. CORLISS put up such a persistent fight and made such a showing of facts that the private corporation was compelled to change front. It abandoned its plea for a subsidy, and offered to lay the cable with its own money and to give the Government a special rate if it would keep out of the telegraph business. This surrender defeated the Government cable, but a fair referee must decide that honors are easy if the corporation does get the gate money.

Mr. JONES of Virginia. I yield thirty minutes to the gentleman from North Carolina [Mr. KITCHIN].

Mr. WILLIAM W. KITCHIN. Mr. Chairman, before the war with Spain, American history was a glorious encouragement to independence throughout the world, without a page approving the doctrines of tyrants. The makers of that history sometimes differed, but never on the fundamental principles of liberty. Once we were under the then mildest despotism in all the world, administered by men of our race, by a government of our kindred, which had every inducement to deal justly and rule us for our good.

We grew strong; we prospered under it. England professed to rule us for our benefit and to grant the colonies every liberty to which they were entitled. Had our ancestors entertained the views of the Republican party to-day, the Declaration of Independence would have been unwritten, and European monarchies would now control America from Labrador to Patagonia. But lust of power and greed of plunder did not blind them to the wrongs of foreign sovereignty or the right inherent in separate communities.

Patriots wrote the Declaration. In all profane literature it is the most blessed message yet published to mankind—a charter of human rights fit for every age, land, and people, without the doubtful language of fear, the falsehood of hypocrisy, the injustice of greed, or the favoritism of selfishness. Timeservers denounced it as incendiary, but brave and honest men proclaimed it true, and by sacrifice and blood established it as a heritage to freemen. Under it the Republic grew great and made the Pacific our western boundary, conferring its blessings upon every man in all that vast domain and giving to him the Constitution of our fathers.

Following its teachings, the people that gave to us Lafayette, amidst convulsions that shocked civilization, slew its king and, in the name of liberty, equality, and fraternity, assumed the form of a republic. Mexico and the South American states looked northward, and, inspired by its fruits, one by one broke the rule of kings and became self-governing commonwealths. The continents had no corners where it did not inspire mankind. Away off beyond the equator, across the seas, little bands of men, in form, in right, in religion, in aspiration, such as we, established themselves into two republics, fashioned after ours, built upon the same doctrines, to preserve to themselves and their children the blessings of liberty.

That imperial power which denied the truth of the Declaration of Independence and by force endeavored to destroy it, proud through generations of colonialism, stronger than when our ancestors drove it from these beloved shores, by pillage and plunder and death, though at "a cost that staggered humanity," has at last destroyed their independence, and has decreed as effectually as one generation can decree that republics shall not exist in South Africa.

The business in the Philippines in which our Government is unfortunately engaged may forbid the official expression of sympathy, and the party feeling of Republicans may repress in them the sentiments of regret at the fate of the Dutch Republics, but there is no business and no condition that can prevent the free, courageous citizens of America, who would fortify virtue and strengthen liberty throughout the world and who hope that the blessings of popular government will some day protect the rights of all mankind, from shedding a tear of sorrow that the Boers were unable to survive the terrors of British power.

Mr. Chairman, darkness can not exist with light, error with truth, nor wrong with right. Our liberty can not exist with the tenets of kings. The principles of free government can not exist with imperialism. Both can not survive. We to-day confront the issue.

What shall our conduct be? Shall we indorse or abandon the solemn adherence of our ancestors to the undying rights of individuals and communities? Shall we approve or protest against the imperial doctrine that permits one community to rule another against its consent? Shall we uphold or reproach the best principle known to humanity in all its social relations—that of local self-government? Shall we commend or accuse that tenet of cruel tyranny that taxes a people without representation? Shall we denounce or embrace the hated policy of colonialism which our forefathers impeached as a crime for whatever purposes pursued or by whomsoever administered?

Mr. Chairman, the settlement of the Philippine problem will in large part determine our destiny. We still have the power to effect that settlement for the benefit of mankind or to permit its settlement to the hurt and injury of the remotest generations. The noise of war and the excitement of victory over Spain have perhaps so far subsided as to allow us to exercise manly, candid, patriotic consideration of the difficulty confronting us and our posterity.

I shall not by wholesale condemn the men responsible for the present situation nor indulge in bitter criticism of the wrongs committed by the Administration against the cherished ideals and best sentiments of our people. I utter no malice against those who have violated the spirit and the principles of the American bill of rights. The subject is too serious, the results too vital, for bitterness and spite. Some have doubtless earned by selfish and partisan advocacy of matters subversive of our principles the indignation and scorn of brave, high-minded men, but indignation and scorn, however just and righteous, do not convince men nor render the problem easier.

I believe it is better and hope it is fairer to those who shaped the policy our country has pursued for three and a half years to admit their honesty and patriotism and attribute their errors and

mistakes to the weakness of human nature when power tempted their ambition and circumstances flattered their vanity and to lament that their moral convictions were not strong enough to resist these seductions. The historian will contrast the position of the Administration with the policy of our country uniformly pursued from its beginning to the Spanish war and search in vain for sound reasons for the departure from our ancient faith.

His charity may discourage a conclusion that plunder and greed, or a desire to subserve the demands of trusts, or a longing to obtain other men's land or to destroy other men's rights were the controlling influences around the Administration in these days. In kindness he may say the hot fever of war glory alone produced that condition of the mind which heard the whisperings of tyranny without rebuke and yielded without remorse. Reared in security amid the blessings of free institutions, they enjoyed what they did not appreciate—the right of men to popular government. With the fever on them they seized an opportunity which they imagined never came to their predecessors, and which, had it come, would have been promptly and proudly rejected—the opportunity of ruling a distant and strange people and establishing for us the dangers and wrongs of colonialism.

The historian will write that the acquisition of the Philippines was neither the necessary nor the natural result of the war with Spain for the freedom of Cuba, and that the war in the Philippines resulted from our needless aggression against a people whose civilization can not elevate, whose power can not protect, and whose resources and commerce can not enrich us. I have now neither the time nor the inclination to discuss why or how the trouble arose. We have the Philippines, we have the trouble. The question is, What shall be done?

What course shall we pursue about them? In endeavoring to set forth briefly the course which appears wise, just, and right, I shall perhaps make observations with which partisan Republicans may not now agree, but with which I hope the sober judgment of American patriots who are not personally charged with responsibility to defend the present policy will accord.

The course that I advocate leads to the independence of the Philippine people as a self-governing republic and to the independence of the American people from the cruelties, corruptions, burdens, wrongs, and dangers of colonialism.

Mr. Chairman, be it known to all men that unless the American people speak their sentiments at the polls and uphold their manhood and conscience and require a change on the part of their Government the present policy will continue. True, the Republican party has not taken the people into its confidence and defined its policy in reference to the Philippines, and we know the purposes of the dominant party only from its conduct in the islands, from the bill now pending, and from occasional outbursts from Administration sources of strenuous references to the flag's staying "put"—references which are usually more in keeping with the character of bullies and braggarts than of good men or statesmen. The Administration's policy will deny them independence and commit us to colonialism. Unless the people are willing to sacrifice the moral influences of this Republic, change its essential political doctrines, and adopt the creed of kings, they should speak in accents strong and clear against the Administration.

Mr. Chairman, I know of but one test to apply to matters arising for my consideration, and the great masses of the people desire their representatives to apply that test to all matters. That test is not "Will it pay?" not "Are we in it?" not "Can we do it?" not "Who opposes it?" not "Who favors it?" but the simple, plain question, "Is it right?"

Mr. Chairman, in all ages there have been conflicts in the theories of government. Some believe that it is unsafe to allow the people to have part in the governing business, and that it is prudent and wise to confine participation in government to a few. This belief creates oligarchies, monarchies, and absolutism, and princes, emperors, kings, lords, dukes, and other titles are common to that idea. Others believe that the people who are to be governed are capable of providing for themselves a proper government, and that it is prudent and wise to permit the people to share in the governing business. This belief makes the pure democracies and republics, and in them there are no emperors, or kings, or dukes.

Both these beliefs, resulting in separate systems of government, have, with varying success, secured peace, happiness, and prosperity to those governed. If all in authority were perfect in mind, in conscience, in every good quality, it would hardly pay to discuss the differences between a republic and a monarchy, but all men are imperfect, and it is important that mankind shall have that form of government which will be of the greatest benefit to it in its imperfection.

A monarchy and a republic can not have equal merit. Both can not be right. In one system the theory is that all governmental power resides in and belongs to a few—originally in the nobility, in the royal family, with the king as its head—and whatever share the people have they have not by right, but by the grace of that respected class. In the other system the theory is that all power resides in and belongs to the people, and whatever power congresses, governors, judges, generals, or presidents have is by the will and consent of the people.

In every republic there are some who believe in the other system, and in every monarchy there are those who believe in the people's theory. This has resulted usually in every monarchy having in it many of the characteristics of republics, and sometimes in a republic having tendencies to monarchic powers. The belief in the right of the people governed to provide the form and machinery of their government and define its duties and powers is the great American doctrine. The monarchic or imperial theory permits not only the few to govern the many, but it permits one state or community to govern the people of a separate state or community.

The American theory does not permit it. The right of self-government requires local self-government. It is the great essential of liberty and progress. Kings and emperors have denied this right and by force have for centuries repressed it where they could. Under the government of others people have been plundered in every age. Whenever one community governs another it is despotism. It is tyranny for a people on one side of the sea to rule a people on the other side without their intelligent and free consent, and the Creator has so made man that he will not intelligently and freely consent for another people to rule his people. No people has yet been created that loved not liberty, and happy it is for the world that all intelligent people resist tyranny.

An all-wise God made the earth and divided it by oceans, ridged it with mountains, and belted it with varying climates, and the races of mankind He made and to each of them He gave a fitting country. No people has yet welcomed the friendly invader of another race, and each has resisted the approach of those who sought its land or its freedom. This spirit is as universal as the belief in a future state, so universal that we believe God gave it to all His reasoning creatures. Those who violate the laws of nature are wicked and those who violate the rights of people are tyrants. Reason and justice, nature and experience, pronounce self-government a sound and safe doctrine. The United States four years ago proclaimed it true when we declared "that the people of the island of Cuba are, and of right ought to be, free and independent."

No body of men could be found under our flag to deny that the people of Cuba of right ought to be independent. Cuba was separated from other States by nature's barriers. Her people desired to be free. They fought to be free. They deserved to be free and independent. The Cubans have no greater rights than others similarly situated. The policy of the Republican party forbids the American people to repeat their former proclamation, forbids them to say that 10,000,000 of people 7,000 miles away from us, whom Admiral Dewey declared were more intelligent and more capable of self-government than the natives of Cuba, ought to be free and independent.

Heretofore in every struggle for independence on either hemisphere success filled every American heart with joy and every failure produced regret. Can a policy which paralyzes American sympathy for liberty be right? Mr. Chairman, suppose when we were preparing to drive Spain from America and establish independent Cuba some one had risen in his place in this House and to all the world charged that the Administration would take the Philippines, would overrun them with soldiers, would extend to them no hope of independence, would require an increase in the Regular Army, would require enormous increases in annual expenses, would put us in such a position that we could not speak for liberty throughout the world, would cause us to enter upon colonialism, would have us to bear the humiliation of torture and cruelty committed in our name upon those people, what would have been the reply to such a member?

You would have denounced him as a wild dreamer, a false prophet, and a slanderer. Your papers would have exceeded you in denunciation. You would have invoked the glories of 1776 and the Constitution of our country. You would have appealed to the best sentiments of our nature and to the purest impulses of America to convince us that such things could never occur in the land where Jefferson, and Washington, and Webster, and Calhoun's memories survive. You would have persuaded us that you were only going to break the imperial grasp of Spain on Cuba and thus give another people the rights of liberty. Can a policy be right that will compel this country to hold an imperial grasp upon the Philippines?

Instead of the policy of the Administration, the Democratic party, in accordance with American traditions and principles, in the name of right and eternal justice, believing that it is wrong to hold the Philippines as a subject people and that it is unwise

to admit them as a part of our Union with many Senators and 50 Representatives in this Congress to help govern us, proposes for this country to declare that a stable government shall be established and the people under the name of the Philippine Republic be given independence.

What a glory, my countrymen, that would be! Heretofore our example has inspired the establishment of republics on other continents. Here let our action release one. Let it be not said that America holds chains upon a people. Mr. Chairman, is it not better for our country to continue a career as a great people who have established republics, who have inspired republics, who have promoted throughout the world the universal hope of political freedom, than to mar the best pages of our history and join the ranks of the republic crushers and hope destroyers? Let the free men of America realize that our Government is their agent, and that they are morally responsible for the deeds of their Government unless they promptly repudiate them, a responsibility which they can not, if they would, avoid.

Let the people understand that the powers of imperialism and the denial of independence are just as wrong, just as despotic, just as mischievous, when exercised by our Government over a distant people as when exercised by the monarchies of Europe over a distant people. That we are the perpetrators of iniquity does not change its character. In the sight of the Almighty God and in the judgment of good men we have no special dispensation to relieve us from the criminality of wrongdoing. God never gave the right of liberty to one people and gave them the right to destroy the liberty of another people. [Applause.]

Can brave, noble men, with clear consciences and good hearts, deliberately deny to other communities the rights and privileges which they demand for theirs? Has the golden rule no application among States and statesmen? Is it right to continue a policy that would abrogate the Divine injunction, "Whatsoever ye would that men should do to you, do ye even so unto them?" Such a policy can not be right.

Mr. Chairman, an impartial man, whose vision is clear, can see in the arguments against the Administration's policy the dearest principles of society—honesty, not robbery; brotherhood, not tyranny; candor, not hypocrisy; liberty, not despotism. We are clothed in the armor our fathers wore, and the weapons they used against the foes of America's independence are our weapons. We drink without fear from the fountains of democratic institutions, and would extend their waters to others, knowing they have blessed ourselves.

We embrace in our arms the Declaration of Independence and stand hopefully beneath our Constitution, using no disinfectants to preserve us from the contact, while those who defend the policy of the Administration resort to unholy methods to limit the spread of their contagion. Shades of our 1776 heroes, what a spectacle is presented to you when an American statesman avoids the principles of your revolution in discussing questions of importance to mankind! The sober judgment of your descendants will condemn the position of those who apologize for your immortal declaration and who ignore its plain meaning for selfish and partisan ends.

But, Mr. Chairman, they say we have become a "world power;" and the intimation is that if we are a "world power" the rules of right and conscience are no longer useful to us. Does power corrupt and never purify and elevate? A "world power!" Forgetting that if we are to abandon those essentials that make us a "world power," we shall no longer be worthy to remain one. Dewey's victory at Manila and Schley's at Santiago were because of the element of liberty and patriotism instilled into us by our predecessors.

We never rumbled our artillery, we never flashed a sword, we never marched on an army, we never fired a cannon in South America, yet we were a world power when Brazil, Argentina, and Bolivia became Republics under our influence. Nineteen Republics on the Western Hemisphere stand erect in liberty to-day to attest the fact that we were a world power long before the thought of colonialism ever touched an American President. We are a world power not on account of but in spite of the Philippines; but never again in all the ages will we have the influence for freedom in the world we heretofore enjoyed until the flag of the Philippine republic, raised by our consent, is saluted by our cannon.

But they say it may be that we have sacrificed our principles, but we have sacrificed them for the Filipinos; we rule them for their benefit; we deny them independence that they may rejoice in our liberty; we destroy their people that they may enjoy our benevolent assimilation; our general has ordered a province to be made a howling wilderness for their sake; we have established concentration camps to bless them; we torture them to impress our Christian civilization; we burn their homes and devastate their lands for their good. All this we do that they may be happy and contented.

Spain—cruel, despotic, and selfish Spain—did all this in Cuba and the Philippines for the sake of Spain and Spanish interests; but we, they say, do all this for the interest of those we outrage and plunder and kill. Mr. Chairman, are we a nation of hypocrites? Will the American people permit this country to be written down in history as a false pretender? Will they consent to have it entered upon the balance sheet of eternity among blood-stained conquerors as a robber? Ah! We are able to subdue the last aspiring Filipino. We can make a peace so universal that the laughter of a child will never there be heard again. We can pacify them till not a native shall respect or fear our flag. We have the power, the courage, the means to conquer them till protest shall be silenced. Our policy appeals to fear, not love.

Tyranny may give peace and quiet; but peace and quiet are poor compensations for the loss of freedom and hope. Despotism can not secure national happiness. We may circumscribe them with liberty by means of our Army, the liberty that we think them entitled to enjoy, the liberty we think will bless them. But liberty imposed can not satisfy. Liberty imposed is not liberty. The wild bird caged longs for nature's freedom, and though you feed and shelter him, he beats his wings against his prison sides, for the "liberty" of his cage is tyranny.

Why, Mr. Chairman, those people are ten millions in number—three times more numerous than we were when Yorktown was fought. They have a territory as large as Japan or Italy; larger than England, Ireland, Scotland, and Wales together; larger than Virginia, North Carolina, South Carolina, and Maryland combined; larger than all New England, New York, New Jersey, and Delaware. They have churches and colleges.

Their chief town, Manila, is as large as this city of Washington. They have farmers, mechanics, merchants and bankers, scientists, doctors, preachers, lawyers, judges. They have much education, so much that our Government has employed over 4,000 native Filipino teachers in the public schools. The Filipinos have homes; there are husbands and wives whose lives are gladdened by the prattle of little children. They love their kindred, their homes, their country. They are human beings endowed with certain inalienable rights, such as you and I claim. They have human sympathies, human feelings of pride and resentment.

They have aspirations such as our fathers had. They have the motives and the feelings of resistance just as we have. They are our fellow-mortals. They have read the Declaration of Independence, and, more, they have believed it. Are such people to be denied the right of a national existence, and have that denial from Washington's country? How often have I rejoiced at the everlasting desire of Irishmen for a separate national existence, and hoped with them for final success. Republicans, how can you censure any American citizen for desiring to see the Filipinos have an independent national existence? Hope is their offense. Can any good man in America denounce as a crime a people's hope for independence?

Mr. Chairman, aside from the Filipinos, the American taxpayer has rights. Every citizen is entitled to peaceful conditions, to low taxes, and to require his Government to be just and do right. The Philippine Islands as a permanent colony of the United States will probably require a large army, and will for generations probably now and then break out in insurrection against our authority and require the blood and anguish of this land to put it down. A people's desire for liberty once aroused never abates. The Philippines have already cost us $600,000,000, which is about $50 for each family in the United States, and thousands of lives, and the end is not yet. The Navy and Army will require vast sums of money every year on their account.

Five years ago our Army cost about $25,000,000 a year; now about $100,000,000. Then our Navy cost about $30,000,000; now about $80,000,000 a year. Our pensions will cost many millions a year for the next fifty years on their account. Our children and theirs will feel these great burdens severely.

Imperialism is a costly wrong, even on those who exercise it. There is one thing sure, unless the people consider these vast burdens of taxation and expenses and rebuke the party responsible for them they will not diminish.

If we could to-day have the Philippine republic enter the ranks of independent nations, with prudent and proper reductions the taxpayers of our country would save more than $100,000,000 a year, or several times our entire trade with those islands. Is it right to continue a policy that will cost our people, for whose benefit alone our Government exists, many millions of dollars a year, and which will give the great body of the people absolutely no benefit in return? Is it even possible that the Republican party, supported as it is by the great trusts of the land, can convince the people that such policy is right?

Mr. Chairman, the wishes of the good men of this country, who devote their energies to quiet life, are entitled to as much respect by our Government as are the wishes of those devoted to

schemes of great exploitation and conscienceless commercialism, or whose fortunes are cast with our Army and Navy. It is not difficult to find some reason for the advocacy of the Republican policy by certain classes of our citizenship without impugning their patriotism except by comparison with other sentiments. It is natural for officers in the Army and Navy to approve conditions which furnish them service, render promotions more numerous and rapid, and enlarge in public esteem their occupation.

We understand how those who make fortunes by contracts with the Government for coal, ships, guns, powder, provisions, clothing, and a thousand other things can favor a continuation of a policy which they probably advised, and which puts money in their pockets.

We understand why stockholders in great syndicates engaged in exploiting the natural resources of those islands, and in getting valuable franchises for public service functions to enable them to collect large dividends from the inhabitants, who believe there is "money in it" for them, insist that no change shall be made in a policy which probably they advised.

It requires no peculiar ability to comprehend the reason which prompts Republican postmasters and papers whose editors or owners have political patronage or places under the Administration, internal-revenue officers, and others who or whose close kindred by the grace of the Republican party draw salaries from the Federal Treasury, and others in office representing the Republican party or candidates for its honors, to stand by the policy maintained by the Administration—the Administration which has not the moral power or the original purpose to resist the wishes of the classes first named.

All these, Mr. Chairman, are ready to defend the policy now in force at all points, to deny the best-established facts, and when not denied to justify the most terrible wrongs, and to attempt by countercharges to distract the minds of good men from the real situation. The classes I have named and their close friends, in my opinion, constitute the greater part of the strength of the present policy. Few others heartily approve it, yet among them are good men, some ministers of the gospel, even forgetting, it seems, the holy precepts of their own religion and the gentle method of its propagation in a devouring zeal for theirs, justify the policy which they trust will result in weakening, if not destroying, the domination of that religion they most greatly fear.

But, sirs, the great majority of the good men of this land, who have "no ax to grind," no especial interests to serve, who love their fellow-men and serve justice and truth, of the lawyers, the editors, the doctors, the merchants, the manufacturers, the farmers, the mechanics, the laborers, the preachers, the teachers, and others engaged in honest private toil, are, in my judgment, in favor of liberty throughout the world, are against the present Philippine policy, and against its resulting cruelties, burdens, tendencies, and dangers. If, realizing its importance, they will fearlessly and candidly express themselves, the problem will soon be solved in the best interests of all concerned, except the military folks, the Army contractors, the exploiters, and Republican office-holders and office hopers.

The present policy may profit a few, but never in all this world will it help to the extent of one solitary cent the humble, plain men of America—the great masses of our country—who bear its burdens, except that here and there a widow or aged man will draw a pension for some loved one's death.

Mr. Chairman, I wish to say a few things about the cruelties which have been committed by our agents under our flag, and which were unrebuked by the Administration until Democratic speeches and publications riveted the attention of all upon them. It is not my purpose to mention all the barbarities connected with our conduct in the Philippines; the public has already become fully acquainted with some of them of which knowledge has reached our country.

Nothing in all the range of warfare can surpass the heartlessness of the shooting of every Filipino found within 150 yards of a telegraph pole, or of our General Bell's order that "neutrality should not be tolerated," and that no person should be considered loyal simply because he does nothing against us and "takes the oath of allegiance." He must denounce and betray his countrymen and his kindred to escape General Bell's hostility. Living quietly and working peacefully the land of his ancestors for his loved ones' sake, though swearing allegiance to us, is disloyalty under that inhuman order. Our General Smith's order "to kill all over 10 years of age," desiring no prisoners, burn their homes, and "make Samar a howling wilderness" is as atrocious and beastly as any edict that ever cursed humanity in its darkest periods. How terrible is war against a people's liberty, when the representatives of Christian civilization can promulgate such heaven-shocking savagery! The annals of man's butchery of man contain nothing more awful in its ferocity.

It is painful to recall the instances of transgression against the laws of God and man committed for us in those distant islands; but unless we recall them how shall the people understand what their agents have done? Those agents have laid waste fruitful lands and burned populous towns; they have slain noncombatants and put to death prisoners in their care. These have they committed under our flag. Our fellow-citizens have read in histories and heard from their fathers of laying waste lands, burning towns, shooting with guns, and slaying with swords. But it has been reserved for these times to teach them of new tortures—tortures which Senator HOAR declared have never before been used by English-speaking people against their enemies.

The horrible "water cure," which is described in Private Weir's letter, which I ask to have printed, together with Captain West's report, has been administered to Filipinos to extort from them treachery to their friends, and the more horrible flesh twisting and tearing torture has been performed to compel from them the secrets of their fellows! Excruciating horrors! Brave, humane, honorable, Christian Americans, shall such heartrending, heartsickening deeds be charged to the wicked depravity of a few privates and fewer officers as the necessary outcroppings of man's sinful nature, or will you charge a part of it to that policy of aggression, adopted without your consent and followed without your approval, against a people who want independence and who never denied you citizenship, never taxed your business interests, never searched your ships, never violated a treaty with you, never threatened to invade your country, never disputed your boundary, nor did any other thing for which nations go to war? Will you charge these cruelties alone to the miserable individuals who perpetrated them, or will you not assume some of the responsibility for allowing your Government to continue a policy which created the conditions under which human nature has so fearfully sinned?

Mr. Chairman, ordinarily in civilized warfare about three or four and occasionally five times as many men are wounded as are killed. That has been the proportion among our soldiers in the Philippines. The proportion among the Filipinos has often been four times as many killed as wounded and sometimes ten times as many killed as wounded. No mind can conceive and no heart appreciate the tragedies concealed in those startling proportions. God pity the men who kill or torture wounded and captured enemies and make needless anguish for widows and orphans, and God pity those who justify or palliate such inhumanity.

So widespread has the spirit of cruelty become among our officials that in court-martial trials for some offenses I have named acquittals have resulted almost as of course. When right is ignored, civilization so soon degrades that officers heretofore kind hearted and humane have performed or approved deeds of startling depravity. Permit me to leave this harrowing phase of our conduct across the Pacific, which has been an offense not only to the Filipinos but to ourselves, our Army, our people, and all humanity, and which can not be justified by reciting the savage deeds or recalling the bitter prejudices of either side during the civil war between our States.

Mr. Chairman, it seems to me that every clear-thinking man must believe that we are engaged in a business that is wrong and that we ought to get out of it as soon as a stable government can be established there and ought to let the people of those islands know that we are willing for them to assume an independent station among the nations of the earth and work out their own destiny as to them shall seem best. Sirs, the Republican party must believe that, but finding itself in an embarrassing position it has not the moral courage to take a manly way out of it, but remains in it, cringing before the Shylocks and gold hunters. It is not power, nor force, nor judgment that is lacking, but it is moral sentiment and moral courage. In order to do right the Administration needs the command of the people.

However plain may be its duty to change its course, it will not, except under compulsion by the American voters. The Administration has wonderful pride of opinion and of position, but not the strong sense of right sufficient to enable it to adopt a better opinion or take a better position in the face of temporary humiliation which may attach to the change. The noblest, manliest thing a mortal man can do is to change from the wrong to the right. Will the American people permit a continuation of the present Philippine policy out of respect to the false pride of the Administration, or will they require that their wishes and their judgment, calm, clear, and pure, be pursued by their Government?

Mr. Chairman, we can hold those islands and survive. We can take their lands and goods and still eat, drink, and be merry. We can year after year send noble young men from this country to take the places of those who fall in battle or succumb to the diseases of that torrid climate. We can maintain an army there sufficient for any purpose. We can tax the American people far more than they have ever felt for the luxury of the sin of imperialism. We can magnify the fighting arm of the Government at the expense of peaceful ideas. We can do all this and more,

and yet possibly escape for some generations the fate of other nations that sinned, but even then we would no longer be the country our fathers bequeathed to us.

Ponce de Leon searched in vain in the tangled wilds of Florida for the fountain of perpetual youth for men. Our fathers searched amid the mingled doctrines of all nations of every age and the principles of all hearts for such a fountain for government, and found it, we believe, springing from the mountain side of everlasting right in a government of the people, for the people, by the people, and as a never-failing guide to its waters they established the Declaration of Independence. Most nations die as most men die—from internal causes. We might oppress the Filipinos forever; we might destroy their 10,000,000 people and annihilate every product of their hands, so that no evidence of them should remain on earth; we might sacrifice 10,000 American men annually over there and pay out $200,000,000 annually in the business without necessarily destroying the American Republic. That is possible only in the event that it had no resultant effect here. In order to fatally harm us it must affect us internally with a malignant disorder.

The gradual loss of money and blood would weaken us, but the worst would not be the loss of money and blood. Those who plunder there would plunder here; those who wish to rule the Filipinos against their consent will wish to rule us against our consent; cruelty there will result in cruelty here; despotism there will mean despotism here; contempt for human life there will mean contempt for it here; those who will deny liberty to them may deny it to us; to magnify the army there is to magnify it here; a man who will steal there will steal here; the spirit of plunder, despotism, and cruelty will pervade our Government in its relations to us and our children if it pervades it in its relations to others.

So these resultant effects of a colonial policy I fear will be the poison that will in the years to come destroy our children's liberty and inflict upon them by slow processes a tyrannical government, in which the great trust magnates of the future shall more boldly oppress the people under a form of government in which they will be the privileged class, and whose source of strength will be not in the love and respect of the people, but in the power and dread of the armed soldiery and glittering steel.

Mr. Chairman, there is nothing that more plainly demonstrates to us the consciousness of wrong on the part of the Administration and its defenders than its methods of reply to our arguments. We mention cruelty, against which every true soldier revolts, and they pretend that we attack the Army. We would preserve the honor of our Army by having its torturers and criminals punished and dismissed in disgrace and having its conduct honorable, but when we condemn the atrocities of heartless officers and men under our flag, they pretend to regard it as an assault upon the entire Army.

They can not deceive others by their false pretenses. They know that we honor the Army, rejoice in its victories, sustain it wherever it goes, and constantly vote it supplies, but we will not disgrace ourselves by approving the crimes committed by its members in our name. They would have us keep silent, deny ourselves the freedom of speech so essential to justice and to liberty, and have the people to remain in ignorance of much which has been done for them in the Philippines. They criticise those of us who look the facts squarely in the face and speak boldly about them. They have even spoken of hostility to our Army and even hinted at disloyalty, but they will learn that contemptible criticism of free speech, false charges, and bitter calumny against those of us who believe in American principles, in truth, in right, in liberty to all mankind, can neither intimidate us, deceive the people, nor strengthen their own position.

The people I have the honor to represent want to know the truth at any cost. "Ye shall know the truth, and the truth shall make you free." The Administration and its policy are not so far above the people as to be exempt from their vigilance and criticism. Our people have never recognized the tyrant's claim that "the king can do no wrong." It was a despot, Louis XIV, who exclaimed, "I am the State; my enemies are the enemies of France." A free people's executive has never arrogated to itself the incarnation of righteousness or regarded the criticism of the people as disloyal. In all governments there is a tendency to usurp powers and privileges, but never before has the executive department of a republic deemed censure of itself as hostility to the people.

Another evidence of weakness of their position is the constant endeavor on their part to shift the responsibility of their policy from themselves to Providence, and sometimes they seem to think it unassailable if supported by the assertion that it was the policy of our late assassinated President. Throughout all ages hypocrits knowing the deep religious feeling of good men have ever sought to enlist the favor of the people for measures they could not otherwise defend by declaring that Providence had the matter in charge. Usually the manifestations of Providence are not in the exclusive visions of the powerful or discernible only to aggressors.

The afflicted, the weak, the downtrodden, the meek and lowly have fortunately been blessed with the power to know the presence of Providence. I would expect Providence to be on the side of suffering humanity praying for deliverance, on the side of struggling liberty begging for existence, on the side of appealing justice pleading for sympathy, and not always on the side of greed and pomp, of power and oppression, or as a great conqueror claimed, "on the side of the heaviest artillery." For one, as a believer in the Bible and in the holy doctrines of Jesus of Nazareth, I deny that the Administration has produced any satisfactory reason for proclaiming that their policy is under the guidance of Providence.

Instead of appealing to facts, of adducing argument, of reciting the Declaration of Independence, of speaking of man's natural rights and of his love of liberty, of man's universal brotherhood, and other matters that ennoble and convince, the Administration itself has resorted to the acts of the demagogue and pettifogger. It has denounced the policy of the Democracy as "snarling criticism." This was to arouse the prejudice of its partisans without enlightening their understanding. It is the method of error writhing under the lashings of truth, and is evidence of despair as they face the people in the ensuing campaign. But, sirs, if the Secretary of the Navy has spoken of "snarling criticism," the President himself has, perhaps for the same purposes, and certainly as an evidence of the same weakness in argument to support his policy, more widely transgressed the rules of reason and debate.

On a great occasion, in a place dedicated to the memory of heroes, around which the tenderest and most patriotic sentiments cluster, President Roosevelt, in a memorial address, took occasion to endeavor by references to lynching in the United States to either distract attention from the cruelties practiced in the Philippines or to unjustly criticise those who have spoken about them, or both, while at the same moment he declared that these lynchings are no excuse for such cruelties. It is hard to understand the partisan mind that can compare a Filipino, killed or tortured because he wants his country to be free, and a brute lynched because he assaults a woman's virtue. Did any other official of such dignity in all the world ever resort to such speech?

He told the old veterans of the Union Army gathered there before him that those who "foully slandered" them in the civil war "had their heirs to-day in those who traduce our armies in the Philippines." It is remarkable that the President, a generation removed from the civil war, whose duty is to create a spirit of fraternity throughout our land, should revive its bitter memories, and in his imagination conceive traducers in order to silence criticism of his indefensible Philippine policy. It is hard to believe that such speeches will strengthen him in any section of the country, but probably he thought so, and I admit his right to look out for his political future. Such speeches are not made for that section of the country where it is safe to rely upon offices to gather the entire strength of his party, and both sections may be of use to him hereafter. He failed to specify a single instance of slander or traduction of our army in the Philippines. A man of straw he made and attacked with strenuous vigor. To such straits are the defenders of colonialism driven.

Mr. Chairman, the people will have the facts. Power and place and intimidation can not limit their minds or bind their consciences. Free speech may be criticised and honest patriots may be denounced, but our countrymen will think, they will consider well what touches them and their posterity, they will reason as free men about it, and fear can not divert their hearts from striving after what is pure and fair and just and right.

I believe there is a spirit of universal right that binds together the good deeds and worthy enterprises of the world, that inspires noble conduct and virtuous living among men, that resists vice in private and corruption in public life, that lifts up the fallen and protects the weak, that cheers the upright and confounds the wicked, that creates liberty and destroys tyranny, that engenders hope, and honor, and sympathy, and love, and teaches all mankind to reverence the mercy and goodness and wisdom of Almighty God.

In solving this Philippine problem we appeal to the intelligence of the American people to discern this spirit of right and to their consciences to sustain it. [Loud applause on the Democratic side.]

Mr. Chairman, I shall append to my remarks some publications.

APPENDIX No. 1.

PRIVATE WEIR'S LETTER.

BALAYAN, BATANGAS PROVINCE, LUZON, P. I., *April 10, 1901.*

MY DEAR UNCLE: You are a free American citizen, and as such you are entitled to know how our government is carried on. I have something to

inform you about. It is the terrible cruelty practiced upon Filipino prisoners by American soldiers in these islands. First, I want to know if the Constitution of the United States and international law does not prohibit torture.

We soldiers are representatives of a civilized nation sent out to these islands to "civilize" a so-called lot of savages. These people are not nearly so uncivilized as is supposed. You probably have read about some of our men being put to death by horrible torture, but what can you expect when we do equally as bad to our prisoners?

Has any court the right to force any prisoner to confess, no matter how many crimes the prisoner is supposed to have committed? When I say force I mean to force by torture. The Army of the United States in the Philippines is representing the law of the United States. But whether or not it is proper to torture a man it is done anyway, and under the orders of commissioned officers.

I have heard men of other regiments make their boasts of how they have made captured insurgents tell where their arms were, but never witnessed the torture but once.

The instance that I have reference to occurred about two months ago. I told the officer that he had to stop it or I would report him to higher authority. He said he would not practice it any more, so I never informed on him; but now I have information about him doing the same, and even worse, nearly every day.

While I was one of a detachment of 24 men doing garrison duty in the town of Pasay, 3 miles from Manila, a native man about 21 years of age was arrested and accused of being a murderer, highway robber, and accused of rape. Now, whether the man was guilty or not I do not know, but anyway Lieut. F. T. Arnold, for he was the officer in command, gave orders to Sergeant Edwards, both of Troop H, Fourth Cavalry, to take the man to the basement of our quarters and get what information he could out of the man.

So Edwards took the man and asked him if he had any information to give. The man had none. Edwards said to the rest of the soldiers who had congregated to witness the "fun" that he would have to commence operations. The prisoner was stripped naked and laid on his back on the bare floor. He was then given the "water cure." A rough stick about 8 inches long and a half inch in diameter was put between the man's jaws. A soldier held the man's head down by pressing on the ends of the stick. Another sat on the man's stomach, and still another sat on the man's legs. Edwards had a bucket of water at hand. Water was poured down the man until it was vomited up. It was then repeated.

This water cure must be a terrible torture alone. The man heaved and begged for mercy, but to no avail. While down he was whipped and beaten unmercifully. He was then stood up and asked to confess. He did not. He was then beaten and clubbed again. I do not think that a square inch of the man's body was left untouched. He was kicked. A rope was then thrown across a beam. The man was strung up by the thumbs. Another rope was tied to his ankles and his feet jerked from under him. While up he was beaten.

All this time I was a looker on. I hoped that the punishment would stop. I dared not interfere. But when the man was strung up by the neck I could stand it no longer, so I went to the lieutenant. Before I went to him I did not know that he had given orders to Edwards to torture the man if he did not confess. I told Arnold that I was an American and that there was something going on at the quarters that I could not stand. He jumped all over me and asked if I was not making myself very busy. I said I was not; that such carryings on were against all law.

He said, in a very sarcastic manner, that I knew such a lot about law. He said that a lot of men in the Army, especially volunteers, think that they know how to run an army, but they do not. He said: "Now, when I give a man to Sergeant Edwards, I want information. I do not know how he gets it, but he gets the information anyway." He said that these people have no feelings other than physical and should not be treated as human beings. I told Arnold that I did not come to get anyone in trouble, but merely to have the torture stopped; that if it were not stopped I would report the matter to higher authority.

I was then threatened with court-martial for insubordination. About this time Edwards came in and said that he had succeeded in making the man tell where the money was. Arnold told Edwards to take the man with him and get the money.

I told Arnold that as the torture was finished I would not report the matter if it were not repeated. He promised not to do it again. I then left him.

The prisoner did not show where the money was. He had only said that he would show the hiding place to have the torture stopped. Three weeks later the prisoner was released. Now, that was criminal of Arnold. If the man was guilty he should not be released. If guilty he should not be tortured anyway.

The rest of the time that I was with the detachment under Arnold no torture was committed that I know of.

Now, Arnold has a detachment of 20 men at Calaca, 7 miles from here, Men that are under him now have told me that Arnold is having men tortured the same as before and other ways besides. This is one of his new ways: A strip of flesh is cut just above the ankle of the prisoner; it is then attached to a stick; the stick is coiled with the strip of flesh. Imagine the torture the poor man must endure! I am told that when Arnold is out looking for some criminal or suspected insurgent he will grab, or have his men grab, any native and ask for information.

If a man gives no information, he is put to all kinds of torture. I saw the man that was cut at the ankle. I was over at Calaca the other day. He had his leg all bound up and was out in the road with other prisoners working.

Last week a part of this troop, a part of the Calaca detachment, and some of the soldiers from Taal were out in the mountains. I was not along, but have been told by several men that Arnold had his men take an old man to a stream and keep him under water until the man was unconscious. This was because the old man did not give certain information that he was supposed to possess.

Men of H Troop have told me that they have known Arnold to have a man tied to a saddled horse. A few feet of slack was allowed. A man was then mounted on the horse and told to gallop down the road for a mile and then back. If the prisoner could run as fast as the horse, it was all well, but if he could not he had to drag. Arnold has had this done several times, and more than once the prisoner was dragged.

Now, I have witnesses for all that I have written about, and should there ever be an investigation of this I will be perfectly willing to be put upon the stand. I know other men that would be willing to do the same.

I believe that most of the officers and enlisted men in the Army are humane, but those that practice what Arnold has should be brought to justice.

It would do me no good to report this matter through Army channels, as it would only be hushed up, and then I would get the worst of it.

Now, I am writing this letter to you; you are a close relation of mine, and for that reason I believe I can write anything. I think that you should bring this before the proper persons.

Lieut. Frederick T. Arnold was appointed to West Point from Iowa in 1893. He graduated from West Point in 1897 and was commissioned a second lieutenant in the Sixth Cavalry. He is now second lieutenant of Troop H, Fourth Cavalry.

I hope that the proper people of the United States will take hold of this case and have all torture in these islands stopped.

Well, my dear uncle, as I have already written so much on this subject, I will not write about other subjects. I am in fine health, and hope that you are the same. Give my love to all.

I remain, your loving nephew,

ANDREW K. WEIR, JR.,
Troop C, Fourth United States Cavalry, Balayan, P. I.

APPENDIX No. 2.

CAPTAIN WEST'S REPORT.

OFFICE OF THE INSPECTOR-GENERAL,
DEPARTMENT OF NORTHERN LUZON,
Manila, P. I., August 27, 1901.

The ADJUTANT-GENERAL DEPARTMENT OF NORTHERN LUZON.

SIR: I have the honor to submit the following report of the investigation made by me into the complaint of Private Andrew K. Weir, Troop C, Fourth Cavalry, against Lieut. F. T. Arnold, Fourth Cavalry, in regard to the cruelties practiced by Lieutenant Arnold upon native prisoners at Pasay and Calaca, Luzon:

Sergt. George Schurman, Troop B, Fourth Cavalry, stated that he had witnessed the punishment of the prisoner at Pasay and that the facts were correctly stated in Private Weir's letter to his uncle. The prisoner was choked, beaten, hung up by the thumbs, and then by the neck, and given the water cure, and was whipped with rattans, this whipping being so severe as to bring blood on the prisoner's legs. That this punishment was all inflicted by Sergeant Edwards and three native policemen.

Private George Bowers, Troop B, Fourth Cavalry, stated that he had only heard of the punishment of the prisoner at Pasay. I believe this man knows more about the cruel treatment of prisoners at Pasay and Calaca than he stated, but the departure of his troop for the United States prevented me from examining him thoroughly.

Private James B. Barry, Third Cavalry, formerly of troop B, Fourth Cavalry, stated that he witnessed the treatment of the prisoner at Pasay and that it was brutal. He corroborated the statement of Private Weir in regard to this prisoner's treatment.

He stated that Sergeant Edwards often talked of the way he had beaten native prisoners. He stated that while corporal of the guard near Taal he had charge of about 50 native prisoners and that he had orders to turn them over to Sergeant Edwards whenever he wanted them, and that Lieutenant Arnold told Sergeant Edwards in his (Barry's) presence that he could take them out whenever he wanted to and to get what information he could out of them, and that Sergeant Edwards and the native scouts frequently took out one or two prisoners and would keep them out from half an hour to an hour. He did not know whether or not they were badly treated while out with Sergeant Edwards.

Corpl. George E. West, Troop B, Fourth Cavalry, stated that while corporal of the guard at Calaca he had seen native prisoners brought to the guardhouse whose shins looked like they had been rubbed with a stick, but he did not know how they got in this condition.

Corpl. S. J. Peterson, Troop B, Fourth Cavalry, stated that he did not know personally that native prisoners had been cruelly treated, but the general impression among the men at Calaca was that Sergeant Edwards was torturing these prisoners, and had Lieutenant Arnold's permission to do so.

Corpl. Charles Austin, Troop B, Fourth Cavalry, stated that he was stationed with the detachment at Calaca under command of Lieutenant Arnold, and that his (Austin's) quarters were very near where the scouts under command of Sergeant Edwards lived; that he had seen Sergeant Edwards take native prisoners from the guardhouse to the scouts' quarters and shortly thereafter heard cries and groans coming from these quarters; that he saw them take one prisoner from the guardhouse to the scouts' quarters, and when he was returned to the guardhouse his shins looked as though they had been scraped with a stick. He did not know whether or not Lieutenant Arnold knew that prisoners were being badly treated, but the impression was that he knew all about it.

Private John Tuck, Troop B, Fourth Cavalry, states that while stationed at Calaca he had seen, through the windows of the scouts' quarters, prisoners being whipped with rattans by Sergeant Edwards and the scouts; that while on detached service near Calaca with Sergeant Edwards and the scouts he saw them abuse and beat an old man and made them stop it; that Sergeant Edwards took the prisoner off into the brush after this, and he (Tuck) heard two shots, and then Sergeant Edwards came back without the prisoner and stated that he had had a fight with the prisoner and showed where he had been bitten on the arm and said, "He will be down there a long time." Private Tuck did not know if the prisoner had been killed nor whether Lieutenant Arnold knew about the prisoners being badly treated.

Private James M. Whitney, Troop B, Fourth Cavalry, stated that he was a member of the detachment at Calaca under command of Lieutenant Arnold, and that while in the scouts' quarters one day he saw a native prisoner on the floor, and that the prisoner was bucked and the scouts, in the presence of Sergeant Edwards, were rubbing the prisoner's legs with a broomstick, and that this treatment was brutal; that while on detached service with Sergeant Edwards and the scouts near Calaca he saw them beat a native in a brutal manner; that Sergeant Edwards told him that Lieutenant Arnold knew all about the way the natives were being treated. Private Whitney stated that Privates Reeves and Graham, of Troop C, Fourth Cavalry, could tell all about the inhuman treatment of prisoners at Calaca.

I was informed that Privates Fielding, St. Clair, and Taylor, of B Troop, Fourth Cavalry, could also give testimony on this subject, but the departure of the troop for the United States prevented me from finishing this investigation.

I believe that a thorough investigation into this matter will substantiate the charges made by Private Weir, that prisoners were treated in a cruel and harsh manner and that Lieutenant Arnold winked at this treatment.

Very respectfully,

P. W. WEST,
Captain, Fifth Cavalry, Inspector-General Department of Northern Luzon.

APPENDIX No. 3.

[Extract from the Washington Post of June 19, 1902, relating to General Smith's order and trial.]

The record, which the President has received, contains the exact language of the admissions made by Colonel Woodruff, counsel for General Smith, in regard to the orders which the latter officer issued to Major Waller, United States Marines. The charge was "conduct to the prejudice of good order and military discipline," and it was supported by this specification:

"In that Brig. Gen. Jacob H. Smith, U. S. A., commanding general of the Sixth Separate Brigade, Division of the Philippines, did give instructions in

regard to the conduct of hostilities in the island of Samar, P. I., to his subordinate officer, Maj. L. W. T. Waller, United States Marine Corps, the said Major Waller being under his command and commanding at the time a subterritorial district in the island of Samar, P. I., in language and words, to wit:

"I want no prisoners" (meaning thereby that giving of quarter was not desired or required), and "I wish you to kill and burn. The more you kill and burn the better you will please me," and "the interior of Samar must be made a howling wilderness," and did give further instructions to said Major Waller that he, General Smith, wanted all persons killed who were capable of bearing arms, and did, in reply to a question by the said Major Waller, asking for an age limit, designate the age limit at 10 years.

"This at or near the island of Samar, P. I., between the 23d and 28th days of October, 1901."

SMITH'S PLEA AND ADMISSIONS.

The record then gives General Smith's plea to the charge and specifications, which was "not guilty." Colonel Woodruff's statement, which was partially cabled at the time it was made, is then given in full as follows:

"The accused desires to simplify this case as much as possible, and admits that he was commanding general of the Sixth Separate Brigade, Division of the Philippines; that Major Waller was one of his subordinate officers, commanding a subterritorial district, and that he did give him personal instructions relating to hostiles under arms in the field, and he did instruct him not to burden himself with prisoners, of which General Smith already had so many that the efficiency of his command was impaired, and tell him that he wanted him to kill and burn in the interior and hostile country; and did further instruct him that the interior of Samar must be made a howling wilderness; and did further instruct him that he wanted all persons killed who were capable of bearing arms and were actively engaged in hostilities, and that he did designate the age limit at 10 years, as boys of that age were actively engaged in hostilities against the United States authorities and were equally dangerous as an enemy as those of more mature age."

The record then shows that the judge-advocate asked this question:

"Does the accused admit that as his statement?"

"I do," was the response of General Smith.

Mr. COOPER of Wisconsin. I yield to the gentleman from Pennsylvania [Mr. MAHON] twenty minutes.

Mr. MAHON. Mr. Chairman, as to creating a civil government in the Philippine Islands—upon that matter if I have anything to say, I will print it in my remarks under the general leave. I make the declaration that whenever a Democrat shrieks and howls throughout this country that these people are fit to govern themselves, he can not convince the American people, because any American, or any man in the House or Senate, who has read closely the history of the Philippine Islands and the conditions surrounding them, if he has any common sense left, knows that they are not yet fit to assume independence. It is a great problem, but our Government will solve it in the interest of the people of the islands. But under this cloak of liberty for the Philippine people the Democratic party and the Democratic press are trying to throw a stigma upon the American Army in the Philippines and upon the magnificent officers who have charge of it.

Now, Mr. Chairman, there are a great many on the Democratic side of the House too young to know about, or if they have read of the cruelties practiced in this highly civilized and Christianized nation of ours, they have forgotten or never read about them. I propose to supplement the few remarks made by the gentleman from Ohio [Mr. GROSVENOR] as to what was done in this country during the years from 1861 to 1865. I do not defend any cruelties practiced either by officers or men, where they can be avoided. I am not here to rake up the fires of the past, but simply want to quote a little of our war history. I shall quote the history of a people engaged in a war who claim to be a highly civilized, educated, and Christianized people, and show what went on in this country and what is going on in the Philippine Islands is not worth mentioning in comparison.

Now, Mr. Chairman, I propose to show the outrages and inhuman treatment perpetrated by the Confederates during the war of the rebellion from 1861 to 1865, alongside of which the few scattering irregularities and offenses committed by our Army in the Philippine Islands sink into insignificance. So that I may be correct, I quote from an official document, printed as Report No. 45, House of Representatives, Fortieth Congress, third session, same being a "Report on the treatment of prisoners of war by the rebel authorities during the war of the rebellion." This report is made up from testimony from the following sources:

First. The sworn and unsworn testimony of prisoners in narrative form.

Second. The testimony of Union officers and soldiers.

Third. Testimony of rebel officers and soldiers.

Fourth. The testimony of citizens residing in the vicinity of Andersonville.

Fifth. Medical testimony derived from Union and rebel sources.

Sixth. Documentary evidence from rebel sources.

Mr. RICHARDSON of Tennessee. From what is the gentleman reading?

Mr. MAHON. I am reading from the report of the treatment of prisoners of war by the rebel authorities—a document of the third session of the Fortieth Congress.

Mr. RICHARDSON of Tennessee. Does not the gentleman know that there was a greater percentage of deaths of Confederate prisoners in Northern prisons than of Federal prisoners in Southern prisons?

Mr. MAHON. I will give the gentleman the facts about that, for I have the data right here.

STATISTICS OF MORTALITY—COMPARISON BETWEEN UNION AND REBEL PRISONS AND PRISONERS.

While a partial result only can be given of the total number of deaths of Union prisoners occasioned by prison treatment and the various incidental causes already described, even where the hospital and other returns have been procured, by reason of the subsequent mortality of the survivors who lived to reach our lines and which has been alluded to elsewhere, the committee will endeavor to approximate the ratio of deaths as compared with the whole number imprisoned on each side.

Let us take Andersonville:

Whole number of prisoners confined at Andersonville	40,611
Deaths from February 24 to September 21, 1864 (seven months)	9,479
Per cent of mortality	23.34

Or nearly one-fourth of the whole number of prisoners confined there.

The War Department estimates that 20 per cent should be added to this mortality for reasons stated in the accompanying report, among which is the fact that the deaths were not all recorded. The committee accept the estimate as very nearly correct. This is shown in part by a comparison of the record with the number of graves of Union prisoners there ascertained by actual count. For instance:

Number of deaths shown by record	12,631
Number of graves	13,705
Difference	1,074
Per cent of difference (nearly)	8

There are other causes stated in the report of the Department which swell this per cent.

Again, the condition at Andersonville in the month of August, 1864, according to Confederate reports, was as follows. The report of Captain Wirz shows:

Prisoners on hand	31,678
Died during the month	2,993
Average daily deaths (nearly)	100
Monthly per cent of mortality	9.45
Yearly per cent of mortality	113.40

At Salisbury, from September, 1864, to February, 1865 (five months), the condition was as follows:

Number of prisoners confined	10,000
Deaths during that time	5,000
Per cent of mortality	50

At this prison 12,112 prisoners died during its occupancy. "My squad," says one witness, "numbered 100 men on the 6th day of December, 1864, and when we came out from there on the 22d day of February, 1865, we drew rations for 28 men, 61 of the number having died, the remaining 11 having been transferred to other prisons."

At hospital No. 21, Richmond, according to the statement of Dr. Jones, a Union prisoner, who was hospital steward at "No. 21," the mortuary result was:

Union prisoners admitted in three months	2,700
Deaths during that time	1,450
Per cent of mortality (nearly)	50

The prisons at Florence and Belle Isle, with others, would show a mortality approximating that in the prisons above described. We know the causes, and Dr. John C. Bates, Confederate surgeon at Andersonville, says in his testimony: "I feel myself safe in saying that 75 per cent of those who died might have been saved had these unfortunate m en been properly cared for as to food, clothing, bedding, etc."

COMPARATIVE STATEMENT OF MORTALITY.

The report of the War Department shows the following captures by the Confederate forces:

Federal officers		7,092
Enlisted men		179,091
Union citizens		1,962
Total		188,145
Of these there were legally paroled and exchanged	154,330	
Illegally paroled	1,143	
Total paroled and exchanged		155,473
To be accounted for		32,672

As the statement of the War Department consolidates the Federal prisoners paroled and exchanged, the committee are unable to determine from this source what proportion of captives were actually confined in rebel prisons. But the Federal authorities paroled 10,514 in excess of one-half of their captives. Let us then take this proportion of one-half as the basis of our calculation, assuming (although it gives undue advantage to the rebels) that the rebels paroled one-half of their prisoners. This would leave us the following result:

Total number of captures by rebels	188,145
Number paroled, estimated at one-half	94,072
Number actually confined in prison	94,072
Number of deaths in Confederate prisons, ascertained by the graves.	36,401
Per cent of mortality in rebel prisons	38.70
Per cent of mortality of entire rebel captures	19.35

Let us compare this with the mortality of rebel soldiers captured by the Federal armies:

Total number of captures by Federals	476,169
Paroled	248,599
Number actually confined in prison or left as prisoners of war in our hands	227,570
Mortality of Confederate prisoners, ascertained by the graves	30,152
Per cent of mortality in Federal prisons	13.250
Difference per cent in favor of Union authorities	25.450
Per cent of mortality of entire Union captures	6.350
Difference per cent in favor of Union authorities	13.020

If the mortality of rebel prisoners captured by the Union forces had equaled that of Union soldiers captured by them, taking the whole number of captures as a basis of calculation, the deaths among the 476,169 Confederates in our hands would have been 92,000 instead of 30,152; or, calculating it upon the reduced basis of the prisoners retained in custody on both sides, to wit, 227,570 Confederate prisoners in our hands to 94,072 prisoners in their hands, the mortality would have been 88,000 instead of 30,152. Instead of this the mortality is reversed, and out of 94,072 prisoners in confinement by the

rebels 36,401 died, while out of 227,570 in the hands of the Federals only 30,152 died. In other words, nearly 2 out of 5 or 40 of each 100 died in their hands, while 1 in 17 or 6 of each 100 died in ours.

This showing makes the difference of mortality nearly seven times as great among the prisoners in their hands as among the prisoners in ours.

Now, Mr. Chairman, of course we all know that General Sherman said that "war is hell." And for this purpose I simply wanted to call the attention of the House to these facts. I have read only a part of this report. It embraces the evidence of Union prisoners and also of men who were in the Confederate service, both officers and privates. It tells of cruelties inflicted at Andersonville, at Salisbury, and Belle Island. If any man will sit down calmly and read this investigation, he will come to the same conclusion that I have reached—that is, you might search all the passageways and all the caverns of hell itself, and the devil and all his friends would be at a loss to conjure up and inflict upon the unfortunate inhabitants in those regions such tortures as were inflicted upon our men in Andersonville prison and other Southern prison pens.

TREATMENT OF PRISONERS AT TIME OF CAPTURE.

In striking contrast with the uniform kindness of Union soldiers to their captives taken in battle was the treatment experienced by our officers and men immediately upon falling into the hands of the enemy. The harsh and brutal conduct of the rebels toward their unfortunate prisoners furnishes a constant and leading theme for the denunciation of the survivors. It commenced usually by unmanly jeers and taunts unworthy the character of a soldier and undeserved by the heroic men who had been compelled to yield to the fortunes of war. This was followed by a rigid and humiliating search of clothing and person, sometimes taking place on the field of battle, sometimes postponed until the arrival of the captive at the first prison station. This search was renewed as often as the caprice of cupidity of the officer might dictate. Such searches were but the admonition of robbery. Surplus clothing, oftentimes necessary clothing, watches, money, everything of value, was seized and appropriated by the captors, and even the keepsakes of the soldiers were unrespected by these military robbers.

Pictures of wife and children, father or mother, brother or sister, of no value to the stranger, but inexpressibly dear to him who was to linger for months in hopeless confinement, were wantonly torn from their possession and made the subject of ribald jest and ridicule.

In ancient times the custom of robbing prisoners of their private property was very common and was a much less offense than violence inflicted on their persons. The private property of prisoners of war should be respected. The prisoner, being at the time of his capture in the legitimate and commissioned service of his government, and the captors bearing the same relation to theirs, both parties are the agents of their respective governments and their private property is in no way involved in the contest and should not be seized and converted to the public use, because in a public war there is no contest between private individuals and the opposing governments. Nor should it be seized by the captors for private use, as both are agents and in any other than the character of soldiers meet on equal terms, and the act would become a robbery which the individual captor commits with the power if not sanction of his government. This would place the civilization of this age back of the fifteenth century, and authorize private wars and captures, with the attendant troubles of that class of paroles and ransoms which embarrassed the age of chivalry.

Well-organized governments regulate and settle the relations and difficulties between the citizens of their respective jurisdictions by public authority, and will not use public power to wrong or rob individuals. All public property or contraband of war found in possession of prisoners should be seized by the captors on behalf of their government, but that which belongs to them, such as clothing and money, even if taken to prevent its improper use, should be returned again in good faith.

The United States Army Regulations of 1861, pages 107 and 108, provides as follows:

"745. Prisoners of war will be disarmed and sent to the rear, and reported as soon as practicable to the headquarters. The return of the prisoners from the headquarters of the Army to the War Department will specify the number, rank, and corps.

"746. The private property of prisoners will be duly respected, and each shall be treated with the regard due to his rank. They are to obey the necessary orders given them. They receive for subsistence one ration each, without regard to rank, and the wounded are to be treated with the same care as the wounded of the Army. Other allowances to them will depend on conventions with the enemy."

Early in the war the enemy observed the idle ceremony of making a list of the property seized, professedly for safe-keeping and restoration, but instances where any were returned are extremely rare. Even in the few cases where money was restored, Confederate scrip, nearly worthless, was substituted dollar for dollar for the money of which the soldier had been robbed. It will be found that this practice met the severe animadversion of the inspecting officer of rebel prisons, but their recommendations for a change in its practice seem to have been entirely disregarded. It seems that after the second year of the war even this formality was almost or entirely abandoned, and prisoners were not only robbed of money, surplus clothing, and valuables, but were often deprived of coats, shoes, and hats, and in many cases stripped of everything but shirt and drawers, until at last the rebel captor came to regard his Union victim as one who, even as a prisoner of war, had no rights which a rebel was bound to respect. The testimony will be found replete with instances of the actual truth of this assertion, evincing a spirit of fiendish cruelty shorn of all just regard for the rights of the living, as it was destitute of all respect for the persons of the dead.

This search and robbery of prisoners was sometimes accompanied by the most cruel violence. In the early part of the war the demand for the surrender of valuable articles was freely complied with, but after learning from the testimony of others the failure of the rebel authorities to make restoration of the property which had been given up, and learning the importance of having money and clothing during captivity, efforts were naturally made by our men to conceal their valuables before or after capture. The detection in these attempts was constantly followed by punishment of a cruel and sometimes of a revolting character. Some of the most aggravated cases of beating and other personal violence were inflicted solely on account of this detection. The officers at Richmond, as shown by the testimony, became by practice specially expert in searching and robbing prisoners and detecting concealment. During the year 1864 a system of researching was in vogue in all the prisons, so that our officers and men were compelled to run the gantlet and submit to the indignity of a new search at each transfer from prison to prison. These outrages, so clearly in direct violation of the laws of war, and in turpitude and crime so nearly akin to the robbery of the dead, necessarily increased the helpless condition of our soldiers, depriving them of procuring the necessaries and comforts which might otherwise have been attainable, and rendering them a more easy and facile prey to the disease and death which spread their sable pall over the prison houses of the South.

Nor was the immediate cruelty inflicted thus early upon the Union soldier confined to robbery and personal violence. Instant and long marches, short rations, scarcity of water, and transportation fit only for beasts destined for the shambles were the common incidents of his early captivity. The facts disclose a cool and malicious disregard of the condition and comforts of the prisoners taken in battle and an evident intention on the part of the Confederate authorities to lose no time in the attempt to break them down in body and in spirit and render them unfit for future service to their country. Men wounded in the arms or body were forced to make long marches, guarded by cavalry, and when unable longer to keep pace with the column were beaten and cut with the sabers of their guard in order to force them forward, until they fell by the roadside dead, where they were often left unburied.

Prisoners transported on railroads through the South were almost invariably packed into close box-cars, the sick and well, the wounded and unwounded, from sixty to eighty huddled together in each car. These cars were often used for this purpose without cleansing, immediately after cattle had been taken out of them, and the excrement of the beast was the bed of the men. Insufficient guards were provided on such occasions, and the cars consequently kept closely shut, sometimes for several days in succession, the men not being allowed to leave them for any purpose. Such was the bitter and terrible preparation of the devoted soldier of the Union for his entrance into the charnel houses of Richmond and Andersonville.

The testimony shows the mode of search adopted and the ingenuity with which concealments were made. The prisoners were stripped entirely naked and their clothes examined, sometimes by cutting and ripping such portions as were supposed to contain secreted money and other valuables. This was followed by an exploration of the person, every part of which was closely examined for articles of value. These were sometimes found secreted in the hair, whiskers, mouth, ears, nose, or other parts of the prisoner's person. A detection was usually followed by severe punishment. Sometimes at the time of exchange a demand was made by the prisoners for the return of their money, but this was generally met with denunciation and oftentimes with violence. This deliberate and systematic robbery of defenseless men was pursued at Richmond in sight and hearing of the higher rebel officials and not far from the residence of Jeff. Davis. Sounds of revelry and carousal at the seat of treason could be heard by these wronged, robbed, and outraged prisoners as they lay on the bare floors of the buildings where they were confined, deprived by their inhuman captors of the barest necessaries of life.

The transportation of the prisoners in the crowded and suffocated condition which we have described was not the result of any necessity. It was caused by no forced retreat from a battlefield or any emergency of a similar character, but was the usual mode of transit of prisoners to and from stockades in the heart of the Confederacy. So horrible were the sufferings endured in these journeys that every possible effort was made by the prisoners to escape from the cars while in motion, and many cases are noticed where in the night, they succeeded in forcing open the door or in cutting holes through the sides of the car, and by that means attempted to escape, preferring to risk their lives in this forlorn hope rather than endure the tortures of travel. For many interesting recitals of these attempts, their failure and success, the reader is referred to the testimony of the witnesses. An instance of wanton cruelty occurred on the occasion of a squad of prisoners leaving Richmond early on a winter's morning, who, after a night of snow and rain, were compelled to march through the streets, many of them barefooted, their feet bleeding from wounds occasioned by the roughness of the road.

With an honorable foe the rules of civilized warfare obtain, and when an enemy falls into his power by capture or surrender he seeks to alleviate his sufferings to the extent of his ability. He becomes for the time his friend and protector as well as captor. But such was not the usual practice of officers and soldiers composing the rebel army, and here we have in this particular, as in many others, a striking contrast between the opposing forces in the late war. As a writer has said:

"The treatment of prisoners of war is a significant test of civilization in any people or nation. It is the only amenity that redresses a thousand violences engendered by belligerent relations, or it is the one cruelty that casts all others into the background. In proportion as we find a tribe or community advanced in human progress we are prepared to expect a sympathy for the weak or defenseless, and it is only in barbarous or savage life that we look for the torture of unarmed men or the abuse of noncombatants. Hence it is difficult to realize that a distinct and large portion of the American people should be chargeable with such enormities of prison maltreatment as have become matters of fact in history during four years of civil strife. And yet we are constrained by positive evidence to arraign the Government and citizens of the rebel States on charges of cruelty such as disgrace civilization and belie Christianity."

We close our remarks on this subject by an allusion to two prominent facts, which will be treated more at large in other parts of this report. We refer to the massacre of the troops by Forrest's command at Fort Pillow, and to the well-authenticated account of the murder and assassination of colored prisoners at the time of their capture in the field.

While the murder of these Union soldiers was more merciful than the starvation of the white troops, it was no less startling and striking in its development of the savage cruelty which seems to have usurped in the breasts of the Confederate officials the kindlier sentiments of humanity which among civilized people tend to assuage and mitigate the sufferings incident to war.

The sufferings of Union prisoners at Andersonville have never been equaled in intensity, duration, and magnitude in modern times.

The crimes of Andersonville are the crimes of the age in which we live. As it had no precedent or example, so it can have no counterpart in the future. We shall not enlarge upon the sickening and terrible details. We have spread out the testimony upon the record; let him who can contradict it, and search history for its equivalent.

That the causes which led to these sufferings were not accidental or inevitable in their origin, but were deliberately planned and were the direct results of human agency, ingenuity, malice, and cruelty.

Human foresight, though it had been the offspring of mediocrity, could have obviated and prevented the greater part of this terrible suffering. It is clear that abundance of fuel, timber, water, and rations could have been supplied by the rebels themselves with few and inconsiderable exceptions, and even had this been impossible the wants of the starving prisoners could and would have been supplied by the Government of the United States and the great organized charitable associations which from time to time sent supplies through the rebel lines.

Another remedy could have been applied—one which it was the duty of the Confederate Government, acting within the scope of military rules, to have resorted to—which was to parole the prisoners whom they could not care for properly and deliver at our lines or permit them to return to the North, instead of pursuing them with hounds and hunting them for recapture like beasts of prey in the forests and swamps of the South. But that was not the purpose, nor were these the motives which honor the humanity of the age.

The numerous expressions of hatred and cruelty which fell from the lips of the rebel officials, their extraordinary punishments, and the deadly assaults on the sick and helpless, the neglect more cruel than death, can have no solution except in the deep-seated malice whose fruits we have been considering.

That the responsibility of these horrors can not be restricted to the immediate agents in charge of the prisoners, but rests with irresistible weight on the higher officials of the Confederate Government, with whose knowledge and consent they were perpetrated.

ANDERSONVILLE PRISON.

It seems fitting and proper that in the special description of rebel prisons, upon which this report is about entering, the spot on which during the terrible year of 1864 was concentrated the greatest amount of human suffering the records of civilized warfare can present, and the name which, supplanting all others in our language, has passed into a synonym of the cruelty and atrocity of man, should first demand our attention. Andersonville was a representative prison. The mournful interest which now centers in its history and which must in the future attend the recital of its accumulated horrors has impelled your committee to bestow upon its origin and progress, its government and results, a leading attention, to examine with earnest care and to lay before the House a large amount of evidence drawn from all accessible sources.

In this respect its history will be found more extended and elaborate than that of other prisons, but your committee have been drawn to this latitude of investigation and remark by an irresistible sense of what was due to the importance of the subject. But it must be confessed that before this appalling monument of the cruelty of man, and in the contemplation of the surrounding horrors which the victims of rebel barbarity have spread before us in the solemn utterances of their sworn statements, all power of description stands abashed or retires from the hopeless task of painting the unutterable sufferings and atrocities of Andersonville. It was here, in what was once the "Empire State of the South," that the victims who fell by starvation and murder at the hands of the Confederate authorities approximated closely in numbers the victims who were sacrificed by the Spanish Inquisition, through long centuries of persecution and woe.

Strange and appalling as it may seem, such was the result, well authenticated and irrefutable, of the twelve-months' confinement which our soldiers endured in this model prison house of the Confederacy. This mortality was not the result of sudden and fearful accident or startling casualty, but ensued through long, lingering, cruel sickness, punishment, madness, and suffering almost too terrible for relation. The protracted horrors of Andersonville are the significant features which arrest the mind at every step of this investigation. No cessation of suffering, no episode of relief furnishes its chapter in this terrible history. To the barbarous treatment of the warriors of Algeria by the Government of France there was, at times, a pause; to the cruelties of British India there was a cessation; to the tragic night of the Black Hole of Calcutta succeeded a morning of relief, but from the cruelties and horrors of Andersonville there was to the suffering heroes of the Union no relief but death; death by neglect; death by starvation; death in the land of the stranger at the hand of felon rebels; a lingering and horrible death, terrible to contemplate, and which came at last a sole reward of bravery, patriotism, and Christian fortitude.

The general descriptions of Andersonville prison have been frequent, and are familiar to many readers, while the vivid relation of personal sufferings endured within its walls have been spread broadcast throughout the land. The description which this report seeks to furnish must be largely divested of the interest with which the relations of personal experience serve to clothe the narrative of their sufferings, but following closely the statements of the witnesses who have been examined, must necessarily, in other respects, bear a marked resemblance to those which have preceded it. And your committee beg leave to say that they have not hesitated to make free and ample use of all the well-authenticated and truthful sources of information furnished by the concurrent history of the time, as well as the special evidence which it has been their duty to collect.

The Andersonville prison was situated about half a mile distant from the station which furnishes its name, on the Southwestern Railroad, leading from Macon to Americus, about 65 miles southerly of the former city. It originally consisted of a few buildings used for storing commissary and quartermaster supplies in the possession of the rebel authorities. Its location was selected in the latter part of 1863 by Capt. W. S. Winder, a son of the rebel general, J. H. Winder, after the rejection of several places more suitable to the health and comfort of the prisoners, and with the intention, as is asserted, of building a pen for the "damned Yankees where they would rot faster than they could be sent." In January, 1864, a stockade was here erected of pine logs, about 20 feet in height, inclosing an area of some 17 acres. To this was given the name of "Camp Sumter." In the following July this inclosure was enlarged to afford room for the confinement of an increased number of prisoners, which was accomplished by extending the old stockade some 40 rods to the north, the work being performed by the inmates of the prison.

With this addition the stockade inclosed 23½ acres lying in the form of a parallelogram, with the surface somewhat depressed in the center, the elevations being at the northerly and southerly ends. Across this parallelogram from west to east, and about one-third from the distance to the southerly end of the stockade, ran a sluggish stream of water 6 feet in width and bordered on each side by a low swamp, embracing an area of 6 acres. This swamp, which was uninhabitable except for the festering vermin and maggots that were afterwards suffered to swarm in its stagnant and loathsome filth, became in time the receptacle of the offal which naturally drained into it from the surface of the camp, as well as the wash and waste of the cook houses and camps outside.

Outside of the stockade, near where the stream entered it, the cook house was located, and further up the rebel guards were accustomed to wash and bathe, while closer to the stockade animals were permitted to die and rot in its waters. This stream was the only place, with the exception of a few shallow wells and springs, from which the prisoners could procure water for general use, and from this loathsome sewer constantly rose the pestilent vapors so fatal to human life. Where the water entered the stockade it was covered with a mantle of filth, grease, and drippings, that constantly floated upon it when the creek was at its ordinary stage. Inside of this stockade the approach to the creek was through the swamp alone, while this in turn was filled with the offal of the camp, which was never removed except as it was partially carried out by flooding rains.

Outside of the main stockade were two other lines built for defense and protection in case of attempts to escape on the part of the prisoners, the outer one being 12 and the second 16 feet in height. The hospital was situated outside of the lines some distance from the southeast corner of the camp, having been erected in June, 1864. Previous to this an apology for a hospital was located within the stockade. There were two entrances into the stockade, both on its westerly side, one north and the other south of the stream, secured by strongly constructed gates.

It was guarded and garrisoned by rebel troops, whose camps were located west of the stockade. Sentry boxes—35 in number, well sheltered from sun and rain—were provided for the guards and placed outside, near the top and around the stockade, so erected at intervals of a hundred feet as to permit the occupant to see what transpired among the prisoners within. On eminences commanding the camps were forts, well supplied with artillery and heavily garrisoned.

The country around the Andersonville prison was thickly studded forest of towering pines, the space occupied by the camp having been cleared for the purpose of its location. In the midst of this abundance, and with the full knowledge of the highest officers of the Confederacy, Union prisoners of war were compelled to eat raw food and perish for want of fire and shelter.

Inside of the stockade, parallel with its lines and about 20 feet distant, was the "dead line," marked by scantling nailed upon upright posts, which were planted in the ground at regular intervals. It was indeed the line of death. To pass it or to encroach upon the fatal precinct beyond brought the penalty of death to all without distinction.

The purpose of its establishment was to guard the line of the stockade against the approach of the prisoners, either singly or in numbers. The rule of prohibition was applicable to all, and its violation met with instant and inexorable punishment. The penalty was inflicted without discrimination or mercy. It fell alike upon the tottering sick and the strong and well, on the sane and demented, on the staggering wretch whose failing limbs made him the unwilling victim, and the suffering maniac who neither knew nor dreaded his danger. The burning thirst of the fevered prisoner which impelled him to reach beneath it for a drop of water purer than the stagnant pool was quenched in death by the relentless rifle of the guard, while the ignorant prisoner, freshly captured, and who had not learned its dread significance, fell by the same merciless hand under the standing orders of the officer in charge. The well-authenticated cases of these indiscriminate and unjustifiable murders will be found in the following narrations, with the names of many innocent victims who were thus sacrificed:

Although situated in a southern latitude, the climate of Andersonville showed a wide variation of temperature, ranging form 18° to 112° F. in the shade. In the year 1864 were counted 108 rainy days, in which fell more than 4½ feet of rain. Around it and in its immediate vicinity flowed a score of clear, healthy streams, abounding in delicious water, while the neighborhood is remarkable for its crystal springs, whose translucent waters invite and gratify the taste of man. It was here that on the 27th of November, 1863, young Winder planted the prison of Andersonville. Rejecting the inviting localities which had been provided in the immediate vicinity by the beneficent hand of nature, and most admirably adapted by all their surroundings for the dwelling place of the unfortunate prisoners of war—among them the Magnolia Spring, 12 miles distant from Americus—the rebel officer and agent selected the site we are describing.

To prepare this charnel house, the accursed labor of the slave was at once brought into requisition, 600 of them being impressed for this purpose by Howell Cobb, then commanding the district in which Andersonville was situated. The first installment of captives—consisting of the soldiers of New Hampshire, Connecticut, and Michigan, numbering in all some 800 men—reached the prison on the 15th day of February, 1864. They were met with the jeers and taunts of the gaping crowd, composed of all classes, who flocked from the surrounding country to gaze upon these "invaders of the soil." These early visitors were the representatives of that public sentiment of mingled hate and contempt so common among the rebels, which led them to uphold and vindicate, officially and individually, the terrible excesses that have rendered the name of the Confederacy a reproach and hissing in the history of the world.

Unquestionably they regarded these unfortunate men as unfit to live, and treated them accordingly. With this sentiment of the "people" so often expressed, the officers of the prison were soon found to be in perfect accord. As the captured Union men flowed, week by week, into the jaws of Andersonville, they were subjected to a system of plunder, inaugurated in the purlieus of the rebel capital, and robbed of whatever could be found upon their persons. There were here no shallow pretenses or lame excuses for this course, secret theft or bold robbery being the rule adopted, especially with those of the newly arrived prisoners, who came fresh and amply clothed from the well-furnished depots of the Northern recruiting stations.

In April of 1864 John H. Winder, the personal and trusted friend, warm partisan, and willing tool of Jefferson Davis, arrived at Andersonville. There is ample evidence that the President of the Confederacy was his intimate friend and protector. When his crimes had driven others to protest against his retention in the service of the Confederacy, the influence of Davis saved him from removal and disgrace. The relation which this man bore to the chief and head of the rebellion is well described by the witness, Philip Cashmyer, as follows:

"For the last four years I was detective officer under General Winder. I was with General Winder from the time he commenced his duties as provost-marshal until he died. I was his special confidential detective. Well, my duties were any important matter such as detectives have to attend to I attended to for him, such as examining prisoners and making reports upon them, and matters of that sort. I was admitted into his family also. The relations existing between him and Mr. Jefferson Davis were very friendly, indeed; very confidential. I often heard General Winder say so. I often saw him go there and come from there. I remember when an effort was made by Generals Bragg and Ransom to have him removed Mr. Davis—President Davis—was his special friend then. When the order relieving General Winder came from the war department, he took it and went up to Mr. Davis. The order was relieving him from duty in Richmond. He took it and went over and saw President Davis, and he indorsed on it, as well as I can recollect, that it was 'entirely unnecessary and uncalled for.'

"After that General Winder was sent to Goldsboro, N. C., to take the field. He was there a week or two, and an order then came for him to go to Andersonville and take command there. His powers were not extended for some months after that. They were then. They made him commissioner-general, commissary-general of prisoners. They called him commissioner-general. I still continued with him till he died in my tent at Florence, S. C. As well as I can recollect the order sending W. S. Winder to Andersonville to lay out the prison came from the war department. General Winder desired to send him and the war department sanctioned it. I saw the son go with the general down to the war department and come from there."

PUNISHMENT OF FEDERAL PRISONERS.

An enumeration of the punishments inflicted in rebel prisons will hardly find credence with the general reader; but the accumulated testimony of a hundred witnesses establishes their existence in all their brutal, unnatural, and appalling enormity. Certain it is that they could never have been enforced, even under the coercion of military power and discipline, except by men known and distinguished for their total disregard of the common feelings of humanity. Such, indeed, were the men selected by the rebel authorities as instruments of vengeance, for the punishment and torture of those who were so unfortunate and wretched as to be thrown by the fortunes of war into their hands. In the spirit of their masters, which was indeed the spirit of hell, they performed their dreadful mission. It was to such men alone that the orders of the Confederate leaders could be safely intrusted. Thank God, no such spirit found a lodgment in the breast of any Union officer or soldier charged with the care and custody of helpless prisoners of

war. Had it been possible for the Administration of Mr. Lincoln to have ordered retaliation in kind for the sufferings of our men at the hands of the rebels, the officers and soldiers of the Union Army would have shrunk with instinctive dread and horror from its infliction though the penalty had been disgrace and death. Let us rejoice that their honor, their patriotism, and their virtue were spared the terrible trial.

The modes of punishment disclosed by the testimony are too numerous to admit of further detailed description in this report. Attention will therefore be called only to the most notorious and those in more general use, viz: "The stocks," "chain gangs," "bucking and gagging," "spread eagle," "wooden horse," "tieing up by the thumbs."

The "stocks" were of two kinds. In one the prisoner was tied to a wooden frame with his arms extended and his feet closely tied together, in which position, unable to move either hand or foot, he was compelled to stand, or, as was sometimes the case, lie upon his back during the time of his confinement. In the other the prisoner's feet were fastened in a wooden frame elevated so that it was usually impossible for him to sit up and compelling him to lie upon his back. The stocks were without shelter of any kind. In them prisoners were confined for days, exposed to the scorching sun and the rain.

Many of those confined in the stocks died while undergoing the fearful punishment. The stocks at Andersonville were between the headquarters of Wirz and the stockade. This punishment, which was adopted at other prison pens, was inflicted on recaptured prisoners and for so-called insubordination.

The "chain gang" was composed usually of 12 or more prisoners placed in two ranks. Their feet were shackled so they could step but a few inches, and a heavy iron collar was placed around each man's neck. A heavy chain extended from collar to collar and from shackle to shackle. Each man had a small iron ball attached to one of his legs, while a 64-pound ball was added to every 4 men, upon the inside of the square thus formed. If a prisoner died while in the chain gang, as was sometimes the case, he was not immediately removed. His comrades were compelled to drag his dead body with them until the pleasure of the officer or guard relieved them. Prisoners were kept in the chain gangs as long as two weeks at a time, the shackles around the ankles in the meantime cutting or wearing through the flesh to the bones.

"Bucking and gagging" was frequently resorted to. The prisoner was seated on the ground, his wrists firmly tied together and placed over his knees and a stick run under his knees and over his arms at the elbow joints. A stick or "gag" was then placed in his mouth and tied tightly by strings extending back of his head. In this position the sufferer (often a sick man) was kept several hours in the sun. This mode of punishment prevailed at all the prisons, and was inflicted for the most trivial (real or imaginary) offenses.

"Spread eagle," or the "sweating process," was inflicted as follows: The victim was placed upon his back on the ground and his arms and legs extended, in which position he was fastened and left without either food or water. Many who were subjected to this punishment died before the expiration of the sentence.

The "wooden horse" was a high trestle, upon which the prisoner was placed, his hands tied behind him, a gag placed in his mouth, and his legs drawn apart by ropes attached to his ankles and fastened to stakes in the ground. During the winter of 1863-64, at Belle Isle, men were kept on the "wooden horse" until nearly frozen to death.

"Tying up by the thumbs" was, during its continuance, one of the most severe punishments inflicted. The prisoner's arms were elevated, his thumbs tied by strings, and then he was raised up so that his heels would clear the ground, thus bringing a considerable portion of his weight upon his extended arms and thumbs. The victims usually fainted while undergoing this torture. In such cases they were let down until restored to consciousness and then hung up again. This process was continued four or five times in some cases, and in some instances the thumbs of the sufferers became so injured as to require amputation.

CAPTURE OF ESCAPED PRISONERS.

The spirit that prompted weak and emaciated men to undertake and bear the hardships of an escape from prisons, closely guarded, in the heart of the Confederacy, with countless dangers before them from crossing rivers, long journeys among their enemies, without food and almost without clothing, watched by men and hunted by dogs trained alike to their destruction, proves sufficiently the suffering and desperation which accompanied the terrible captivity of our soldiers who were willing to take the almost hopeless risk, which in some cases appeared suicidal and in many resulted fatally.

Prisoners would escape, and sometimes for several days wander in the woods and swamps suffering from hunger and cold, only to be at last discovered by the hounds, attacked, and perhaps severely torn before their masters called them off. When thus recaptured, they were returned to camp, and usually received punishment by the stocks or chain gangs or by being bucked and gagged. As a part of their punishment all medical treatment was denied them when they were suffering from the attacks of the dogs, and frequently the sores caused by wounds thus received became inflamed and gangrene ensued for want of proper treatment, causing the death of the captive.

TREATMENT OF UNION MEN.

Its inspection and the few letters and depositions of Union citizens which your committee have thought useful to publish, will show that a large class of these men were arrested and kept in imprisonment for expressing or being suspected of entertaining Union sentiments, and sometimes for failing to participate actively in the rebellion. In confinement they were treated with especial rigor and cruelty, perhaps on the presumption that there was no power, civil or military, that could demand relief for them or enforce retaliation; that they were, in fact, without the pale of military or civil law. It will enforce the conviction that the malignity and hatred of the rebels were as intense toward their neighbors and fellow citizens as against the Northern soldier captured in arms. Driven from their homes, their houses burned, their property destroyed or stolen, their lands laid waste, they wandered among the hills and mountains or lay concealed in swamps and woods in constant danger from the guerrillas who swarmed on their trail, and at last captured and thrust into prison, they shared the most infamous and cruel treatment to which the prisoners of war were subjected by the rebels.

They were the victims of personal animosity and public vengeance. They were thrust into State jails and penitentiaries, as well the military prisons of the South. Their sufferings were augmented by anxiety for the families from which they had been torn and who were left helpless to the merciless inroads of armed and desperate men. For them there was little hope of exchange, parole, or release, yet true to their love of country, firm in adherence to the government of their fathers, they remained unmoved in their loyalty amidst their sufferings and trials, refusing to take the oath of allegiance to the government which their enemies had set up. When the lives and experiences of these devoted men shall have been written in their country's history, the nation will do them honor and acknowledge with gratitude their services for the cause of the Union.

BRUTALITY AT FORT PILLOW.

It was at Fort Pillow, however, that the brutality and cruelty of the rebels were most fearfully exhibited. The garrison there, according to the last returns received at headquarters, amounted to 19 officers and 538 enlisted men, of whom 262 were colored troops, comprising one batallion of the Sixth United States Heavy Artillery (formerly called the First Alabama Artillery) of colored troops, under command of Maj. I. F. Booth; one section of the Second United States Light Artillery, colored, and one batallion of the Thirteenth Tennessee Cavalry, white, commanded by Maj. W. F. Bradford. Major Booth was the ranking officer, and was in command of the post.

On Tuesday, the 12th of April (the anniversary of the attack on Fort Sumter in April, 1861), the pickets of the garrison were driven in just before sunrise, that being the first intimation our forces there had of any intention on the part of the enemy to attack that place. Fighting soon became general, and about 9 o'clock Major Booth was killed. Major Bradford succeeded to the command, and withdrew all the forces within the fort. They had previously occupied some intrenchments at some distance from the fort and further from the river.

This fort was situated on a high bluff which descended precipitately to the river's edge, the side of the bluff on the river side being covered with trees, bushes, and fallen timber. Extending back from the river on either side of the fort was a ravine or hollow, the one below the fort containing several private stores and some dwellings, constituting what was called the town. At the mouth of that ravine and on the river bank were some Government buildings, containing commissary and quartermaster's stores. The ravine above the fort was known as Cold Creek ravine, the sides being covered with trees and bushes. To the right or below and a little to the front of the fort was a level piece of ground, not quite so elevated as the fort itself, on which had been erected some log huts or shanties, which were occupied by the white troops, and also used for hospital and other purposes. Within the fort tents had been erected, with board floors, for the use of the colored troops. There were six pieces of artillery in the fort, consisting of two 6-pounders, two 12-pound howitzers, and two 10-pound parrots.

The rebels continued their attack, but up to 2 or 3 o'clock in the afternoon they had not gained any decisive success. Our troops, both white and black, fought most bravely, and were in good spirits. The gunboat No. 7 (*New Era*), Captain Marshall, took part in the conflict, shelling the enemy as opportunity offered. Signals had been agreed upon by which the officers in the fort could indicate where the guns would be most effective. There being but one gunboat there, no permanent impression appears to have been produced upon the enemy; for as they were shelled out of one ravine they would make their appearance in the other. They would thus appear and retire as the gunboat moved from one point to the other. About 1 o'clock the fire on both sides slackened somewhat, and the gunboat moved out on the river, to cool and clean its guns, having fired 282 rounds of shell, shrapnell, and canister, which nearly exhausted its supply of ammunition.

The rebels, having thus far failed in their attack, now resorted to their customary use of flags of truce. The first flag of truce conveyed a demand from Forrest for the unconditional surrender of the fort. To this Major Bradford replied, asking to be allowed one hour to consult with his officers and the officers of the gunboat. In a short time a second flag of truce appeared, with a communication from Forrest that he would allow Major Bradford twenty minutes in which to move his troops out of the fort, and if it was not done within that time an assault would be ordered. To this Major Bradford returned the reply that he would not surrender.

During the time these flags of truce were flying, the rebels were moving down the ravine and taking positions from which the more readily to charge upon the fort. Parties of them were also engaged in plundering the Government buildings of commissary and quartermaster stores in full view of the gunboat. Captain Marshall states that he refrained from firing upon the rebels, although they were thus violating the flag of truce, for fear that should they finally succeed in capturing the fort they would justify any atrocities they might commit by saying that they were in retaliation for his firing while the flag of truce was flying. He says, however, that when he saw the rebels coming down the ravine above the fort and taking positions there he got under way and stood for the fort, determined to use what little ammunition he had left in shelling them out of the ravine, but he did not get up within effective range before the final assault was made.

Immediately after the second flag of truce retired, the rebels made a rush from the positions they had so treacherously gained and obtained possession of the fort, raising the cry of "No quarter!" But little opportunity was allowed for resistance. Our troops, black and white, threw down their arms and sought to escape by running down the steep bluff near the fort and secreting themselves behind trees and logs, in the bushes, and under the brush, some even jumping into the river, leaving only their heads above the water, as they crouched down under the bank.

Then followed a scene of cruelty and murder without a parallel in civilized warfare, which needed but the tomahawk and scalping knife to exceed the worst atrocities ever committed by savages. The rebels commenced an indiscriminate slaughter, sparing neither age nor sex, white or black, soldier or civilian. The officers and men seemed to vie with each other in the devilish work. Men, women, and even children, wherever found, were deliberately shot down, beaten, and hacked with sabers; some of the children not more than 10 years old were forced to stand up and face their murderers while being shot; the sick and wounded were butchered without mercy, the rebels even entering the hospital building and dragging them out to be shot, or killing them as they lay there unable to offer the least resistance. All over the hillside the work of murder was going on. Numbers of our men were collected together in lines or groups and deliberately shot. Some were shot while in the river, while others on the bank were shot and their bodies kicked into the water, many of them still living, but unable to make any exertions to save themselves from drowning.

Some of the rebels stood on the top of the hill or a short distance down the side and called to our soldiers to come up to them, and as they approached shot them down in cold blood; if their guns or pistols missed fire, forcing them to stand there until they were again prepared to fire. All around you heard cries of "No quarter," "No quarter," "Kill the damned niggers; shoot them down." All who asked for mercy were answered by the most cruel taunts and sneers. Some were spared for a time, only to be murdered under circumstances of greater cruelty. No cruelty which the most fiendish malignity could devise was omitted by these murderers. One white soldier who was wounded in one leg so as to be unable to walk was made to stand up while his tormentors shot him; others who were wounded and unable to stand were held up and again shot.

One negro who had been ordered by a rebel officer to hold his horse was killed by him when he remounted; another, a mere child whom an officer had taken up behind him on his horse, was seen by Chalmers, who at once ordered the officer to put him down and shoot him, which was done. The huts and tents in which many of the wounded had sought shelter were set on fire, both that night and the next morning, while the wounded men were still in them, those only escaping who were able to get themselves out or who could prevail on others less injured than themselves to help them out; and even some of those thus seeking to escape the flames were met by those ruffians and brutally shot down or had their brains beaten out.

One man was deliberately fastened down to the floor of a tent, face upward, by means of nails driven through his clothing and into the boards under him, so that he could not possibly escape, and then the tent set on fire; another was nailed to the side of the building outside of the fort, and then

the building set on fire and burned. The charred remains of five or six bodies were afterwards found, all but one so much disfigured and consumed by the flames that they could not be identified, and the identification of that one is not absolutely certain, although there can hardly be a doubt that it was the body af Lieutenant Akerstrom, quartermaster of the Thirteenth Tennessee Cavalry, and a native Tennesseean. Several witnesses who saw the remains and who were personally acquainted with him while living have testified that it is their firm belief that it was his body that was thus treated.

These deeds of murder and cruelty ceased when night came on, only to be renewed the next morning, when the demons carefully sought among the dead lying about in all directions for any of the wounded yet alive, and those they found were deliberately shot. Scores of the dead and wounded were found there the day after the massacre by the men from some of our gunboats who were permitted to go on shore and collect the wounded and bury the dead. The rebels themselves had made a pretense of burying a great many of their victims, but they had merely thrown them, without the least regard to care or decency, into the trenches and ditches about the fort, or the little hollows and ravines on the hillside, covering them but partially with earth. Portions of heads and faces, hands and feet, were found protruding through the earth in every direction.

The testimony also establishes the fact that the rebels buried some of the living with the dead, a few of whom succeeded afterwards in digging themselves out, or were dug out by others, one of whom your committee found in Mound City Hospital, and there examined. And even when your committee visited the spot, two weeks afterwards, although parties of men had been sent on shore from time to time to bury the bodies unburied and rebury the others, and were even then engaged in the same work, we found the evidences of this murder and cruelty still most painfully apparent. We saw bodies still unburied (at some distance from the fort) of some sick men who had been met fleeing from the hospital and beaten down and brutally murdered, and their bodies left where they had fallen. We could still see the faces, hands, and feet of men, white and black, protruding out of the ground, whose graves had not been reached by those engaged in reinterring the victims of the massacre, and although a great deal of rain had fallen within the preceding two weeks, the ground, more especially on the side and at the foot of the bluff where the most of the murders had been committed, was still discolored by the blood of our brave, but unfortunate men, and the logs and trees showed but too plainly the evidences of the atrocities perpetrated there.

Many other instances of equally atrocious cruelty might be enumerated, but your committee feel compelled to refrain from giving here more of the heart-sickening details and refer to the statements contained in the voluminous testimony herewith submitted. Those statements were obtained by them from eyewitnesses and sufferers. Many of them, as they were examined by your committee, were lying upon beds of pain and suffering, some so feeble that their lips could with difficulty frame the words by which they endeavored to convey some idea of the cruelties which had been inflicted on them and which they had seen inflicted on others.

How many of our troops thus fell victims to the malignity and barbarity of Forrest and his followers can not yet be definitely ascertained. Two officers belonging to the garrison were absent at the time of the capture and massacre. Of the remaining officers but two are known to be living, and they are wounded and now in the hospital at Mound City. One of them, Captain Potter, may even now be dead. We, the surgeons, when your committee were there, expressed no hope of his recovery. Of the men, from 300 to 400 are known to have been killed at Fort Pillow, of whom at least 300 were murdered in cold blood after the post was in possession of the rebels, and our men had thrown down their arms and ceased to offer resistance. Of the survivors, except the wounded in the hospital at Mound City and the few who succeeded in making their escape unhurt, nothing definite is known; and it is to be feared that many have been murdered after being taken away from the fort.

In reference to the fate of Major Bradford, who was in command of the fort when it was captured and who had up to that time received no injury, there seems to be no doubt. The general understanding everywhere seemed to be that he had been brutally murdered the day after he was taken prisoner.

There is some discrepancy in the testimony, but your committee do not see how the one who professed to have been an eyewitness of his death could have been mistaken. There may be some uncertainty in regard to his fate.

When your committee arrived at Memphis, Tenn., they found and examined a man (Mr. McLagan) who had been conscripted by some of Forrest's forces, but who, with other conscripts, had succeeded in making his escape. He testifies that while two companies of rebel troops, with Major Bradford and many other prisoners, were on their march from Brownsville to Jackson, Tenn., Major Bradford was taken by five rebels—one an officer—led about 50 yards from the line of march, and deliberately murdered in view of all there assembled. He fell, killed instantly by three musket balls, even while asking that his life might be spared, as he had fought them manfully and was deserving of a better fate. The motive of the murder of Major Bradford seems to have been the simple fact that, although a native of the South, he remained loyal to his Government. The testimony herewith submitted contains many statements made by the rebels that they did not intend to treat "home-made Yankees," as they termed loyal Southerners, any better than negro troops.

Mr. GAINES of Tennessee. I can understand that prisoners may have unavoidably suffered from want of food or similar deprivation. But what "torture" was imposed upon them?

Mr. MAHON. There was one prisoner hanged down there.

Mr. GAINES of Tennessee. That may have been by way of punishment. We hang people daily, except Sunday, in time of peace. I am talking about "tortures" inflicted on prisoners.

Mr. MAHON. I am not reflecting upon the gentleman, of course, or implying that he would do anything of this kind; but it is a well-known fact that in the Andersonville prison no physician ever entered that stockade. Men who were confined there for ten or twelve months know this fact. There was not a tent to shelter them from the broiling sun or the beating storms; not a blanket was issued with which they might cover themselves. A little bit of corn bread was hauled in to the prisoners in the morning, and the dead of the prison were loaded, like hogs at a slaughter-house, into the same wagon that brought in the bread and hauled out.

Mr. GAINES of Tennessee. Did the Confederacy have an overflowing treasury with which to buy provisions like the United States now has?

Mr. MAHON. Let me tell the gentleman who had charge of those prisons. He was a confidential, personal friend of Jefferson Davis. He had the superintendence of all these prisons. There were within 10 miles of Andersonville most magnificent springs, the Magnolia Spring and others, as well as fine creeks and rivulets of water, and in those regions camps could have been located where these men could have had at least plenty of good water. But the man who located this camp, who did it deliberately, putting it in that swamp, was Gen. W. R. Winder. I have a letter here which shows that he was the confidential friend of Jeff. Davis. Even Confederate officers, as this report shows, appealed to him time and time again to remove these men to more comfortable quarters, but he refused to do so. I have here an extract from the Richmond Examiner. My friend can tell me what was the politics of that paper; I do not know.

Mr. GAINES of Tennessee. I am waiting for the gentleman to get at the acts of "torture."

Mr. MAHON. When this man left the theater of his crimes through death the Richmond Examiner exclaimed in mingled horror and joy:

It is necessary here to dwell upon this man's character or history at much length. He has passed to his long and last account, leaving behind a name which will seldom be uttered by the lips of any Union prisoner unless associated with thoughts of that fearful retribution which can alone in the dread future furnish an adequate expiation of his crimes against mankind. He had been employed at Richmond as the prison agent of Davis, and his cruelties had become proverbial among all, both rebel and Union. So terrible was his history that when he left the theater of his crimes for Andersonville the Richmond Examiner exclaimed, in its mingled horror and joy: "Thank God that Richmond is at last rid of old Winder! God have mercy upon those to whom he has been sent!"

We shall not dwell upon the career of this wretch. He deserves execration, not history. His long and confidential intercourse with Jefferson Davis would, were it possible, stamp the character of the Confederate chief with double-dyed infamy, as it served to heighten and enlarge the terrible cruelties for which the official head of the rebellion will be held responsible before the civilized and Christian world. As illustrating the justice of the paragraph just quoted from the Richmond Examiner, we submit the following order, issued by this agent of starvation and murder, while in command at Andersonville.

Nobody knew whether he had gone to hell or heaven, but the Richmond Examiner asked for mercy on the people of the place he may have gone to.

Now, I want to read an order which that man issued. Our army was approaching Andersonville. We had sent a column in that direction to rescue these 30,000 men.

[Orders, No. 13.]

HEADQUARTERS CONFEDERATE STATES MILITARY PRISON,
Andersonville, July 27, 1864.

The officers on duty and in charge of the battery of Florida artillery at the time will, upon receiving notice that the enemy have approached within seven miles of this post, open fire upon the stockade with grapeshot, without reference to the situation beyond these lines of defense.

It is better that the last Federal be exterminated than be permitted to burn and pillage the property of loyal citizens, as they will do if allowed to make their escape from prison.

By order of John H. Winder, brigadier-general:

W. S. WINDER,
Adjutant-General.

At the time of this unparalleled and hellish order the maimed prisoners who would have been the victims of its execution numbered more than 30,000 men. This was an order issued when it was ascertained that the Federal army was on the way, and remember that at the date of this order there were 30,000 of these unfortunate men in this prison.

So, if the Federal troops had been so unfortunate as to have gotten within 7 miles of that confederate prison, every man in the prison would have been shot to death under that order.

Mr. NEVILLE. Will the gentleman yield for a question at this point?

Mr. MAHON. Yes; I will yield and try to answer any question.

Mr. NEVILLE. If the people of the North were justly indignant on account of the atrocities committed in Andersonville prison, ought the people not now to be justly indignant on account of the brutality in the Philippine Islands? [Applause on the Democratic side.]

Mr. MAHON. Yes.

Mr. NEVILLE. Then why parade Andersonville prison as an excuse?

Mr. MAHON. And whenever the United States Government under the Republican party permits such outrages to be perpetrated, even to the one-hundredth part, the people of this country should sweep them out of power from the Presidential chair down to the lowest office in a county. [Applause.]

Mr. RICHARDSON of Tennessee. Will the gentleman yield for a question.

Mr. MAHON. Yes.

Mr. RICHARDSON of Tennessee. I would like to ask the gentleman if he does not know it is true that while those prisoners he speaks of were subjected to all the punishment that goes with confinement of prisoners in war, there was a standing proposition from the Confederate authorities at the time the prisoners at Andersonville were suffering the most to exchange man for man?

Mr. MAHON. Yes.

Mr. RICHARDSON of Tennessee. And officer for officer with the Federal authorities, and if the proposition of the Confederate authorities did not stand rejected for months?

Mr. MAHON. Yes.

Mr. RICHARDSON of Tennessee. While these deaths were occurring?

Mr. MAHON. Yes; and the gentleman, who was a Confederate officer, if he reads the history he will find this statement to be true: Our men in rebel prisons had been starved; they were emaciated and some of them were maniacs.

Mr. RICHARDSON of Tennessee. Yes.

Mr. MAHON. And out of the 65,000 men held in rebel prisons there were not 3,000 of them that could come back to the Northern Army and handle a musket, and the gentleman knows it.

Mr. RICHARDSON of Tennessee. I would ask the gentleman, further, if the Federal authorities were not notified that the Confederacy did not have medicines, that they were not prepared, on account of the blockade, to take care of even their own soldiers, and notwithstanding that, if the Federal authorities did not refuse to exchange man for man and officer for officer? I assert that is true.

Mr. MAHON. They made that offer when they held 65,000 of our men who were absolutely unfit for military duty at the time they made the offer or ever afterwards, and the proposition came to this Government to hand you back an army of 72,000 Confederate prisoners who were in the prisons of the North, able-bodied, hale men, so that you might strengthen your Confederate Army with 72,000 men who were able to do military service, and you give us in return 65,000 men that would never again be able to do service.

Mr. RICHARDSON of Tennessee. But surely the gentleman will not admit that he was not willing to give an able-bodied man for a sick man? Will the gentleman say that?

Mr. MAHON. Just wait until I am through. [Laughter on the Democratic side.] You were kind enough to make the offer after you had deliberately, I say, starved these men to the verge of death, left them out in the rain without shelter and without blankets; and when they were in this condition, near the close of the war, when Grant was pushing the Confederate armies to the wall and victory was perching upon the Union banners, the Confederate authorities were willing then to exchange and have us give them fresh recruits, and the President and the War Department after long deliberation, believing the war was near an end, declined the offer and allowed them to remain there.

Mr. RICHARDSON of Tennessee. How do you account for the fact that more Confederate prisoners died in Northern prisons than Union prisoners died in Southern prisons?

Mr. MAHON. There were more of them.

Mr. RICHARDSON of Tennessee. You reported captures of men who never went to prison, but of those who went to prison and stayed in Northern prisons a larger per cent died than of Union men who went to Southern prisons.

Mr. GROSVENOR. That is not true. That statement can not be proved.

Mr. MAHON. That is not true.

Mr. RICHARDSON of Tennessee. That is true, and the record shows it.

Mr. GROSVENOR. I beg your pardon.

Mr. MAHON. I will put into the CONGRESSIONAL RECORD the official report to show that it is not correct.

Mr. RICHARDSON of Tennessee. We have them right here now.

Mr. BARTLETT. Will the gentleman yield?

Mr. MAHON. No, I will not. I have the official records here. I do not know where you got yours.

Mr. BARTLETT. I got mine from Surgeon-General Barnes, and from the official report of the investigation that was made.

Mr. MAHON. I got mine from the published reports.

Mr. RICHARDSON of Tennessee. I never heard that fact denied before.

Mr. BARTLETT. It can not be successfully denied.

Mr. MAHON. I am referring to this criticism of the American Army on account of a few black Filipinos. I believe some soldiers took a white pony from a little Filipino boy, and burned a few shacks or houses that probably were not worth a hundred dollars.

Mr. KAHN. They were worth about $30 apiece.

Mr. MAHON. I hold in my hand a report which shows that Frederick Wild, an officer of the Thirteenth Infantry, has been court-martialed for the burning of a cockpit at some place in the island of Luzon. Here is an officer of the American Army who has been court-martialed and convicted of the offense of burning a cockpit where the Filipinos fight chickens. I would burn all the cockpits in the island if I had my way. Now, let me tell you something about burning, something that I know about personally.

Mr. JONES of Virginia. I congratulate the gentleman if he is going to do that.

Mr. MAHON. We have heard a great deal about burning of these shacks, worth a few dollars apiece. We have heard a great deal about taking ponies and horses. We have heard a great deal about taking a small amount of personal property. Now, I am not referring to these matters to reflect in any way upon the Confederate soldiers who were in the field. No man in this House has greater admiration for them than I have. They were brave men. They were not always responsible for what their officers in the rear did. I have in my pocket an order that I am going to refer to. In the war of the rebellion I, with a hundred other young men, left my native city, a small place of 5,000 inhabitants, situated in the Cumberland Valley. It is known as the Queen City of the Cumberland Valley. In 1864 that city was burned. Now, Mr. Chairman, I want to state that in 1863, about twenty-five days before the battle of Gettysburg, when Meade's army and our soldiers were away down here in Virginia somewhere, one morning about 6 o'clock, while our little city was filled with women and children—a large percentage of the men were away in the war—a Confederate cavalry officer, General Jenkins, approached the town while its citizens were in bed——

Mr. GROSVENOR. What town was that?

Mr. MAHON. The town of Chambersburg. At 6 o'clock in the morning this officer planted a battery upon the hill overlooking the town, and without notice to a living soul in it, without even sending in a flag of truce, opened his guns upon those sleeping women and children.

Mr. NEVILLE. Will the gentleman yield to a question?

Mr. MAHON. Yes.

Mr. NEVILLE. Since the people of the South are assisting the people of the North in behalf of the Administration in the war in the Philippine Islands, what is the object in raking up old scores to especially smirch the South? [Applause on the Democratic side.]

Mr. MAHON. I am simply doing it to show that even in this highly civilized and Christianized country, as old General Sherman said, "War is hell," and these little picayune, peanut affairs that you gentlemen on that side are talking about, which are incidental to the war in the Philippines, are nothing in comparison with things that have happened in this country in the way of atrocities and unbridled license and vandalism.

Mr. GAINES of Tennessee. Will the gentleman yield for a question?

Mr. MAHON. No; I have no time. The gentleman may ask his question after a while. On the 30th of July, 1864, a year after the battle of Gettysburg, this same city that had been shelled on the previous occasion that I have referred to was approached by a body of Confederate cavalry under General McCausland at daybreak at a time when there was not a Union soldier within a hundred miles of the place. It was not a defended town, there were no fortifications or guns there. It was an agricultural city, with merchants attending to their business and the farmers tilling the soil around them. The city was approached by Confederate troops under orders, and I have the official order here, issued by General Early. It shows how our friends on the other side could retaliate. The order reads as follows:

HEADQUARTERS ARMY OF VIRGINIA, *July 25, 1864.*

Instructions for Generals McCausland and Johnson: Cross your brigades at McCoys Ferry or Clearspring, and then proceed to Hagerstown, and from there to Chambersburg. At Chambersburg levy $100,000 gold or $500,000 in Northern money to pay for the houses of Andrew Hunter, Alexander R. Boteler, Edmund Q. Lee, of Jefferson County, Va., which were burned by order of the Federal military authorities; and if the money is not paid, burn the entire town as a retaliation for the burning of these houses and others in the State of Virginia by Federal authorities. Burn the depots at Chambersburg.

Now, Mr. Chairman, General McCausland sent Colonel Peters, of the Twenty-first Confederate Cavalry, into the town. Colonel Peters received his orders to burn the town. On the back of it he wrote this: "I did not enlist in the Confederate Army to fight defenseless women and children and burn them out of their homes, and I deliberately refused to enforce this order." [Loud general applause.] Signed by Colonel Peters, a gallant Confederate officer. Another regiment was sent hurriedly in its place, when all the people of that city were in their beds and perhaps not half a dozen knew that the Confederates were across the Potomac. With fagot and torch, soaked in kerosene, they set fire to houses, and within an hour the city was aflame, and in less than two hours 5,000 women and children and men were on the hills, homeless, and without clothing, except their night clothing. Mr. Chairman, the mother with a baby but an hour old was carried from her home which was on fire; the man who was at death's door was carried out of the house that was in flames. The dead had to be carried out. Now, that order was deliberately issued.

Mr. RICHARDSON of Tennessee. Who issued that order? I did not hear who the gentleman said issued it.

Mr. MAHON. It was issued by General Early. I have read a copy of the official order.

Mr. RICHARDSON of Tennessee. What is the date of that order?

Mr. MAHON. July 25, 1864.

Mr. Chairman, in less than one hour millions of dollars' worth of private homes were swept out of existence, and 5,000 defenseless women and children were upon the hills simply as retaliation for the burning of a few houses in the Shenandoah Valley by order of Federal authority.

Mr. CURRIER. Only two are mentioned.

Mr. MAHON. Two or three. This order mentions but three houses. I suppose there were more.

Mr. RICHARDSON of Tennessee. What is the date of that order? I did not hear.

Mr. MAHON. It is dated headquarters, July 25, 1864.

Mr. RICHARDSON of Tennessee. It was done in July.

Mr. LOUD. That was long before the burning in the Shenandoah Valley.

Mr. MAHON. That was before the burning in the Shenandoah Valley. That followed. Now, Mr. Chairman, I simply relate this piece of vandalism. It was nothing but vandalism. It has never been equaled in warfare by the barbarians of the Dark Ages. Why, Mr. Chairman, if we were to go on burning in the Philippine Islands for the next twenty years or the next forty years at the rate the other side charge us with doing, there would not be one-tenth of the property destroyed that there was destroyed by the Confederate Army in Chambersburg in one hour.

Mr. GAINES of Tennessee. Does the gentleman think that we will have to "burn" that long in the Philippines before we conquer those people?

Mr. MAHON. I think you would have to do it to burn up three millions of property.

Mr. HULL. They could not do more if they were to burn a hundred years.

Mr. GAINES of Tennessee. It would be a good thing for the lumber interests over there.

Mr. MAHON. I have referred to this history to refresh the memories of gentlemen on the other side of the House. If any gentleman in this House or any citizen of this country will take this document and read it over and examine the evidence and see the condition of affairs we had in this country during the civil war, when he gets up to talk about a man in the Regular Army burning a thing down there—what do you call it, a cockpit?—down in the Philippine Islands, and burning down a few shacks, I do not think we would hear the speeches made on the other side that we do hear. Now, war may be war, Mr. Chairman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAHON. Give me another minute.

Mr. COOPER of Wisconsin. I give the gentleman the balance of the time until 5 o'clock.

Mr. MAHON. Now, Mr. Chairman, I have read of these irregularities, getting them from the papers and as printed at the War Department. There never was a war since the days of creation, and never will be, but some irregularities will happen. Men will forage and plunder; the best disciplined army will have a few men in it guilty of outrages. I want to say this to my friends on the other side. These things that I have read to you, whether you could have prevented them or not, I do not know, but I simply called your attention to them.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I want to say to the gentleman that we on this side accept this with all proper humility. But why does not the gentleman lecture his colleague [Mr. SIBLEY], who made the first talk in this matter?

Mr. MAHON. I do not go to Brother SIBLEY's school; I go to another teacher. [Laughter.]

Now, Mr. Chairman, I agree with the gentleman from Ohio [Mr. GROSVENOR]. I want to say to you gentlemen from the Southland that you are born fighters. No braver men can be found anywhere under God's bright sun than you gentlemen that come from the South. So it is in the Northland. We come of one blood, we are one flesh, and we might say that we are not only fighters, but we are educated fighters. We might give it another term and say we are civilized fighters. We fight for Old Glory, our flag, "every step of whose progress has been toward some Sinai of human hope and human happiness," and upon its fair folds not a blot appears.

Some of the boys in the Philippines are from the Southland as well as from the North. They are American soldiers, carrying the American flag, upholding the sovereignty of the United States, and when the history of our soldier boys is written, and when the historian has had time to tell of their deeds of hardship and valor under a tropical sun, when we read it we will all be proud of the boys we had in the Philippine Islands from the Southland and Northland. There is no better army anywhere in this wide world to-day than the American Army fighting under our flag. [Applause.]

I want to say further, Mr. Chairman, that as a Republican I do not fear the assaults on our Army by the Democratic leaders. The American people are true to the boys who wear the American uniform. [Applause.] You may attack them as much as you please. I wish this debate was not so late in the session, that it could be protracted for a month, and give you full time to uncover your demagoguery. You gentlemen will find in the great West, in the Northwest, and in the East, when we go upon the hustings to get control of this House again and to manage its affairs, you will find the voters will stand by the boys that wear the blue uniform, and will return a Republican majority in this Congress to defend them in the future as they have in the past. [Loud applause on the Republican side.]

Mr. VANDIVER. Will the gentleman allow me a question?

Mr. MAHON. Yes.

Mr. VANDIVER. I want to ask the gentleman if in all his search in the records of the civil war and the barbarities of civilized warfare he has ever found an instance where on either side helpless prisoners were tortured for the purpose of extorting information?

Mr. MAHON. Yes.

Mr. GROSVENOR. It is a common occurrence in every war.

Mr. MAHON. If the gentleman who controls the time can give me ten minutes more time, I will show you hundreds of cases in the South where those who sympathized with the United States Government were abused and tortured.

Mr. RUMPLE. Will the gentleman from Pennsylvania permit me?

Mr. MAHON. Certainly.

Mr. RUMPLE. I know personally of threats, presentation of revolvers at the heads of soldiers, being threatened with death at the point of the revolver, that unless they did give information they would be shot down. That was done in the Mississippi Valley. I was present.

Mr. MAHON. If I had time I could show the gentleman other cases.

Mr. STEELE. There was a little bit of that at Fort Pillow, was there not?

Mr. MAHON. I have a case now under my eye where a judge of a United States court in the State of Mississippi was concerned. It grew out of the feeling of the war. It grew out of hate that war always engenders, and he was shot down on his porch in the presence of his wife and children by Confederate cavalrymen who were away from their command, and probably if the colonel had known of it he would have shot them.

Mr. VANDIVER. I can readily understand how cases of retaliation might occur on either side during war; but the practice of torture for the purpose of securing information or confession has always been condemned by civilized people.

Mr. MAHON. Were you a Confederate officer?

Mr. VANDIVER. No, sir.

Mr. MAHON. If you were such an officer, or if you were familiar with the history of the war as known to your own people, you might hold a different view. Probably you thought it justifiable down there to attack men who were supposed to hold or who did hold and perhaps openly proclaimed Union sentiments. You ought to know that cruelties were inflicted on those people.

Mr. VANDIVER. I have some recollection——

Mr. MAHON. I will say that I was in the Army, and consequently was absent from the North during a considerable period of the war; but I confess that if I had been at home in the North I would have been ready to take a copperhead and throw him out of the window; and it would not have taken very much to have tempted me to put some of those copperheads of the North under torture—water cure—to keep them from talking.

The CHAIRMAN. The hour of 5 o'clock having arrived, the Committee of the Whole under the rules of the House must rise.

The committee rose; and the Speaker having resumed the chair, Mr. GILLETT of Massachusetts reported that the Committee of the Whole House on the state of the Union having had under consideration Senate bill No. 2295 had come to no resolution thereon.

ARMY APPROPRIATION BILL.

Mr. HULL. I submit a conference report, with the statement of House conferees, on the Army appropriation bill, in order that it may be put in the RECORD.

The report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12804) making appropriations for the support of the Army for the fiscal year ending June 30, 1903, and for other purposes, having met, after a full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 18, 20, and 21.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 7, 8, 9, 10, 11, 16, 17, 19, 22, 24, and 25, and 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 the matter inserted by said amendment; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Strike out the word "all," in line 4, page 22 of the bill, and insert in lieu thereof the following: "and an inspection;" and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert "promptly;" and the Senate agree to the same.

On the amendments of the Senate numbered 14 and 15 the committee of conference have been unable to agree.

J. A. T. HULL,
A. B. CAPRON,
JAMES HAY,
Managers on the part of the House.

REDFIELD PROCTOR,
J. B. FORAKER,
F. M. COCKRELL,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. 12804) making appropriations for the Army for the fiscal year ending June 30, 1903, report:

Amendments Nos. 1 and 2 simply change the names of military schools; and same are agreed to by House.

No. 3 gives to officers in the Regular Army the benefit of service in the Volunteer Army in computing leaves of absence; and amendment is agreed to.

No. 4 provides additional tests before men from the ranks can be commissioned; and Senate recedes.

No. 5 relates to detail, and makes explicit that officers detailed shall not serve beyond the age of retirement; and House agrees to same.

No. 6 relates to restoration of retired officers to active service, and it is agreed to by striking out all in regard to such proposed legislation and let the law remain as now.

No. 7 relates to promotion of ordnance storekeeper on retirement; and House agrees to same.

No. 8 relates to retired longevity pay; and House recedes.

Nos. 9 and 10 relate to increased pay of officers serving outside of United States proper; and House agrees to same.

No. 11 gives enlisted men of Regular Army credit for time served in volunteer organizations; and House agrees to same.

No. 12 relates to inspection of horses; and House agrees to same, with an amendment providing for an inspection under the direction of Secretary of War.

No. 16 relates to post exchanges; and House agrees to same.

No. 17 relates to building sites in Philippine Islands; and House agrees to same.

No. 18 relates to battlefield at Balls Bluffs; and Senate recedes.

No. 19, punctuation; House recedes.

No. 20 increases the appropriation for Medical Department; and Senate recedes.

No. 21 provides for paying medical bills of regular and volunteer soldiers on furlough; Senate recedes.

No. 22 gives Medical Department right to get instruments repaired without advertising; and House agrees to same.

No. 23 relates to reports; and House agrees to same, with amendments striking out "immediately" and inserting "promptly."

No. 24 provides for barracks for engineers' school; and House agrees to same.

Nos. 13, 14, and 15 not in conference.

J. A. T. HULL,
A. B. CAPRON,
Managers on the part of the House.

NAVAL APPROPRIATION BILL.

Mr. FOSS. I submit a conference report, with accompanying statement of House conferees, on the naval appropriation bill, in order that they may be printed in the RECORD and lie over. I give notice that to-morrow I will call up this report for consideration.

The report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14046) making appropriations for the naval service 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 6, 10, 11, 22, 35, 41, 44, 48, 49, 59, 60, 63, 65, 66, 67, 69, and 78.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 8, 14, 15, 16, 17, 18, 19, 20, 28, 31, 32, 33, 34, 36, 42, 45, 51, 53, 54, 55, 62, 68, 70, 71, 72, 73, 74, 75, 79, 80, 81, 83, 84, 85, 86, 87, and 90, and agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Including the purchase of necessary land, $640,000: *Provided*, That the accounting officers of the Treasury Department are hereby authorized and directed to allow, in the settlement of the accounts of disbursing officers of the Government, all expenditures heretofore made for land purchased for use as naval coal depots," and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter stricken out insert the following: "One clerk in charge of distribution of books, at $1,200;" and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the following: "$31,402.52;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "to complete building No. 19, $60,000; extension to dispensary building, $1,500;" and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Condemnation of land adjacent to the Norfolk Navy-Yard: The Secretary of the Navy be, and he is hereby, authorized, in his discretion, to cause to be commenced, within three months after the passage of this act, proceedings for the condemnation of the following tract of land, or so much thereof as he may deem necessary, for the use of the United States for the Norfolk Navy-Yard and for other naval purposes, namely, the tract of land known as the Schmolles property, containing some 272.4 acres, more or less, in Norfolk County, Va., and adjacent to the Norfolk Navy-Yard, under the act of Congress approved August 1, 1888, entitled 'An act to authorize the condemnation of lands for sites of public buildings, and for other purposes,' and other laws of the United States, so as to completely vest in the United States the title of said land. And all such proceedings shall be reported to Congress at its next session by the Secretary of the Navy."

And the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "to complete purchase of land heretofore condemned and partially appropriated for, $25,950;" and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Publication of the American Ephemeris and Nautical Almanac: Hereafter there shall be published of the American Ephemeris and Nautical Almanac 2,500 copies, 500 of which shall be for the use of the Senate, 1,000 for the use of the House of Representatives, and 1,000 for distribution or sale by the Navy Department."

And the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: On page 64 strike out lines 5, 6, and 7 and insert in lieu thereof the following:

"In all, pay Marine Corps, $1,831,129.23."

[MEMORANDUM.—This instead of a straight recession, so as to allow change of total pay of Marine Corps (p. 64 of blue print, p. 75 of regular bill), which is not numbered.]

And the Senate agree to the same.

On amendments numbered 1, 7, 9, 13, 24, 25, 26, 37, 38, 39, 40, 43, 46, 47, 52, 56, 57, 58, 61, 64, 76, 77, 88, 89, 91, 92, and 93 the committee of conference have been unable to agree.

GEORGE EDMUND FOSS,
ALSTON G. DAYTON,
ADOLPH MEYER,
Managers on the part of the House.

EUGENE HALE,
GEO. C. PERKINS,
B. R. TILLMAN,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14046) making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report on each of the amendments of the Senate, viz:

On Nos. 2, 3, 53, 68, 70, 71, 73, 74, 75: Changes name of naval cadets to that of midshipmen.

On No. 4: Authorizes the accounting officers of the Treasury, as proposed by the Senate, to allow in the settlement of the accounts of disbursing officers payments under the appropriation of emergency fund to civilian employees doing duty at naval stations in our insular possessions during the coming fiscal year and until such time as Congress shall make specific appropriation for the pay of such employees.

On No. 5: Authorizes the Secretary of the Navy, as proposed by the Senate, to pay all civilian employees in our insular possessions a per diem compensation corresponding to their pay while actually employed from the date of their sailing from the United States and while returning to the United States.

On No. 6: Strikes out the appropriation of $13,975, as proposed by the Senate, for renting, heating, and lighting an additional building.

On No. 8: Directs the Secretary of the Navy, as proposed by the Senate, to appoint a board of naval officers to select a site for a naval training station on the Great Lakes and make report to Congress of its action, and to defray the expenses of said board appropriates $5,000.

On No. 10: Strikes out the appropriation of $1,400 for a clerk at Cavite, P. I., as proposed by the Senate.

On No. 11: Reduces the total appropriation under the civil establishment of the Bureau of Ordnance by $1,400, as proposed by the Senate.

On No. 12: Inserts the provision enabling the Secretary of the Navy to purchase necessary land for coal depots, $640,000, and authorizes the accounting officers of the Treasury to allow all expenditures heretofore made for land purchased for use as naval coal depots out of said appropriation, as proposed by the Senate, but strikes out the provision, as proposed by the Senate, for a reappropriation of unexpended balances made for the establishment of naval coal depots.

On No. 14: Appropriates $200, as increase to the salary of one clerk at the navy-yard, Portsmouth, N. H., as proposed by the Senate.

On No. 15: Corrects the total of paragraph by said amount.

On Nos. 16, 17, and 18: Changes the form of expression of two writers, as proposed by the Senate, but does not increase the appropriation.

On Nos. 19 and 20: Changes form of expression, as proposed by the Senate, but does not change the appropriation.

On No. 21: Inserts one clerk in charge of distribution of books, at $1,200.

On No. 22: Changes the total of said paragraph to correspond with above increase.

On No. 23: Changes the total appropriation in the civil establishment, Bureau of Equipment, to conform to the above increase.

On No. 27: Appropriates $60,000 for the completion of building No. 19, and $1,500 for an extension to dispensary building in New York Navy-Yard.

On No. 28: Changes totals in appropriations for New York Navy-Yard in accordance with the above.

On No. 29: Authorizes the Secretary of the Navy in his discretion to condemn a certain tract of land, or so much thereof as may be necessary, adjacent to the Norfolk Navy-Yard and to report such proceedings to the next session of Congress.

On No. 30: Appropriates $25,950 to complete the purchase of land already condemned and partially appropriated for at Key West, Fla.

On No. 31: Changes the totals in appropriations for naval station at Key West, Fla.

On Nos. 32 and 33: Increases the appropriation from $2,000 to $4,000, or so much as may be necessary, as proposed by the Senate, for additional land at the navy-yard, Puget Sound, Washington.

On No. 34: Changes the totals in appropriations for navy-yard, Puget Sound, Washington, to conform to above.

On No. 35: Strikes out unnecessary language, as proposed by the Senate.

On No. 36: Changes form of expression, as proposed by the Senate.

On No. 41: Strikes out appropriation of $150,000 for improving harbor of San Luis d'Apra, island of Guam, as proposed by Senate.

On No. 42: Inserts caption, "Plans and specifications for public works," as proposed by the Senate.

On No. 44: Strikes out appropriation of additional $100,000 for naval hospital, Naval Academy, as proposed by the Senate.

On No. 45: Inserts provision, as proposed by the Senate, permitting the Secretary of the Navy, in his discretion, to continue improvements at the Naval Academy, either by contract or by day labor, or both, as he may deem necessary for the best interests of the Government.

On No. 48: Strikes out additional appropriation of $5,000 for Naval Observatory, as proposed by the Senate.

On No. 49: Strikes out appropriation of $2,000 for expenses of board of visitors to the Naval Observatory, as proposed by the Senate.

On No. 50: Authorizes an increase of 1,000 copies of the American Ephemeris and Nautical Almanac for the use of the Senate and House of Representatives and Navy Department, as proposed by the Senate.

On No. 51: Authorizes appropriation of $30,000, as proposed by the Senate, for repairs and improvements on buildings and construction of a contagious disease hospital at Mare Island, Cal.

On Nos. 54 and 55: Insert the word "each," as proposed by the Senate, a verbal omission.

On No. 59: Strikes out appropriation of $3,800, as proposed by the Senate, for clerks at naval station, Cavite, P. I.

On No. 60: Strikes out increase in total appropriations, as proposed by the Senate, civil establishment, Bureau of Construction and Repair.

On No. 62: Inserts provision, as proposed by the Senate, allowing appropriation for incidental expenses to be applied to the Bureau.

On No. 63: Strikes out appropriation of $1,000, as proposed by the Senate, for contingencies, drawing materials, and instruments for the drafting room of the Bureau of Steam Engineering.

On No. 65: Strikes out appropriation of $1,200, as proposed by the Senate, for one writer at naval station, Cavite, P. I.

On No. 66: Strikes out the increase in total appropriations, as proposed by the Senate, for naval establishment, Bureau of Steam Engineering, to conform to the above.

On No. 67: Strikes out appropriation for $1,000 for an assistant librarian at Naval Academy.

On No. 69: Strikes out increase in total appropriations, as proposed by the Senate, for Naval Academy to conform to above.

On No. 72: Inserts a provision, as proposed by the Senate, for extending the use of the appropriation of $3,000 for clerk hire, carriages, and other incidental and necessary expenses of the Board of Visitors at Naval Academy.

On No. 78: Strikes out increase in totals of appropriations for Naval Academy, as proposed by the Senate.

On No. 79: Restores sections 8, 9, and 10 of the act approved March 3, 1899, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States."

On No. 80: Inserts a provision that the present Commandant of the Marine Corps shall have the rank, pay, and allowance of a major-general in the Army, but this shall not extend to his successor or successors.

On No. 81: Increases the appropriation, as proposed by the Senate, for the pay of noncommissioned officers, musicians, and privates, and for the expenses of clerks of the United States Marine Corps from $1,112,548 to $1,236,028.

On No. 82: Adds to the enlisted force of the Marine Corps now authorized by law, as proposed by the Senate, 10 gunnery-sergeants, 40 sergeants, 60 corporals, 10 drummers, 10 trumpeters, and 620 privates.

On No. 83: Increases the appropriation for "Provisions, Marine Corps," as proposed by the Senate, from $396,071.50 to $445,071.50.

On No. 84: Increases the appropriation for "Clothing of the Marine Corps" from $40,000 to $82,000.

On No. 85: Increases the appropriation for "Military stores," as proposed by the Senate, from $40,297 to $50,297.

On No. 86: Increases the appropriation for "Transportation and recruiting the Marine Corps," as proposed by the Senate, from $100,000 to $110,000.

On No. 87: Increases the appropriation for "Contingent, Marine Corps," as proposed by the Senate, from $91,700 to $103,700.

On No. 90: Inserts a provision as proposed by the Senate:

"All contracts of the Carnegie Steel Company, Limited, heretofore made between it and the United States, shall be completed by its successor—the Carnegie Steel Company or its lawful successor—which has acquired and assumed, or may acquire and assume, all of its assets and all of its liabilities under the said contracts. And the said Carnegie Steel Company, or its lawful successor, upon giving security in proper form and amount, conditioned for the performance by it of the said contracts according to the true intent and meaning thereof, shall be substituted therein for the said Carnegie Steel Company, Limited, and be entitled to exercise all rights thereunder which the said Carnegie Steel Company, Limited, had or would have had if it had continued in existence."

The committee of conference have been unable to agree on the following amendments, viz:

On No. 1, relating to total appropriation for the pay of the Navy.

On Nos. 7 and 13, relating to the "Maintenance of colliers," as to whether this provision should be under the jurisdiction of the Bureau of Navigation or the Bureau of Equipment.

On No. 9, as to whether the unexpended balances remaining in the Treasury on June 30, 1902, from the appropriation for "Ordnance and ordnance stores, 1900, or so much thereof as may be necessary," should be reappropriated for expenditure in the fulfillment of contracts heretofore made and properly chargeable to said appropriation,

On No. 24, as to the increase in the corps of civil engineers.

On Nos. 25 and 26, as to an appropriation of $500 for making an examination concerning the furnishing water supply of Portsmouth Navy-Yard, and an appropriation of $200,000 toward the removal of Hendersons Point, near said navy-yard.

On Nos. 37, 38, 39, and 40, as to appropriations to the amount of $657,300 for naval station at Charleston, S. C.

On No. 43, as to total appropriations in all for public works, Bureau of Yards and Docks.

On No. 46, as to the appropriation of $100,000 for the construction of a building for Bureau of Equipment at Pensacola Navy-Yard.

On No. 47, as to the total appropriation for public works, Bureau of Ordnance.

On No. 52, as to the increase in the corps of surgeons.

On No. 56, as to an appropriation of $2,000 for one bookkeeper and one clerk at Pensacola Navy-Yard.

On No. 57, as to increase in total appropriations for civil establishment, Bureau of Supplies and Accounts.

On No. 58, as to the increase in the Pay Corps.

On No. 61, as to the increase in the corps of naval constructors.

On No. 64, as to an appropriation of $200,000 toward the construction of an experimental station and testing laboratory in the department of marine engineering and naval construction at Annapolis.

On No. 76, as to an increase in the corps of midshipmen at the Naval Academy.

On No. 77, as to a provision authorizing all examinations for admission to the Naval Academy to be held at Annapolis.

On No. 88, as to an appropriation of $1,500 for improvements at the marine barracks, navy-yard, Boston.

On No. 89, as to changes in the amount of total appropriations for public works, Marine Corps.

On No. 91, as to "Increase of the Navy" and the method of construction of new ships authorized, whether they shall be built by contract or some in Government navy-yards, or the whole subject be left within the discretion of the Secretary of the Navy.

On No. 92, as to the provision requiring the Secretary of the Navy to contract for five more Holland torpedo boats at a cost of $170,000 each, after the acceptance of one of said boats now being built for the Government.

On No. 93, as to a provision authorizing the Secretary of the Navy to have tested any completed submarine boats or boats other than the *Holland* type, and purchase, in his discretion, one of the same, if found to be equal or superior to the best submarine torpedo boat then in use in the Navy, at a price not to exceed $170,000.

The bill as passed by the Senate appropriated $79,351,238.13, being an increase of $1,731,325 over the amount carried as it was passed by the House. Of this sum the committee of conference recommend that $179,375 be stricken out and that $371,130 be agreed to.

GEORGE EDMUND FOSS,
ALSTON G. DAYTON,
ADOLPH MEYER,
Managers on the part of the House.

AMERICAN CITIZENS DETAINED BY BRITISH AUTHORITIES AS PRISONERS OF WAR.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

I transmit herewith a report from the Secretary of State in response to the resolution of the House of Representatives of June 9, 1902, requesting him, if not incompatible with the public interests, to furnish the House of Representatives with a complete list showing the names of all American citizens (and their residence) who are now detained by the British authorities as prisoners of war, together with information as to what investigation, if any has been made by the State Department concerning the cause of their detention and what action has been taken to secure their release.

THEODORE ROOSEVELT.

WHITE HOUSE, *June 23, 1902.*

EPHRAIM H. GALLION.

The SPEAKER also laid before the House a message from the President of the United States, which was read as follows:

To the House of Representatives:

I return herewith, without approval, House bill No. 3309, entitled "An act to remove charge of desertion against Ephraim H. Gallion."

The bill authorizes and directs the Secretary of War to remove the charge of desertion standing against Ephraim H. Gallion, late of Company B, Eleventh Regiment of Tennessee Cavalry, as he was never mustered into the United States Service, which was not his fault or neglect, and was refused any pay for his service period.

The records of the War Department show that he was enrolled April 21, 1862, as a private of Company B, Sixth Tennessee Infantry Volunteers; that he was a prisoner of war from September 18 to October 11, 1862; that he was discharged from service on surgeon's certificate of disability February 13, 1863; that he again enlisted August 27, 1863, as a private in Company B, Eleventh Tennessee Cavalry, to serve three years; that he was again captured by the enemy and held as a prisoner of war from March 9 to March 21, 1864, when he was paroled. He subsequently rejoined his company and served with it until September 4, 1864, when he deserted. No later record of him has been found.

While the records of the Eleventh Tennessee Cavalry are incomplete, and it is impossible to ascertain from them whether Gallion was formally mustered into service as a member of it or not, they show conclusively that he was actually made a soldier in this regiment by being placed on duty in it, and by being clothed and paid by the United States as a soldier.

In an affidavit submitted by Gallion, it is declared that he never received any moneys during his service as a member of the Eleventh Tennessee Cavalry. A pay roll on file in the office for the Auditor for the War Department shows that on May 13, 1864, at Camp Chase, Ohio, Gallion received from a United States paymaster $105.73, being his pay, at the rate of $13 per month, for eight months and four days from the date of his enlistment.

In view of the facts above set forth I am constrained to withhold my approval.

THEODORE ROOSEVELT.

WHITE HOUSE, *June 23, 1902.*

Mr. HULL. I move that this message with the accompanying documents be referred to the Committee on Military Affairs and be ordered to be printed.

The motion was agreed to.

ENROLLED BILL SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examened and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 13676. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1903, and for other purposes.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER also, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 3641. An act for the allowance of certain claims for prop-

erty taken for military purposes within the United States during the war with Spain, reported by the Secretary of War in accordance with the requirements of an item contained in sundry civil appropriation act approved June 6, 1900, authorizing and directing the Secretary of War to investigate and adjust claims against the United States for private property taken and used in the military service within the limits of the United States, etc.;

H. R. 9723. An act correcting the record of Levi Wells;

H. R. 11725. An act to amend section 4139 and section 4314 of the Revised Statutes;

H. R. 9870. An act to correct the military record of Reinhard Schneider;

H. R. 3442. An act to correct the record of John O'Brien;

H. R. 4636. An act to authorize the Secretary of the Treasury to adjust the accounts of Morgan's Louisiana and Texas Railroad and Steamship Company for transporting the United States mail;

H. J. Res. 200. Joint resolution amending "An act 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," approved June 6, 1902;

H. R. 15004. An act to authorize the Minneapolis, Superior, St. Paul and Winnipeg Railway Company, of Minnesota, to build and maintain a railway bridge across the Mississippi River; and

H. R. 13204. An act to provide for refunding taxes paid upon legacies and bequests for uses of a religious, charitable, or educational character, for the encouragement of art, etc., under the act of June 13, 1898, and for other purposes.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SELBY, indefinitely, on account of sickness.

To Mr. McLAIN, indefinitely, on account of sickness.

To Mr. HENRY of Mississippi, indefinitely, on account of important business.

PRESIDING OFFICER AT EVENING SESSION.

The SPEAKER. The Chair designates as Speaker pro tempore at the session of the House this evening the gentleman from Iowa, Mr. CONNER.

LEAVE TO PRINT.

Mr. GAINES of Tennessee. I ask unanimous consent to place in the RECORD the proclamation of Governor Claiborne, then governor of the Mississippi Territory, exercising the powers of governor-general and intendant of the province of Louisiana; also a little speech which he made on taking charge of the Louisiana territory in 1803. This matter is very short—only three pages.

Mr. LESSLER. We ought to know definitely how much space it is to occupy.

Mr. GAINES of Tennessee. Does the gentleman mean to impeach my word? I stated that there are three short pages——

Mr. LESSLER. I simply wanted to understand.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to print in the RECORD three pages of manuscript which he has described. Is there objection? The Chair hears none, and it is so ordered.

The documents referred to are as follows:

Proclamation by his excellency William C. C. Claiborne, governor of the Mississippi territory, exercising the powers of governor-general and intendant of the province of Louisiana.

Whereas by stipulations between the Governments of France and Spain the latter ceded to the former the colony of Louisiana, with the same extent which it had at the date of the above-mentioned treaty in the hands of Spain and that it had when France possessed it, and such as it ought to be after the treaty subsequently entered into between Spain and other states; and

Whereas the Government of France had ceded the same to the United States by a treaty duly ratified, and bearing the date of 30th of April the present year, and the possession of said colony is now in the United States, according to the tenor of the last-mentioned treaty; and

Whereas the Congress of the United States on the 31st day of the present year did enact that, until the expiration of the session of Congress then sitting (unless provisions for the temporary government of the said territories be made by Congress), all the military, civil, and judicial powers exercised by the then existing government of the same shall be vested in such person or persons and shall be exercised in such manner as the President of the United States shall direct, for the maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property, and religion; and the President of the United States has by his commission, bearing the date of 31st day of October, invested me with all the powers and charged me with the several duties heretofore held and exercised by the governor-general and intendent of the province:

I have, therefore, thought fit to issue this my proclamation, making known the premises, and to declare that the government heretofore exercised over the said Province of Louisiana, as well under the authority of Spain as of the French Republic, has ceased, and that of the United States of America is established over the same; that the inhabitants of the same will be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyments of all the immunities, rights, and advantages of citizens of the United States; that, in the meantime, they shall be maintained and protected in the free enjoyment of their liberty, property, and religion which they profess; that all laws and municipal regulations which were in existence at the cessation of the late government remain in full force, and all civil officers charged with their execution, except those whose power has been especially vested in me, and except, also, such officers as have been intrusted with the collection of the revenue, are continued in their function during the pleasure of the governor for the time being, or until provision shall otherwise be made.

And I do hereby exhort and enjoin all the inhabitants and other persons within the said provinces to be faithful and true in their allegiance to the United States, and obedient to the laws and authorities of the same, under full assurance that their just rights will be under the guardianship of the United States, and will be maintained from all violence from without or within.

In testimony whereof I have hereunto set my hand.

Given in the city of New Orleans the 20th day of December, 1803, and of the independence of the United States of America the twenty-eighth.

WM. C. C. CLAIBORNE.

The governor's address to the citizens of Louisiana:

NEW ORLEANS, *September 20, 1803.*

FELLOW-CITIZENS OF LOUISIANA: On the great and interesting event now finally consummated—an event so dangerous to yourselves and so glorious to the United America—I can not forbear offering you my warmest congratulations. The wise policy of the Consul of France has, by the cession of Louisiana to the United States, secured to you a connection beyond the reach of change and to your posterity the sure inheritance of freedom. The American people receive you as brothers, and will hasten to extend to you a participation in those inestimable rights which have formed the basis of their own unexampled prosperity.

The SPEAKER. In pursuance of the order of the House, a recess will now be taken until 8 o'clock this evening.

EVENING SESSION.

The recess having expired, the House (at 8 o'clock p. m.) was called to order by Mr. CONNER as Speaker pro tempore.

The SPEAKER pro tempore. In pursuance of the order previously made, the House will now resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 2295.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CURRIER in the chair.

PHILIPPINE GOVERNMENT.

Mr. JONES of Virginia. Mr. Chairman, I do not see present the chairman of the Committee on Insular Affairs. We on the minority side have used a good deal more time than the majority, and I would much prefer that some gentleman on the other side would use some of the majority time.

The CHAIRMAN. In the absence of the chairman of the Committee on Insular Affairs, the Chair will recognize any gentleman on the Republican side for ten minutes.

Mr. JONES of Virginia. No gentleman desires to speak on that side——

Mr. GIBSON rose.

The CHAIRMAN. The Chair is informed, he would say to the gentleman from Virginia, that the chairman of the Committee on Insular Affairs will be here in a moment.

Mr. JONES of Virginia. The gentleman from Tennessee [Mr. GIBSON] rose, and I thought he was going to speak.

Mr. GIBSON. Mr. Chairman, I rose to make an observation. I will state that there was an agreement between myself and the chairman of the Committee on Insular Affairs that I should have allotted to me at least thirty minutes.

The CHAIRMAN. The Chair will recognize the gentleman from Tennessee for thirty minutes.

[Mr. GIBSON addressed the committee. See Appendix.]

Mr. JONES of Virginia. Mr. Chairman, I yield two minutes to the gentleman from Nebraska [Mr. NEVILLE].

Mr. NEVILLE. Mr. Chairman, the unjust provisions of the pending bill, and the recent developments as to methods of the Administration in the management of governmental affairs, make it the plain duty of every American citizen clothed with legislative authority to raise his voice in warning to the American people.

The gentleman from Wisconsin, chairman of the Committee on Insular Affairs, and in charge of this bill, in his opening address elaborately stated the Republican contention as to the course of the Administration in the Philippine Islands. His first statement was that the blessings of liberty are to be extended to the Filipino, and mind you, Mr. Chairman, he did not limit the scope of the word liberty.

It was not merely to remove the tyrannical hand of Spain; not merely to check the threatening attitude of Mohammedan teachings; not merely to enable the slaves to purchase their freedom at the market price; not merely to quiet the warring factions of the various islands; not merely to deprive the islanders of commercial and social intercourse with their relatives, the Chinese; not merely to protect them from the brutal hand of some foreign power needing more subjects to labor for its royalty, but to give them the blessings of liberty, presumably such liberty as we enjoy; that liberty for which the founders of this Republic fought and whipped the great destroyer of republics; that liberty for which every patriotic heart throbs, and for which every patriot's hand will fight when his native country is assailed.

Now, Mr. Chairman, to determine whether the Administration is practicing deception or not we have only to examine the contents of this bill—an Administration measure. The American conception of liberty presents but two phases. One is that our people may enjoy all rights and privileges guaranteed by the Declaration of Independence, the Constitution of the United States, and their laws, with such restraints as may be necessary to protect such rights and privileges. The other is that all other people shall enjoy such rights, privileges, and liberty as they may decree are suitable to their country, habits, and desires, and not in jeopardy of the rights of American citizens.

This bill does not make the Filipino an American citizen. It establishes courts to punish him, but does not guarantee him the right of trial by a jury of his peers. It establishes a government with the rules of which he must comply, and yet gives him no voice in the adoption of such rules nor the right to alter or modify them. It does not give him representation in the Government which legislates to control him, yet it taxes him to support policies which he does not approve. It in no sense gives him the liberty of an American citizen, while it at the same time abrogates his right to the liberty of a foreigner.

Members of the majority say this is not imperialism, but I am constrained to ask, What is it? This bill makes the islands our colonies; gives their people only such liberties as we believe they deserve, and reserves to us the right to increase or curtail those liberties in degree as our varying administrations may be kind or brutal. But, Mr. Chairman, this is enough on this line. Every American citizen knows that our title to the Philippines is no greater than that of King George to the American colonies. And that the attempts to govern without consent and with limited liberties are parallel.

Another contention of the advocates of this bill is that the opponents are equally responsible with the Republicans for the conditions prevailing with respect to our colonies. This contention hangs upon the slender thread that the great Democratic leader with a few of his partisans advocated the ratification of the treaty of Paris. They are indeed hard pushed for some one to share the ignominy of administrative policy since the ratification. Every reading American knows that W. J. Bryan advocated the ratification of the treaty with the avowed object of eliminating Spain as a factor in our efforts to give her colonies involved in the war their independence if they desired it and to end the war. And every man knows, and every fair-minded man will admit, that since the ratification of the treaty every step taken by our Administration leading toward the government of the Filipinos without their consent has been against the protest of W. J. Bryan and all of his partisans and against the protest of all other American citizens who are not under the thumb of the promoters of greed and avarice.

Another contention is that we offer no remedy or satisfactory way out. I think I can suggest to my Republican and Democratic friends a decent way to let go, and that is to negotiate a treaty with the islanders by which they shall remunerate us for our proper expense in trying to secure their liberty, and stand the expense ourselves of our efforts to lord it over them. If they would not agree to this kind of a treaty, we would at least have as much right to insist upon it as upon the enactments we are now providing for their guidance.

But we are told that vested rights have accrued and great property interests developed under our protection, and that we can not justly leave them to the mercy of a doubtful government, but a complete and sufficient answer to that is that time will only increase the difficulty.

Mr. Chairman, I shall not discuss this bill in detail, but its every section discloses an intent to exercise authority and control over those people without their consent, and that means now just what it has disclosed throughout the pages of history—a determination to control the fruits of other people's labor, and arbitrarily take their possessions without adequate compensation. It means national instead of individual slavery.

The greed and avarice of the American is becoming proverbial. He has resorted for gain to every device from conquest to cunning legislation, from fraud and deception to common lying. He utilizes child labor while parents walk the streets in enforced idleness. He placards and advertises his goods "marked down from $4 to $1" to catch the unwary woman looking for bargains.

He manufactures glucose honey, mule-fat butter, and bean coffee, to defraud legitimate producers and necessary consumers in markets where he can not palm off wooden nutmegs and the baser frauds. He advertises for honest laborers and dishonestly exacts a bonus without furnishing the employment. He waters the stock of doubtful corporations to filch the hard-earned mite savings of hired girls. He secures a 50 per cent protective tariff and reduces the wages of his employees 10 per cent. He glories in the enjoyment of free institutions and popular elections and corrals the voters in blocks of five. He writes and publishes false history, to cheat real heroes of the fruits of their victories. He collects funds in trust for a war-stricken and impoverished people and uses it to promote influence in favor of special classes. He garbles and misconstrues the orders of the great emancipator, to his army fighting to free men, as an excuse for the brutality of soldiers fighting to enslave men.

He suppresses the free expression of thought upon public questions as a necessity to retain office, while he denounces the policy of the spoils system as a reward for victory, and it is therefore not strange that he declares his intentions toward the Filipinos as honest and Godly, while the balance of the world looks on horror-stricken.

History does not record a nation of people who retained their liberties long after denying them to others, and unless the people of this country who believe in the common brotherhood of man and possess the finer sensibilities as to equality and justice forge to the front, the American people are likely to be scattered to the uttermost parts of the earth and the name supplant the synonym of another nation for cheat.

It is not difficult for a thoughtful man to see that the corrupt element of this country is in the saddle, and just so sure as disaster follows dishonesty, our people must come to grief. What more evidence of deception do the people need than the continued efforts of the managers of governmental affairs to hide the facts. He who reads the daily papers must note the headlines, "Root can not report the expense," "Moody regrets the leak," "Miles to be retired for exposing Army affairs," "The President deplores the publicity." Let me remind the American people that conclusions and decisions reached as to past matters, by the Army or Navy or any other department of the Government, should be reported to the people if the people are the Government. If the people are not the Government any longer in this country when will the bulldogs be turned loose to keep them out of the front yard?

Now, Mr. Chairman, as I do not intend to seek a renomination for Congress, it is proper that I should, before taking my seat, say something as to other legislation passed and to be passed. A few days ago a bill passed this House increasing the subsidiary coinage and permitting the melting of the standard silver dollar and its coinage into subsidiary money. Were it not for the secrecy and deception marking the path of governmental affairs, this law would be admitted to be a law to decrease the volume of standard or legal-tender money in the interest of the Treasury raiders, who hope to pull that string to again rake in the hard earnings of the people when the trust or combination rope shall break or be hedged about. There is no question but that the increase of subsidiary coin will do some good. It was needed and could have been provided without melting the standard silver dollar, but the decrease of the legal tender money is in furtherance of a long-continued scheme to tighten the grasp of a moneyed aristocracy upon the United States Treasury and eventually to choke it out of existence.

This side of the House is accused of abandoning the silver question, but that is not true as a whole. I am not informed as to the status of Democrats upon the money issue, but presume that, like the Republicans upon the tariff, they are all split up. There is one thing, however, about which I am informed, and that is that every Populist, while he does not believe that bimetalism is a full and complete panacea for the evils besetting the money question, does believe that legal-tender silver at 16 to 1, or any other ratio with gold, is better than bank-note currency, for the reason that it is good going and coming, while bank-note currency is a sure and rapid means to get you into debt, but is unreliable as a means to get you out. We believe that the Government should issue all money; that it should be a legal tender for all debts, public and private, and that the promissory note of an individual, of a bank, or other corporation should not be in imitation of money, and should depend for its circulation upon the integrity and standing of the promisor rather than upon legislation in his favor.

I realize, Mr. Chairman, that there is an effort to have the people abandon the money question. Each grasping individual desires all other persons to refrain from everything which interferes with his greed. The people are not going to abandon the money question until it is rightly and permanently settled, and prior to that time it is and will be the paramount issue.

A few distinguished gentlemen are trying to unite the Democracy upon an antitrust, anti-imperial, and tariff-reduction platform. These gentlemen are distinguished for at least two reasons. One is that occasionally they have to announce that they are Democrats, and the other is that whenever the money question is agitated, no matter how much trust, tariff, and imperialism are involved, they vote the Republican ticket.

This is conclusive proof that they believe the money question to be paramount, and that their interests are with the classes and not with the masses. A couple of these distinguished gentlemen,

formerly known as the firm of "Cleveland & Hill," a few nights ago uttered the encouraging words which are to unite the hosts for the conflict against trusts and imperialism. It will in truth be a huge joke upon the intelligence and sincerity of the Democratic party if it follows the advice of a man who was once elected President by votes in the West because he was for bimetallism, in accordance with the platform, and votes in the East because he was against it.

But, Mr. Chairman, let us see where the advice will lead. Reunited Democracy will resolve to abolish trusts and combines. The Republican President is causing suits to be brought against them. Who will have the best of the argument? The reunited Democracy will resolve against imperialism. The Republicans now do, and will continue to deny, that they favor imperialism. The battle along the whole line will descend to a campaign of personal abuse. The only question involved will be the sincerity of the parties. Each will accuse the other of evasion and misrepresentation, and the average citizen will not know what to believe and will vote according to his view of conditions regardless of causes or issues.

As an evidence that the Republicans are not sincere, we only have to notice that when they throw a crust to the wage-earner they give a whole bakery shop and contents to the millionaire. When they offer us an opportunity to vote for a constitutional amendment to suppress trusts they couple with it a proposition to oppress labor. When they offer us a chance to vote to increase subsidiary money they couple with it a provision to decrease the volume of legal-tender dollars. When they give us a chance to suppress anarchy, which we would gladly do, they couple with it a provision to make certain officers royal and above us, when they are only our equals and employees.

When the Democrats start their great campaign to liberate oppressed labor and throttle devouring trusts, and take under their fostering wing the money trust, the father and mother of all combines and oppression, to enable them to capitalize the procession, the American people will not believe that they are sincere.

No, Mr. Chairman, the American people are not fools. Some are dishonest and cunning; some are honest and trusting, and many are tired and sleepy, but all are ready to avenge a wrong to them when sufficiently rubbed in to make them feel it. They all know that if the Smiths can control the kind and volume of money which the Jones may use in their business that the Smiths can absorb the profits or suppress the business at will. If a few banks can control the kind and volume of money which the people—theoretically the Government—may use in their business, then such banks can and will periodically absorb the profits and suppress such parts of the business as may seem to them desirable. The people are now awakened to the fact that some day not far distant a Rothschilds may develop in this country who can dictate when and where it may engage in war or other enterprises.

I know that some Democrats claim that the protective tariff is the mother of trusts. But I would remind my Democratic friends, and especially those who are ashamed of alliance with Populists, that trusts are each and all the product of concentrated wealth; that a protective tariff is only one means of concentrating wealth in the hands of a few; that railway monopolies, telegraph, telephone, and electric-light franchises, Government contracts, ship subsidies, and a thousand other special privileges are potent factors in the concentration of wealth; but the stockholders of one class of these various enterprises combine as a defensive weapon to put them upon an equal footing with the combination of the others in commerce and trade, while the national-bank trust, controlling as it does the kind and volume of money with which they all do business, is the all-potent factor in the concentration of wealth, and was intended to, and eventually will, absorb the profits and control the business of all other people.

The men who go before the country declaring that they want to abolish trusts and prohibit imperialism, when they at the same time advocate a money system which is a sure breeder of trusts and inevitably creates class distinction, royalty, and vassal, are either idiots or believe other people to be.

Indeed, Mr. Chairman, the citizenship of this country will soon have leisure in which they can reflect. The South African war is over. May God ameliorate the effect of its result upon human liberty. The Spanish war is over. The Philippine conflict may last hundreds of years, but will never furnish a profitable business to Americans. The people will not much longer consent to toil for the exorbitant price with which to buy home goods, while the manufacturers produce a surplus with which to exploit cheap-labor countries, and this country can not long be prosperous upon a business confined almost entirely for its profits to interest on loaned money and raids on the United States Treasury.

I know the cry from one quarter is "to let well enough alone," but when harvest is over and the little balance of labor now employed is out with their brethren in a strike or lockout the masses will be disgusted with the conditions which make the millionaire say "Let well enough alone," and the wage-earners' babies cry for bread.

If I mistake not, when the bubble bursts and the men with the champagne stomachs and beer pocketbooks fully realize the cause of their undoing, there will be more men in this country with populistic ideas than was ever dreamed of in the philosophy of a reorganizing Democrat or self-confident Republican.

I have not the time to go over in detail the various steps taken by the Republican party to undo the people, but each step was in fraud of the other. When the first step was taken for the overthrow of silver it was stealthily done, and it will always puzzle him who studies political economy to know why our country aided to destroy the value of a product which she produced in abundance and which was not largely produced in other countries. The storm raised by the first step caused the Republicans for many years to pledge by party platform their loyalty to bimetalism; but they cunningly and persistently legislated for its destruction.

The same deceptive course was pursued as to the tariff. At first protection was invoked to foster infant industries, but the more the industries grew the more they could digest and the more they were fed. Now they are protected that they may rob the home people to enable them to compete for trade abroad. The same deception is visible in the varied legislation to do away with greenbacks and crops out in all laws relating to quasi-public corporations and monopolies. But for an unparalleled record of deception, the course of the party in power toward the Filipinos is presented to the public view. To go into detail would string these remarks out as long as the moral law.

It is sufficient to state that while the Administration persistently denied that Aguinaldo and his followers were recognized as allies, the letters of our consuls at Hongkong and Manila, as afterwards published in Senate Document No. 62, showed that they were; that while the Administration repeatedly declared that the war in the Philippines was conducted with humanity and mercy, its suppressed reports and evidence afterwards disclosed the most hideous and brutal torture, by official direction, that can be found disgracing the pages of ancient or modern history.

I presume we may tread out the life of innumerable insects and the harm to us not being visible pass it by as a trivial matter, but when we wantonly torture out the life of a weaker humanity, and then to mitigate our ignominy stand over graves where we should cast the green twig of regret, but instead rekindle the flame of sectional hate, God pity the man or woman who can look on and applaud.

But we are told that we are becoming a world power. Oh, shame for the ambition. Pharaoh, Herod, Tiberius, Nero, Cæsar, Alexander the Great, and Napoleon, were all great world powers, and history lines their pathway with victims that are now visible only by representations in the chamber of horrors. God grant that my country shall not continue to enlarge such chamber.

I know we are building great battle ships, but the incentive for building is more in the profits on construction than the need of the boats. If the conduct of the Administration is an indication, it is almost impossible now to get men to man the ships we already have. Whether this is the result of the conduct of recent war, or because men do not care to fight for other men's gain, I can not say, but the fact remains. I know an estimable lady and worthy husband of this city who have for the past week bent all their energies to secure the release of their schoolboy from the ship *Franklin*, and the lady the last time I saw her was wringing her hands with tears streaming down her face because the Department refused to let him go.

The letter containing the refusal said he was a likely, bright boy; was needed, and would add to the personnel of the Navy. The mother pleaded with the commander of the ship at Norfolk; she pleaded with the Secretary of the Navy, and two gentlemen, respectable enough to be Congressmen, pleaded for her with the President, and all received a deaf ear.

There is no more reason in law, and surely not in morals, why a recruiting officer for the Navy can make a binding contract with a child without its parents' consent than that others can do so. This boy, Willie Morton, is not yet through the high school. Temporarily away from home and probably having the ambition to be a Dewey or a Schley, without judgment and experience sufficient to contract for his future, the recruiting officer enlisted him. His parents were not consulted, they did not consent, and did not know of it in time to prevent.

I know of another instance where the heartaches are just as great and the man is retained, not even permitted to purchase his discharge, because the Navy can not spare him; yet an aged mother with an afflicted daughter is in continuous grief because of the heartlessness and the want of humanity shown by our naval officers. If I mistake not the temper of the American people, some day haughty officials will be taught that they are not royalty, and the rights of American citizens will be respected.

I was once a Republican. It was many years ago, and my consolation is that that party came into power because it advocated man's humanity to man, as a means to produce the greatest good to the greatest number, and I got out of the party when I foresaw that it would go out of power advocating man's inhumanity to man, as a means to produce the greatest misery to the greatest number. [Loud applause.]

Mr. BURNETT. Mr. Chairman, outside of the proposition that any legislation looking to the permanent retention of the Philippines is wrong, I think there are many serious objections to the bill which is now under consideration. The bill in section 7, page 63, is as follows:

That whenever the existing insurrection in the Philippine Islands shall have ceased and a condition of general and complete peace shall have been established therein and the fact shall be certified to the President by the Commission, the President, upon being satisfied thereof, shall authorize the Commission to call and the Commission shall call a general election, etc.

Now, then, that is certainly putting a local self-government and the action by a legislature selected by themselves of the Filipinos in the dim and distant future. Gentlemen on the other side seem to go into hysterics when any member upon this side ventures to prophesy that the people in after years will get tired of the Republican misrule and will elect a Democratic President and have a Democratic Administration.

Mr. LESSLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. BURNETT. Yes.

Mr. LESSLER. Will the gentleman state if he has calculated how far off that is going to be? [Laughter on the Republican side.]

Mr. BURNETT. Yes, Mr. Chairman; that will be just this side of the time when the Filipinos will have a legislature of their own and local self-government. [Applause and laughter on the Democratic side.] Whenever that comes you may expect the other to come, and whenever the gentlemen on the other side commence to prophesy as to when the war in the Philippines will end and when the rebellion will end, they always tell us that we now have peace and that there is no such thing as war, and when they begin their statements along that line they discount, I think, any declarations or prophecies that the most sanguine Democrat could make of what may occur in the future to his party. Now, I say that this is put, and I believe purposely put, by those gentlemen for the purpose of using it before the people in the next election.

I do not believe that they expect, and I do not believe that they promise in good faith, that the Filipinos will ever have a legislature until the carpetbaggers have first sucked the lifeblood from the treasury of that country. They do not intend it, because the Commission itself says that it should be done by January, 1904; but the committee in their wisdom say that they will not give any definite time at all, but will put it whenever general and complete peace has been established therein and that fact shall be certified to the President by the Commission.

Now, Mr. Chairman, it seems to me that when they put that in the bill they did it knowing that they did not intend that peace should ever come to those islands or that the fact of peace should ever be certified. No; it was because of this that they put into the very bowels of the bill itself a contingency that they believe and that they know will never happen to these people, because they do not intend that they shall ever have local self-government, and hence they never intend that they shall ever have peace.

Now, the majority of the committee, I suppose, facetiously refer to the legislative limitations in the bill as a bill of rights. A bill of rights, it seems to me, Mr. Chairman, would be a misnomer without that great pearl of every bill of rights—the right of local self-government and a trial by jury; and nowhere in this so-called bill of rights that these gentlemen speak of, and that they refer to all the way through in their report, is one single thing in regard to the trial by jury. Here is the language of the bill:

SEC. 10. That no law shall be enacted in said islands which shall deprive any person of life, liberty, or property without due process of law, or deny to any person therein the equal protection of the laws.

That in all criminal prosecutions the accused shall enjoy the right to be heard by himself and counsel, to demand the nature and cause of the accusation against him, to have a speedy and public trial, to meet the witnesses face to face, and to have compulsory process to compel the attendance of witnesses in his behalf.

Now, compare that with the Constitution, from which part of it is taken, and see how incongruous that bill of rights is without something else that is found in the Constitution, and ought to be in this law:

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Yet, Mr. Chairman, that declaration in favor of jury trial is conspicuous by its absence all through this bill. Then, another thing that is absent and that they do not intend shall be there. That is Article V of the Constitution, which is right in line with the other:

No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger.

Now, those are two of the essentials that are left out of what these gentlemen, as I think, humorously designate as the bill of rights.

But there is another omission that is perhaps as significant as these two, and that is Article VII of the Constitution, which says that—

In suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any court of the United States than according to the rules of the common law.

Now, Mr. Chairman, if you will read, not between the lines but in the very body of this bill, I believe you will find the reason for these significant omissions. You will find it in the further declaration along in that bill which only allows to an individual who desires to enter his little home 40 acres of land, and yet allows corporations that go there to buy from the Philippine government, to buy almost 5,000 acres. With such privileges as that, and with the partnership existing between the Republican party and the corporations, is it wonderful that while they are singling out for these corporations such monopolistic powers as obtaining 5,000 acres of land, that the corporations should say to the gentlemen who propose this bill, "You must not allow the juries of that country to try their neighbors' rights or our rights in the courts of the country."

Mr. Chairman, not only that, but they go on with numerous details of that kind which, it seems to me, are utterly inconsistent with a republican government. Among other things, they say—

That no person shall be imprisoned for debt arising out of or founded on contract, express or implied.

And in another section—

That neither slavery nor involuntary servitude except as a punishment for crime whereof the party shall have been duly convicted shall exist in said islands.

And yet in the very beginning of the section in regard to legislative enactments they say:

After such election all the legislative power heretofore conferred on the Philippine Commission in all that part of said islands not inhabited by the Moros or other non-Christian tribes shall be vested in a legislature consisting of two houses—the Philippine Commission and the Philippine assembly.

For the purpose of attempting to deceive the people to whom they will be amenable in the coming election they say, "Why, here we have abolished slavery in the Philippine Islands. We say there shall be no imprisonment for debt;" and yet but a few years ago there was a treaty made with one of the sultans of the Sulu group, in which both slavery and polygamy were permitted to continue.

In order to escape that; in order to continue and to tolerate this most iniquitous system of slavery, they have said that this declaration against slavery shall not apply to the Moros and non-Christian tribes, because they shall not be controlled by this legislative body. It is apparent, it is so apparent, it seems to me to be transparent what it was done for. Imprisonment for what? You take the report of the committee itself, and it gives the testimony of Governor Taft before that committee, and in that testimony Governor Taft says there are about 250,000 slaves held by these people, and most of that slavery was brought about for debt. Yet, in order to go before the people with the plausible assumption that we will not allow imprisonment for debt, and will abolish slavery in these islands, they insert this provision, while they do not attempt to abrogate the treaty which allows slavery for debt, the very worst kind of imprisonment.

Mr. Chairman, as one of the incidents of four years of the bloodiest war that ever befell any nation, 5,000,000 ignorant negroes were invested with the right to vote and to sit upon the juries of our country, and yet by solemn treaty with a Sultan of one of our new possessions slavery is recognized and permitted. Quoting further from the testimony of Governor Taft, the committee say in their report:

We are told by the datos that they (the slaves) were there as slaves for debt, and that was the chief method by which they became slaves; that any slave could redeem himself by the payment of that debt, but that the obligation to pay the debt continued from father to son and to the entire family.

Here we not only find slavery for debt, but a slavery transmitted as a heritage from father to son; yea, and to collateral relatives.

The committee's bill of rights pretends to forbid slavery and involuntary servitude except on conviction for crime. This the majority admits in their report to be but "sounding brass," because the Supreme Court in the insular cases has held that the thirteenth amendment, prohibiting slavery in the United States

or any place subject to their jurisdiction, is in force in the Philippines. But it will be noted that the very provisions of the bill, as before stated, except non-Christian tribes and Moros from the legislative control provided for by the bill. Plainly, this is put in there for the purpose of enabling the Moros to retain the rights General Bates gave them in the treaty, among which were those of owning slaves and practicing polygamy.

Again, we have a statute which forbids polygamy in our Territories and other possessions, and yet for three long years we have been living under a treaty which not only permits this violation of the laws of God and man, but these very datos who practice it are in the employ of our Government, and the hard earnings of American taxpayers go to support their unholy harems and lend the moral and financial support of a Christian people to practices which shock the heart of every virtuous man and woman in our great Republic.

This, Mr. Chairman, is part of the stock in trade that we are getting by the policy of this Republican Administration, and this bill carefully refrains from any interference with it whatever.

What is it costing us? You find your answer in the new-made graves of 10,000 brave American soldiers who fell on the field of duty in obedience to the orders of those who care not for the father's groans and the mother's tears for the soldier boy who sleeps upon a foreign soil. You find your answer at St. Elizabeth's Insane Hospital, near this city, whose gloomy halls are trod by those who lost their reason beneath the torrid suns of Luzon, and now suffer a living death because of the greed for gain and lust for power of those whose callous hearts have no sympathetic throb for brave men who went to answer duty's call. One gallant boy from my own district is within those walls, and but a few days ago the doctor told me his was almost a hopeless case. Do you believe the aged parents of that boy would for one moment think that every Filipino upon the thousand isles could recompense their darkened hearts for the loss of this poor boy?

What else is it costing us? The appropriations urged upon Congress at every session for the support of our armies in ths Philippines answer by footing up more than two hundred millions of money wrung from the hands of the toilers of our land.

But what have we gained? We have gained those who in religion, many of them, follow the crescent of Mohammed and not the cross of the Nazarene. We have gained those who believe that human slavery is right, and who hate the sanctity of the marriage vow. We have gained those who, according to the contention of gentlemen on the other side, so despise the rules of civilized warfare that our own officers are debauched into an emulation of all the cruelties of their foes. We have gained the privilege of making war upon women and children, and trying to excuse it by declaring that boys struggling for liberty must be shot down like beasts of prey.

Gentlemen cry out in their desperation that we are making war upon the American soldier. Against the brave soldier, the man behind the gun, I have not a word to say. For him I have only praise. But for the satrap who declares the policy of death to children and destruction to the homes of defenseless women I have the utmost contempt. With what sneers was the very name of Butcher Weyler uttered by all who read of his brutal deeds but a few years ago, and yet they are imitated by Butcher Smith, and the barbarities of Butcher Smith were upheld by a Republican leader on the floor of this House not two days ago, when the gentleman from Pennsylvania [Mr. PALMER] declared that Smith was entirely within the rules of civilized warfare when giving the order to kill boys over 10 years of age. This gentleman further says that children of 10 years old, "if capable of fighting or if they are taken with arms in their hands, should be treated exactly in the way they were." This shows plainly what Democrats have all the time contended was true, that not the Army, but the powers behind the Army, were responsible for acts of cruelty that would make Butcher Weyler hang his head in shame.

The excuse of gentlemen on the other side of the House for the barbarities committed there in the name of liberty is that these boys often fight against the invaders of their homes and will not lie supinely upon their backs while the car of American oppression crushes out the last spark of liberty from their hearts. If the boys have that kind of courage, when will we ever be able to suppress a rebellion backed up by the fathers of such sons? How many brave American soldiers will bite the dust in far-off Luzon before that kind of valor is repressed?

Mr. Chairman, the water cure and such cruelties, practiced to make men betray their neighbors, is barbarous and unchristian, but its evil to the Filipinos is not near so great as its evil effects upon ourselves. By seeking to apologize for it those who are its apologists hold our vaunted American civilization up to the scorn and contempt of all the nations of the world.

The hardest stab of all is that which religion receives in the house of its so-called friends when in religion's name these barbarities are committed. They tell us that it is manifest destiny; that the hand of Providence is in it. Providence in the butchery of human victims! Providence in the flames that burn the humble roof from the home that shelters women and children! Providence in tortures applied to men to force a betrayal of their own brethren! Providence carrying sword and torch and leaving death and ruin in its wake! What providence ever winked at such as these? Contrast that providence with the teachings of Him who stood upon the troubled waters and said, "Peace, be still!" Contrast that kind of providence with the life of Him whose natal hour was heralded by angels to Judæan shepherds upon Judæan hills and beneath Judæan skies, when earth and heaven resounded with the acclamation, "Peace on earth, good will to men!"

I am glad to know that organizations of Christian ministers and Christian people all over the United States have raised such a cry against the fiendish barbarities being practiced in the name of civilized warfare, that they are making their voices heard even by the deaf ears of a rough-rider President. The following is an extract from "An appeal of New York ministers to ministers of the United States:"

We, the undersigned ministers of religion, appeal to our brethren of all denominations throughout the United States to protest against the conditions in the Philippines revealed by testimony before the Senate Committee on Affairs in the Philippine Islands, from which the following are extracts:

Testimony of Edward J. Davis.

Q. When did you first arrive at Igbaras?
A. I had charge of that detachment at Igbaras. I do not remember the date I went over there.
Q. About how large a town is Igbaras?
A. I should say about 10,000 inhabitants.
Q. You may state whether or not the president or mayor of Igbaras was taken into custody?
A. He was.
Q. By whose order was he arrested?
A. Orders from Captain Glenn.
Q. After he was taken there what was done with him?
A. He was taken out into a big hall in the convent there, his clothes were all taken off, his hands were tied behind him, and he was asked for information in regard to runners being sent up into the mountains; asked if the scouts had arrived there. He would not give this information, so they took him to the water tank. It was a tank holding about a hundred gallons of water. They held him under the faucet, and he was made to take this water into his mouth at the command of Captain Glenn.
Q. How was his mouth kept open?
A. It was kept open with a stick, but I can not describe just how the stick was, because they had their hands over his mouth most of the time.
Q. After he was filled up with water, what else was done with him?
A. After they filled him up with water he swelled away up and these two soldiers would roll the water out of him. They had an interpreter over him, and they asked if he would tell what information they were after. He told some, and then after they released him and he had walked away and they were going out in the mountains somewhere and they got downstairs, they wanted further information out of him in regard to these runners going out into the mountains, and he would not give it. So they took him down right there, and they took a syringe and squirted water up his nostrils. He would not give the information, and they put salt in the water. Then he was willing to tell.
Q. Was he thrown down the last time?
A. Yes; his clothes were not taken off, but he was thrown down on the outside of the convent.
Q. You say there were about 10,000 people in this town of Igbaras?
A. Yes, sir; the town was burned.
Q. How soon was it burned?
A. After the column went up into the mountains, and about half an hour after they returned the town was burned.
Q. Do you know by whose order it was burned?
A. By order of Captain Glenn.
Q. Were there any houses left unburned?
A. Yes, sir; there were, I should judge, 15 houses left in the town.
Q. What became of the occupants of those houses that were burned?
A. They were driven out into the lots.
Q. Were they men, women, and children?
A. Yes, sir.
Q. Were there a good many women and children?
A. Yes; there were.

This, Mr. Chairman, is but a part of the testimony of one witness before the Senate committee. There were many more, and the details of torture are equally as shocking as those which I have quoted.

Then is it surprising that these devout ministers should close their petition to their brethren with these words?

We urgently beg our brethren in the ministry to inform themselves fully in regard to the position of the United States in the Philippine Islands in order that they may advise the American people as to their duty in regard to this matter.

But for the investigations demanded, but only partly received, by Democratic members of Congress, this carnival of crime would have gone unnoticed by the President and War Department till the weapon of the butcher would become dry for lack of a victim. The enormity of this matter, Mr. Chairman, to a large degree is the fact that men with Christian parents, raised beside Christian altars, going forth from the doors of Christian churches, are compelled to perpetrate these barbarities or else be court-martialed for disobedience of orders.

Yet when investigation revealed the secrets of these enormities, those who are the coconspirators in crime with the officers who ordered them, raise their blood-stained hands in holy horror

and say "Hush, you must not say a word or repeat these stories, for if you do you are abusing the Army."

Because we have told the fathers and mothers of these men the crimes which their sons are forced to commit, when their sons themselves would not dare to tell them, we are charged with being Copperheads and traitors.

Let the blood of the murdered victims in both armies in the far-away Philippines cry aloud till the voters at the ballot box shall whip the money changers from the temple of American liberty and drive those who barter human blood for commerce from the high places of power and oppression. [Loud applause.]

Mr. JONES of Virginia. I yield ten minutes to the gentleman from North Carolina [Mr. POU].

Mr. POU. Mr. Chairman, the people of the country are to be congratulated that at last they have a President in the White House who has found a way by which the trusts can be successfully suppressed. Recently one of the great trusts of which the American people can boast decided to put up the price of one of our principal food products. I refer to the beef trust. The advance in the price of this necessity of life aroused the indignation of people in all parts of the country. In response to this popular protest the President of the United States instructed his officers to institute proceedings in our courts for the purpose of suppressing the beef trust.

Now, Mr. Chairman, the President is an able man. He is surrounded with as able legal advisers as there are in the country, and the very fact that he has ordered this suit ought to be a sufficient guaranty that the Sherman law is sufficiently effective to accomplish the result desired. Yes, the President has ordered the suppression of the beef trust. There appears to be no doubt about the existence of this trust. It has put up prices. It has oppressed the poor. It is making money out of the hunger of humanity. The poor are its first victims, starvation is its customer. It levies tribute upon the laboring man.

From the tenement houses come its largest revenues. It is merciless; it is without pity; but, thank God, the oppressed have a friend. The President of the United States is their friend. The greatest ruler of the greatest nation on earth is their friend. The most powerful man in the world, save one, is their friend. They have a friend in the strenuous one. This great man has ordered the suppression of this trust and he has the law behind him.

Now, Mr. Chairman, if the trust is not suppressed it is no fault of the law, for the Republicans in Congress by refusing to amend the law admit its sufficiency, and it surely can not be the fault of the President, for he has declared very emphatically upon this subject. In his message to the New York legislature on the 3d day of June, 1900, he declared that—

> The man who by swindling or wrong-doing acquires great wealth for himself at the expense of his fellow, stands as low morally as any predatory mediæval nobleman, and is a more dangerous member of society. Any law, and any method of construing the law, which will enable the community to punish him, either by taking away his wealth or by imprisonment, should be welcomed.

And so I repeat, that the country is to be congratulated, for the antitrust law is to be enforced. The suit has been ordered, the violation of law is admitted, and Theodore Roosevelt is President of the United States. Devoutly should the American people thank God for the advent of this auspicious hour. [Applause.]

But while the President is in the business of suppressing trusts, it might be well to remind him that, at the time he ordered the suppression of the beef trust 163 other great industrial trusts were already in existence, and for years has been regulating prices as they saw fit.

In his message to the New York legislature the President again declared that "where a trust becomes a monopoly the State has an immediate right to interfere;" and now that the Sherman Act has been violated of course the nation has a right to interfere. Nobody denies, so far as I know, that these 163 trusts are monopolies pure and simple. Nobody denies that they have been regulating prices. The American Steel and Wire Company put up the price of barbed wire from $1.75 per hundred to $3.50 per hundred.

The American Tin Plate Company advanced the price of tin nearly 100 per cent. The paris green trust put up the price of paris green, which is used by our tobacco farmers, more than 100 per cent. The anthracite coal trust has advanced the price of coal. The sugar trust puts up the price of sugar whenever it sees fit. The nail trust, within the last five years, has advanced the price of nails nearly 100 per cent. Every consumer in the country knows these statements to be true. The President must know that they are true, and while he is in the business of suppressing trusts he will no doubt order the prosecution of every one of these trusts.

The prices of the following food products are largely regulated by the trusts which manufacture them, to wit: Sugar, flour, starch, oatmeal, rice, manufactured biscuits, condensed milk, vinegar, certain kind of meat, baking powder, and ice. The price of paper is largely regulated by the trust. The price of thread, rope, twine, carpets, and wool products are almost absolutely fixed by the trust. The price of coffins, in which humanity is put away to its last resting place, is fixed by the trust. The price of school furniture is fixed by the trust. The prices of almost all building materials are fixed by the trust.

The prices of hoops and chains are fixed by the trust. In the President's own State, while he was governor of that State, the price of ice (one of the greatest blessings which civilization has evolved) was absolutely fixed by the trust. In short, Mr. Chairman, the price of a majority of the manufactured necessaries of life is fixed by the trust, but the people of the country are certainly to be congratulated. Theodore Roosevelt is President, and he has ordered the prosecution of the beef trust. The beef trust must go, and after the beef trust then the other trusts must be suppressed, for Theodore Roosevelt is a strenuous man, and he has the law behind him. [Applause.]

No, Mr. Chairman, the trusts have nothing to fear from this Administration. The beef trust will not be suppressed. The suit which the President ordered will not terminate until after the November election. When it comes to a hearing some defect will be found in the law which will save the trust from destruction. The suit will be kept pending until after the ides of November, and then it will die or it will disappear from the docket in some way and the beef trust will still be found doing business at the same old stand.

A Republican President can not fight the trust in the very nature of things. The Republican party can not fight the trust because the Republican party is the trusts and the trusts are the Republican party. For the Republican party to fight the trusts would simply be the trusts fighting themselves. They would simply be committing suicide. The creature is never greater than the creator. Mr. Roosevelt can not fight the trusts because his party draws life from them. But for trusts he might be a private citizen to-day. He might simply be plain Colonel Roosevelt, Rough Rider, but private citizen. A change of less that 100,000 votes even in 1900, properly distributed, would have left him at home.

This last proposition to prosecute the beef trust is a mere comedy which will simply amuse the nation. Mark the prediction, Mr. Chairman, the beef trust will not be suppressed. Not one of the 163 trusts, which live upon the poverty and necessities of the people will be suppressed. Certainly not while Theodore Roosevelt is President of the United States and the Republican party is in power.

The Sherman law has accomplished only one thing. It has prevented laboring men from entering into an agreement to strike for higher wages. It has done that and that alone. Nobody supposed it was passed for that purpose, but Judge Woods construed it that way, and ordered Eugene Debbs to jail. The Sherman law does not prevent the huge corporations from combining to put up the prices of food which sustain the laboring man, but it does prevent the laboring man from uniting with his fellow to advance the wages of his toil.

I have felt constrained, Mr. Chairman, to submit these remarks, because I believe that this prosecution of the beef trust, ordered by a Republican President and pressed by a Republican prosecutor, will wind up in a roaring farce. [Loud applause.]

Mr. JONES of Virginia. I yield fifteen minutes to the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT. Mr. Chairman, I did not expect to discuss the Philippine question to-night, nor will I use the time so graciously yielded me by the gentleman from Virginia altogether for that purpose.

Mr. Chairman, this afternoon, when the gentleman from Pennsylvania [Mr. MAHON] was making an address to the House upon this bill, and for some reason, I know not what, except to follow the example of another distinguished Republican, Mr. Blaine, who, many years ago, made somewhat of the same kind of a speech, I endeavored to secure the floor, but could not. The gentleman from Pennsylvania [Mr. MAHON], refusing to be interrupted, made a statement that the prisoners in the Confederate prisons during the late civil war suffered inhumanities and barbarities, and thereby the death rate which resulted in those prisons was greater than the death rate of the Confederate prisoners confined in Northern prisons.

I had hoped, Mr. Chairman, and the country, I apprehend, had hoped, that when a distinguished Georgian, Benjamin H. Hill, in this House in 1876, replied to a like attack on the part of the then distinguished and now lamented James G. Blaine, who made an assault upon the people of the South for political purposes; I say I had hoped, and the country had hoped, that that question was settled forever, and that no man thereafter would undertake to make an assertion so little sustained by the truth of history or the official records of both Governments as that which the gentleman from Pennsylvania asserted this afternoon.

Mr. Chairman, it is because of the fact that the gentleman from Pennsylvania has made that assertion, and I apprehend is

endeavoring to seek renomination and reelection by a resort to this kind of politics and this kind of political speech, that I feel called upon and shall use the time allowed to me by the gentleman from Virginia in refuting that statement. I undertook, during the time that he occupied the floor, to interrupt him, but he saw I had the record, and waived me aside and declined to be interrupted. History will eventually be written truly; but we have enough of history already written, and written by officers of the United States, to disprove the statement of the gentleman from Pennsylvania. On the 19th of July, 1866, Mr. Stanton, Secretary of War of the United States, made a report to Congress in which it appears that of all the prisoners in the hands of the Confederates during the four years there died in all of the Confederate prisons 22,246, while of the Confederate prisoners held by the United States there died in prison 26,576.

Mr. Chairman, I am the son of a Confederate officer who for twelve months was confined in a Federal prison. I would not mention the fact except I know from his own lips what hardships he endured. They were incident to war, probably; some that he endured were. I know this to be a fact, because I received it from his lips, that in the prison at Hilton Head for thirty days Confederate soldiers then in that prison were fed daily upon a pint of musty meal and a salt cucumber pickle as a day's ration. That is all they had. I know from his lips that it was a thing which they rejoiced at when they could see a negro guard on the prison wall from whom they could implore and beg something additional to that sparse ration meted out to them.

I know also that General Sherman, when he learned of the treatment of these prisoners, demanded that they should be properly fed. I know these facts from the lips of a Confederate officer and a Confederate soldier who endured them. I would never have mentioned them here but for the statement made by the gentleman from Pennsylvania [Mr. MAHON] that in the Confederate prisons barbarities and iniquities were practiced. The Surgeon-General of the United States Army, Barnes, made a report of the whole number of prisoners that were captured and held by the Confederates was 270,000, and we also find from that official report that the whole number of Confederate prisoners captured and held in prison by the Federal authorities was only 220,000. Of the 270,000 Federal prisoners in Confederate prisons there died 22,246, or less than 9 per cent, Of the 220,000 Confederate prisoners in Federal prisons there died 26,576, or more than 12 per cent.

Mr. GAINES of Tennessee. If the gentleman will allow me, where did he get those figures?

Mr. BARTLETT. From the report of Surgeon-General Barnes, of the United States Army, and the report of Secretary of War Stanton, of the United States, made July 19, 1866. You can get them from the official documents of this Government and of the Confederate Government.

But more than that, the records will show that time and time again the Confederate officials repeatedly, earnestly sought to induce the Federal authorities to exchange prisoners, but their efforts were in vain.

I have and will insert in my remarks the proof that it was refused by General Grant himself, and this is borne out by the statement and testimony of Gen. Benjamin F. Butler and the Assistant Secretary of War, Charles A. Dana, upon the ground that a Confederate prisoner was as good as a dead one, because in exchange for a Federal prisoner he would return to the ranks and become an active soldier against the United States, while, he said, one-half the Federal prisoners in Confederate prisons, if exchanged and returned, will never go into the Army again, and none of them will until after they have had a furlough of thirty or sixty days.

Now, I desire to call attention to that statement by Mr. Charles A. Dana. He was the Assistant Secretary of War. He said in an editorial in the New York Sun in 1876:

> The fact is unquestionable that while the Confederates desired to exchange prisoners, to send our men home and to get back their own, General Grant steadily and strenuously resisted such an exchange. While, in his opinion the prisoners in our hands were well fed, and were in better condition than when they were captured, our prisoners in the South were ill-fed, and would be restored to us too much exhausted by famine and disease to form a fair set-off against the comparative vigorous men who would be given in exchange. "It is hard on our men held in Southern prisons" said Grant, in an official communication, "not to exchange them; but it is humane to those left in the ranks to fight our battles. If we commence a system of exchanges which liberates all prisoners taken, we will have to fight on until the whole South is exterminated. If we hold those caught, they count for no more than dead men." "I did not," he said, on another occasion, "deem it justifiable or just to reinforce the enemy; and an immediate resumption of exchanges would have had that effect, without any corresponding benefit."
>
> This evidence must be taken as conclusive. It proves that it was not the Confederate authorities who insisted on keeping our prisoners in distress, want, and disease, but the commander of our own armies. We do not say that his reason for this course was not valid; but it was not Jefferson Davis, or any subordinate or associate of his, who should now be condemned for it. We were responsible ourselves for the continued detention of our captives in misery, starvation, and sickness in the South.
>
> Moreover, there is no evidence whatever that it was practicable for the Confederate authorities to feed our prisoners any better than they were fed, or to give them better care and attention than they received. The food was insufficient; the care and attention were insufficient, no doubt; and yet the condition of our prisoners was not worse than that of the Confederate soldiers in the field, except in so far as the condition of those in prison must of necessity be worse than that of men who are free and active outside.
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> Again, in reference to those cases of extreme suffering and disease, the photographs of whose victims were so extensively circulated among us toward the end of the war, Mr. Davis makes, it seems to us, a good answer. Those very unfortunate men were not taken from prisons, but from Confederate hospitals, where they had received the same medical treatment as was given to sick and wounded Confederate soldiers. The fact mentioned by Mr. Davis, that while they had 60,000 more prisoners of ours than we had of theirs, the number of Confederates who died in our prisons exceeded by 6,000 the whole number of Union soldiers who died in Southern prisons, though not entirely conclusive, since our men were generally better fed and in better health than theirs, still furnishes a strong support to the position that, upon the whole, our men were not used with greater severity or subjected to greater privations than were inevitable in the nature of the case. Of this charge, therefore, of cruelty to prisoners, so often brought against Mr. Davis, and reiterated by Mr. Blaine in his speech, we think he must be held altogether acquitted.

But surely what General Grant has said on this subject is entitled to consideration and should be accepted, at least by those who were opposed to the Confederates, as the truth.

On January 11, 1865, General Grant, in his testimony before the Committee on the Conduct of the War," said:

> I will confess that if our men who are prisoners in the South were really well taken care of, suffering nothing except a little privation of liberty, then, in a military point of view, it would not be good policy for us to exchange, because every man they get back is forced right into the army at once, while that is not the case with our prisoners when we receive them. In fact, the half of our returned prisoners will never go into the Army again, and none of them will until they have had a furlough of thirty or sixty days. Still, the fact of their suffering as they do is a reason for making this exchange as rapidly as possible. * * *
>
> I did not deem it advisable or just to the men who had to fight our battles to reenforce the enemy with thirty or forty thousand disciplined troops at that time. An immediate resumption of exchanges would have had that effect without giving us corresponding benefits. The suffering said to exist among our prisoners South was a powerful argument against the course pursued, and I so felt it.

On August 18, 1864, General Grant sent from City Point the following dispatch to Gen. B. F. Butler, the commissioner of the United States for the exchange of prisoners:

> CITY POINT, *August 18, 1864.*
>
> To GENERAL BUTLER:
>
> I am satisfied that the chief object of your interview, besides having the proper sanction, meets with my entire approval. I have seen from Southern papers that a system of retaliation is going on in the South which they keep from us and which we should stop in some way. On the subject of exchange, however, I differ from General Hitchcock. It is hard on our men held in Southern prisons not to exchange them. but it is humanity to those left in the ranks to fight our battles. Every man released on parole, or otherwise, becomes an active soldier against us at once, either directly or indirectly. If we commence a system of exchange which liberates all prisoners taken, we will have to fight on until the whole South is exterminated. If we hold those caught they amount to no more than dead men. At this particular time to release all rebel prisoners North would insure Sherman's defeat and would compromise our safety here.
>
> U. S. GRANT, *Lieutenant-General.*

Gen. B. F. Butler stated before the committee of Congress known as "the Committee on the Conduct of the War" as follows:

> Mr. Ould left on March 31, 1864, with the understanding that I would get authority and information from my Government by which all disputed points could be adjusted and would then confer with him further, either meeting him at City Point or elsewhere for that purpose. In the meantime, exchanges of sick and wounded and special exchanges should go on.
>
> General Grant visited Fortress Monroe on April 1, being the first time I ever met him. To him the state of the negotiations as to exchange were verbally communicated, and most emphatic directions were received from the Lieutenant-General not to take any step by which another able-bodied man should be exchanged until further orders from him. * * *

I might pile up evidence on evidence by the statements of Confederate officers and the statements of Federal officials before Congressional committees corroborating this statement of the Assistant Secretary of War, Dana. Why, as a last resort, there was sent by the Confederate government a delegation taken from the Federal prisoners at Andersonville to Washington to plead their own cause before the Federal authorities to be exchanged. It was of no avail. They were not permitted to see the authorities nor to be heard, and they returned, carrying back the sad tidings that their Government held out no hope of their relief.

I have also the testimony and statement before the "Congressional reconstruction committee of the commander in chief of the Confederate armies"—that leader of the Confederate armies whose word, wherever it was given in this country or the world over, will be accepted as absolute truth; a man whose character as a gentleman, a soldier, a statesman and Christian, and a citizen stands as high as that of any man the world ever produced; a man whose sword is as stainless as that of any cavalier that ever lived or died or fought for a glorious cause; a man who stands at the head in the impartial histories written of that great conflict, as foremost, and the incomparable leader among all the gallant captains engaged in that great struggle. I refer to Robert E. Lee, who led the Confederate armies to victories, and finally, without a blemish on his name or sword, surrendered at Appomattox. [Applause.]

The following is an extract from the sworn testimony of Gen. Robert E. Lee before the Congressional Reconstruction Committee:

Q. (By Mr. Howard.) I wish to inquire whether you had any knowledge of the cruelties practiced toward the Union prisoners at Libby Prison and on Belle Isle?

A. I never knew that any cruelty was practiced, and I have no reason to believe that it was practiced. I can believe, and have reason to believe, that privations may have been experienced by the prisoners, because I know that provision and shelter could not be provided for them.

Q. Were you not aware that the prisoners were dying from cold and starvation?

A. I was not.

Q. Did these scenes come to your knowledge at all?

A. Never. No report was ever made to me about them. There was no call for any to be made. I did hear—it was mere hearsay—that statements had been made to the war department, and that everything had been done to relieve them that could be done, even finally so far as to offer to send them to some other points—Charleston was one point named—if they would be received by the United States authorities and taken to their homes; but whether this is true or not I do not know.

Q. And of course you know nothing of the scenes of cruelty about which complaints have been made at those places (Andersonville and Salisbury)?

A. Nothing in the world, as I said before. I suppose they suffered for want of ability on the part of the Confederate States to supply their wants. At the very beginning of the war I knew that there was suffering of prisoners on both sides, but as far as I could I did everything in my power to relieve them and to establish the cartel which was agreed upon

Q. It has been frequently asserted that the Confederate soldiers feel more kindly toward the Government of the United States than any other people of the South. What are your observations on that point?

A. From the Confederate soldiers I have heard no expression of any other opinion. They looked upon the war as a necessary evil and went through it. I have seen them relieve the wants of Federal soldiers on the field. The orders always were that the whole field should be treated alike. Parties were sent out to take the Federal wounded as well as the Confederate, and the surgeons were told to treat the one as they did the other. These orders given by me were respected on every field.

Q. Do you think that the good feeling on their part toward the rest of the people has continued since the close of the war?

A. I know nothing to the contrary. I made several efforts to exchange the prisoners after the cartel was suspended. I do not know to this day which side took the initiative. I know there were constant complaints on both sides. I merely know it from public rumors. I offered to General Grant, around Richmond, that we should ourselves exchange all the prisoners in our hands. There was a communication from the Christian Commission, I think, which reached me at Petersburg, and made application to me for a passport to visit all the prisoners South. My letter to them I suppose they have.

I told them I had not that authority; that it could only be obtained from the war department at Richmond, but that neither they nor I could relieve the sufferings of the prisoners; that the only thing to be done for them was to exchange them, and, to show that I would do whatever was in my power, I offered them to send to City Point all the prisoners in Virginia and North Carolina over which my command extended, provided they returned an equal number of mine, man for man. I reported this to the War Department and received for answer that they would place at my command all the prisoners of the South if the proposition was accepted. I heard nothing more on the subject.

The following private letter from General Lee to a friend and relative was not intended for the public eye, but it may be accepted as his full conviction on this subject:

LEXINGTON, VA., *April 17, 1867.*

DR. CHARLES CARTER,
No. 1632 Walnut Street, Philadelphia, Pa.

MY DEAR DR. CARTER: I have received your letter of the 9th instant, inclosing one to you from Mr. J. Francis Fisher in relation to certain information which he had received from Bishop Wilmer. My respect for Mr. Fisher's wishes would induce me to reply fully to all his questions, but I have not time to do so satisfactorily; and, for reasons which I am sure you both will appreciate, I have a great repugnance to being brought before the public in any manner.

Sufficient information has been officially published, I think, to show that whatever sufferings the Federal prisoners at the South underwent were incident to their position as prisoners and produced by the destitute condition of the country arising from the operations of war. The laws of the Confederate congress and the orders of the war department directed that the rations furnished prisoners of war should be the same in quantity and quality as those furnished enlisted men in the army of the Confederacy, and that the hospitals for prisoners should be placed on the same footing as other Confederate States hospitals in all respects.

It was the desire of the Confederate authorities to effect acontinuous and speedy exchange of prisoners of war, for it was their true policy to do so, as their retention was not only a calamity to them, but a heavy expenditure of their scanty means of subsistence and a privation of the services of a veteran army. Mr. Fisher or Bishop Wilmer has confounded my offers for the exchange of prisoners with those made by Mr. Ould, the commissioner of the Confederate States. It was he that offered, when all hopes of effecting the exchange had ceased, to deliver all the Federal sick and wounded to the amount of 15,000 without an equivalent, provided transportation was furnished.

Previous to this, I think, I offered to General Grant to send into his lines all the prisoners within my department, which then embraced Virginia and North Carolina, provided he would return me man for man; and when I informed the Confederate authorities of my proposition I was told that if it was accepted they would place all the prisoners at the South at my disposal. I offered subsequently, I think, to the committee of the United States Sanitary Commission, who visited Petersburg for the purpose of ameliorating the condition of their prisoners, to do the same, but my proposition was not accepted. Dr. Joseph Jones has recently published a pamphlet termed Researches Upon Spurious Vaccination, etc., issued from the University Medical Press, Nashville, Tenn., in which he treats of certain diseases of the Federal prisoners at Andersonville and their causes, which I think would be interesting to you as a medical man, and would furnish Mr. Fisher with some of the information he desires.

And now I wish you to understand that what I have written is for your personal information and not for publication, and to send as an expression of thanks to Mr. Fisher for his kind efforts to relieve the sufferings of the Southern people.

I am very much obliged to you for the prayers you offered for us in the days of trouble. Those days are still prolonged, and we earnestly look for aid to our merciful God. Should I have any use for the file of papers you kindly offer me, I will let you know.

All my family unite with me in kind regards to your wife and children.

And I am, very truly, your cousin,

R. E. LEE.

This testimony of General Lee shows that the statements made with reference to the treatment of Federal prisoners in Confederate prisons are not borne out by the facts as they existed and were proven.

Against the baseless statements of those who make the charges of cruelty and outrage committed upon the Federal prisoners in Confederate prisons I place the stainless word of this stainless Confederate officer. I desire to call attention to the evidence of another Confederate official.

I present the testimony of a Georgian, the vice-president of the Confederate States. His word has never been questioned. His long public service in the Congress of the United States, both prior and subsequent to the civil war, and his high character, will give to his statements the sanction of absolute verity.

Vice-President A. H. Stephens, in his War Between the States, volume 2, pages 507-510, says in reference to the Federal prisoners sent South:

Large numbers of them were taken to southwestern Georgia in 1864, because it was a section most remote and secure from the invading Federal armies, and because, too, it was a country of all others then within the Confederate limits not thus threatened with an invasion, most abundant with food, and all resources at command for the health and comfort of prisoners. They were put in one stockade for the want of men to guard more than one.

The section of country, moreover, was not regarded as more unhealthy or more subject to malarious influences than any in the central part of the State. The official order for the erection of the stockade enjoined that it should be in "a healthy locality, plenty of pure water, a running stream, and, if possible, shade trees, and in the immediate neighborhood of grist and saw mills." The very selection of the locality, so far from being, as you suppose, made with cruel designs against the prisoners, was governed by the most humane considerations. * * *

As far as mortuary returns afford evidence of the general treatment of prisoners on both sides, the figures show nothing to the disadvantage of the Confederates, notwithstanding their limited supplies of all kinds and notwithstanding all that has been said of the horrible sacrifice of life at Andersonville.

It now appears that a larger number of Confederates died in Northern than of Federals in Southern prisons or stockades. The report of Mr. Stanton, as Secretary of War, on the 19th of July, 1866, exhibits the fact that of the Federal prisoners in Confederate hands during the war only 22,576 died, while of the Confederate prisoners in Federal hands 26,436 died. This report does not set forth the exact number of prisoners held by each side respectively.

These facts were given more in detail in a subsequent report by Surgeon-General Barnes, of the United States Army. His report I have not seen, but according to a statement editorially in the National Intelligencer—a very high authority—it appears from the Surgeon-General's report that the whole number of Federal prisoners captured by the Confederates and held in Southern prisons, from first to last during the war, was, in round numbers, 270,000, while the whole number of Confederates captured and held in prisons by the Federals was, in like round numbers, only 220,000. From these two reports it appears that, with 50,000 more prisoners in Southern stockades or other modes of confinement, the deaths were nearly 4,000 less. According to these figures the per cent of Federal deaths in Southern prisons was under 9, while the per cent of Confederate deaths in Northern prisons was over 12. These mortality statistics are of no small weight in determining on which side was the most neglect, cruelty, and inhumanity.

In the summer of 1864 Mr. Robert Ould, the Confederate commissioner for the exchange of prisoners, in consequence of information communicated to him by the surgeon-general of the Confederate States as to the deficiency of medicines, offered to make purchases of medicines from the United States authorities, to be used exclusively for the relief of Union prisoners. He offered to pay gold, cotton, or tobacco for them, and even two or three prices if required. At the same time assurances were given that the medicines should be used exclusively for the treatment of Union prisoners, and he moreover agreed on behalf of the Confederate Government, if it were insisted on, that such medicines might be brought into the Confederate lines by United States surgeons and dispensed by them. To this offer no reply was ever received.

Finally a delegation from the prisoners at Andersonville was sent to Washington for the purpose of pleading their cause for the exchange, but the authorities at Washington refused to see them, and they returned.

An examination of the records of both Governments, of the United States and the Confederate States, and the evidence given before Congressional committees and furnished elsewhere will demonstrate that—

The laws of the Confederate congress, the orders of the war department, the regulations of the surgeon-general, the action of our generals in the field, and the orders of those who had the immediate charge of prisoners, all provided that prisoners in the hands of Confederates should be kindly treated, supplied with the same rations which our soldiers had, and cared for when sick in hospitals placed on precisely the same footing as the hospitals for Confederate soldiers.

If these regulations were violated in individual instances, and if subordinates were sometimes cruel to prisoners, it was without the knowledge or consent of the Confederate Government, which always took prompt action on any case reported to them.

The mortality in Southern prisons (fearfully large, although over 3 per cent less than the mortality in Northern prisons) resulted from causes beyond the control of our authorities, from epidemics, etc., which might have been avoided or greatly mitigated had not the Federal Government declared medicines "contraband of war;" refused the proposition of Judge Ould that each Government should send its own surgeons with medicines, hospital stores, etc., to minister to soldiers in prison; declined his proposition to send medicines to its own men in Southern prisons without being required to allow the Confederates the same privilege; refused to allow the Confederate Government to buy medicines for gold, tobacco, or cotton, which it offered to pledge its honor should be used only for Federal prisoners in its hands; refused to exchange sick and wounded, and neglected from August to December, 1864, to accede to Judge Ould's proposition to send transportation to Savannah, and received without equivalent from ten to fifteen thousand Federal prisoners, notwithstanding the fact that this offer was accompanied with a statement of the utter inability of the Confederacy to provide for these prisoners and a detailed report of the monthly mortality at Andersonville, and that Judge Ould again and again urged compliance with his humane proposal. (See Southern Historical Papers—Treatment of Prisoners, by J. William Jones.)

I desire now to refer to some official documents to support my statement made to-day in colloquy with my distinguished friend from Ohio [Mr. GROSVENOR].

The causes which induced the Confederate Congress to pass the resolution referred to by the gentleman from Ohio [Mr. GROSVENOR] were the orders issued by command of Major-General Pope, on July 18, 1862, and on July 23, 1862, known as General Orders, No. 5, No. 6, No. 7, and No. 11.

The following is a copy of No. 7:

[General Orders, No. 7.]

HEADQUARTERS ARMY OF VIRGINIA,
Washington, July 18, 1862.

The people of the valley of the Shenandoah and throughout the regions of operations of this Army, living along the lines of railroad and telegraph, and along routes of travel in the rear of United States forces, are notified that they will be held responsible for any injury done the track, line, or road, or for any attacks upon the trains or straggling soldiers by bands of guerrillas in their neighborhood. * * * Evil-disposed persons in the rear of our Armies who do not themselves engage directly in these lawless acts, encourage by refusing to interfere or give any information by which such acts can be prevented or the perpetrators punished.

Safety of the life and property of all persons living in the rear of our advancing Army depends upon the maintenance of peace and quiet among themselves and upon the unmolested movements through their midst of all pertaining to the military service. They are to understand distinctly that the security of travel is their only warrant of personal safety. * * * If a soldier or legitimate follower of the Army be fired upon from any house, the house shall be razed to the ground and the inhabitants sent prisoners to the headquarters of this Army. If such an outrage occur at any place distant from settlements, the people within 5 miles around shall be held accountable and made to pay an indemnity sufficient for the case; and any person detected in such outrages, either during the act or at any time afterwards, shall be shot without waiting civil process. * * *

By command of Major-General Pope:

GEORGE D. RUGGLES, *Colonel.*

The following is a copy of Order No. 11:

[General Orders, No. 11.]

HEADQUARTERS ARMY OF VIRGINIA,
Washington, July 23, 1862.

Commanders of army corps, divisions, brigades, and detached commands will proceed immediately to arrest all disloyal male citizens within their lines, or within their reach in the rear of their respective stations.

Such as are willing to take the oath of allegiance to the United States and will furnish sufficient security for its observance shall be permitted to remain at their homes and pursue in good faith their accustomed avocations. Those who refuse shall be conducted south beyond the extreme pickets of the Army and be notified that if found again anywhere within our lines, or at any point in the rear, they will be considered spies and subjected to the extreme rigor of the military law. * * *

By command of Major-General Pope:

GEORGE D. RUGGLES,
Colonel, Assistant Adjutant-General, and Chief of Staff.

In a letter dated July 30, 1862, addressed to General Lee, commanding the Confederate army in Virginia, President Davis inclosed the act of Congress referred to, and said, among other things:

For the present we renounce our right of retaliation on the innocent, and shall continue to treat the private enlisted soldiers of General Pope's army as prisoners of war; but if, after notice to the Government at Washington of our confining repressive measures to the punishment only of commissioned officers who are willing participants in these crimes, these savage practices are continued, we shall reluctantly be forced to the last resort of accepting the war on the terms chosen by our foes, until the outraged voice of a common humanity forces a respect for the recognized rules of war.

And he concludes as follows:

You are therefore instructed to communicate to the Commander in Chief of the Armies of the United States the contents of this letter and a copy of the inclosed general order, to the end that he may be notified of our intention not to consider any officers hereafter captured from General Pope's army as prisoners of war.

And thus was effected the results designed by the act of the Confederate Congress, that the rules of recognized civil warfare should be followed, and no retaliatory measures were resorted to by the Confederate Government or its officers.

In marked contrast with the orders of General Pope quoted, I call attention to the following: On July 7, 1862, Gen. George B. McClellan, in a letter to President Lincoln, written from camp near Harrisons Landing, Virginia, said:

This rebellion has assumed the character of a war. As such it should be regarded, and it should be conducted upon the highest principles known to Christian civilization. * * *

In prosecuting the war all private property and unarmed persons should be strictly protected, subject only to the necessity of military operations; all private property taken for military use should be paid or receipted for; pillage and waste should be treated as high crimes, all unnecessary trespass sternly prohibited, and offensive demeanor by the military toward citizens promptly rebuked. Military arrests *should not be tolerated except in* places where active hostilities exist, and oaths not required by enactments constitutionally should be neither demanded nor received.

I have endeavored to present on this question of the treatment of prisoners in Southern prisons and the failure to exchange them the evidence taken from the public documents and records of both the United States and Confederate Governments, with no other purpose in view except that the truth of history on this subject may be established and that the statement of the gentleman from Pennsylvania [Mr. MAHON] shall not go unchallenged, believing that these facts fully refute it.

But whatever acts may have been committed during the civil war by the armies or officials of either the United States or the Confederate government which are alleged to have been cruelties, they should not be pleaded as justification for the cruelties perpetrated in the Philippines. All I desire to say upon this subject is that those who justify such acts of cruelty under the law of retaliation can not find support for such acts or justification in General Orders, No. 100, containing instructions for the armies of the United States Government in the field, issued on April 24, 1863.

On the contrary, that order and the instructions contained in that order expressly forbid such acts of cruelty as are alleged to have been committed in the Philippines. This order has been asserted by some as full authority and justification for the cruelties alleged to have been perpetrated upon the Filipinos. I most earnestly deny that any justification for such cruelties can be found in that order.

Section 1, article 16, declares:

Military necessity does not admit of cruelty—that is, the infliction of suffering for the sake of suffering, or for revenge, nor of maiming or wounding, except in fight, nor of torture to extort confessions.

Section 1, article 28, declares that—

Retaliation will therefore never be resorted to as a measure of mere revenge, but only as a means of protective retribution, and, moreover, cautiously and unavoidably. * * * Unjust or inconsiderate retaliation removes the belligerents further and further from the mitigating rules of regular war, and by rapid steps leads them nearer to the internecine wars of savages.

Article 56 of section 3 declares:

A prisoner of war is subject to no punishment for being a public enemy, nor is any revenge wreaked upon him by the intentional infliction of any suffering or disgrace by cruel imprisonment, want of food, by mutilation, death, or any other barbarity.

Whatever cruel or inhuman means may have been used to extort confessions from prisoners by the officers or men of the United States Army in the Philippines, whether by means of the water cure or whatever other means may have been resorted to, they can find no justification under this order, No. 100, referred to. On the contrary, such conduct is prohibited by that order.

We find in section 3, article 80, of that order the following:

Honorable men, when captured, will abstain from giving to the enemy information concerning their own army, and the modern law of war permits no longer the use of any violence against prisoners in order to extort the desired information or to punish them for having given false information.

In the name of the officers and men of both armies, in defense of the living and dead heroes on both sides of that great struggle, I repudiate the assertion that any of the cruelties alleged to have been committed on the Filipinos can find sanction or justification in any of the orders or conduct of either the Federal or Confederate officials.

Mr. Chairman, I do not desire to make political capital out of any unfortunate, miserable cruelties that may have been perpetrated in the Philippines. I sorrow at them when they are related. I am proud of the chivalry of the American Army.

I have no desire to hold up to public gaze any wrong that may have been done. But I desire to say this much: As I abhor any wrong that may have been done in the Philippines, so I charge it home upon the policy of an Administration that makes it necessary for the boys of this country—raised in Christian homes, educated by Christian parents, who out of love for their country or patriotism and devotion to its flag have followed it across the ocean to the distant isles of the sea—to obey the Commander in Chief of the Army and the generals and officers who command them, to engage in such a war of aggression and spoliation, a war for empire and not for defense. Such is the policy which has been always followed, and such has been the result in the history of the world in the effort of a superior race to destroy the liberties

and govern by force of arms an inferior and alien race. [Applause.]

Mr. JONES of Virginia. I yield thirty minutes to the gentleman from Tennessee [Mr. GAINES].

[Mr. GAINES of Tennessee addressed the committee. See Appendix.]

Mr. JONES of Virginia. I yield five minutes to the gentleman from Indiana [Mr. ZENOR].

Mr. ZENOR. Mr. Chairman, I do not rise to-night for the purpose of making any extended remarks. It is perfectly obvious that the time limit would preclude the possibility of any such thought. But, Mr. Chairman, inasmuch as the members of this House will soon be called upon to cast their votes and express their deliberate judgment upon the merits of the two propositions with which this House is confronted, I take this opportunity of entering my earnest protest against the passage of the bill reported by the majority of the Committee on Insular Affairs.

For days and weeks, yea, months, Mr. Chairman, the able and distinguished Committee on Insular Affairs were engaged in an earnest effort to formulate a wise and statesmanlike measure for the patriotic purpose of solving the difficult, intricate, and complicated questions involved in our Philippine policy. The result of the deliberations of this committee was a report to the House of two bills, one by the majority and the other by the minority of that committee.

The bills presented by the majority and minority of this committee accentuate the difference of views between the members of that committee, and in my judgment, Mr. Chairman, substantially express the difference of views upon the important questions involved of the two great political parties of this country.

I shall not attempt, as I said before, to engage in the discussion of any particular question involved in this controversy to-night. It seems to me that there has been more or less of partisanship displayed in the discussion of this great question, and perhaps more than should have characterized the consideration of questions involving so much to our Government.

The highest and best thought of the greatest minds and intellects of the nation should be invoked in a proper solution of these questions, to enable us to arrive at a proper conclusion in reference to these different views. There has been more or less said in criticism of some parts of the army in the Philippines, and with a good deal of the accusations that have been made as against the soldiers I have but little sympathy.

I mean to say, Mr. Chairman, that I do not share, if such a feeling or sentiment is shared in this country, in the opinion that there is any such conduct disclosed in the Philippine Islands to justify a general charge, or a general arraignment, or a general criticism of the Army of the United States. That there are exceptional cases of cruelty, of misconduct, of violations, perhaps, of the rules of civilized warfare in the Philippine Islands would not be disputed by any gentleman on the other side of this Chamber.

I do not sympathize with the idea, Mr. Chairman, that these soldiers in many instances should be held responsible in the eyes of the law for what they have done. I believe that the only defense that can be made of the cruelty and inhumanity which have been charged in the Philippine Islands can only be made upon the theory which was adopted by Lord Erskine when called upon to make defense of Warren Hastings for similar cruelties and similar inhumanities practiced in India. After Great Britain had conquered India she sent as her representative, as governor-general or viceroy, Warren Hastings to govern that conquered country, that subjugated people.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONES of Virginia. I yield five minutes more to the gentleman.

Mr. ZENOR. When Warren Hastings was charged with these cruelties before the House of Lords in England, Edmund Burke arraigned him for his cruelties and for his misconduct and for what seemed to be a violation of all rules of civilized warfare.

After that terrible arraignment before the House of Lords, Lord Erskine, that astute, skilled, splendid lawyer, and great statesman as the counsel of Warren Hastings confessed all of the charges that had been made against him, as was true in the defense of Gen. Jacob H. Smith in the Philippine Islands, but he called the attention of the House of Lords to the fact that Warren Hastings could not be held guilty for the execution of the policy of the Government of Great Britain.

He argued that he was in India representing the British Government, representing the British policy, and that the only defense that could be made in his case was that it was not Warren Hastings but the policy of Great Britain which put him there; that his client, Mr. Hastings, was not the real culprit, not the responsible criminal; that if there existed criminal responsibility for any of the acts charged against, and for which Warren Hastings had been so fiercely arraigned by the distinguished Burke, they should be charged against the English Government, against the Parliament of Great Britain who had inaugurated the policy, the inevitable consequences of which were the very cruelties and horrors of which complaint was made and in the execution of which his client was but a mere instrument in the hands of his superiors, the officials of the British Government, and it is recorded that it was upon this plea and upon this theory that Warren Hastings went acquit.

So it is, Mr. Chairman, in all of this misconduct in the Philippine Islands. I believe, as I stand here to-night, that it is by reason of the policy that has been inaugurated in those islands that these things have happened. It is one of the inevitable consequences, it is one of the results of carrying on a war to subjugate a foreign people, aliens to ourselves in habits, in thought, in every characteristic that can divide two races.

But, Mr. Chairman, I have digressed from the purpose for which I rose. I desired, Mr. Chairman, simply to make a contribution to this discussion and to dedicate here to-night a poem which was written by a very able divine at my home town, the Rev. H. I. Stern, of Corydon, Ind., which I regard as not only highly worthy but apropos to the subject under discussion, and I will ask the Clerk to read it.

The Clerk read as follows:

MATER DOLOROSA.

Madonna of the nations, Columbia, mother-maid,
Who, terrible in loving, once madest kings afraid.
Where is thy brave aloofness and heritage of pride?
A sword thy soul hath entered, thy Christ is crucified.

Is this the morning's promise, an arid afternoon,
That thou art sick and wearied of mercy's task so soon,
That morning when the toilers and all the earth's oppressed
Beheld thee 'mid the oceans and rose and called thee blest?

Still they await in battle thy voice across the sea,
But thou dost sit and mutter thy gospel doubtingly,
While princes are thy wooers, and traffickers in blood,
And priests of hoary falsehoods, and all the pagan brood.

They lift their heads exulting and laugh their cynic laugh,
The people's dream of freedom is blown away like chaff;
For she is grown as we are, proud, rich, her faith is cold,
All things will be to-morrow as they have been of old.

From distant sunrise islands reach hands to thee in vain,
The hands of driven slayers, the spirits of the slain;
Well dost thou droop and cover thy sullied head in shame,
For they who kill are killing, Columbia, in thy name!

And thou must teach thy children to prate the cant of knaves,
That they for this are freemen, to make their brothers slaves;
Then is thy charter forfeit, thou handmaid of the Lord,
They who the sword have taken have perished by the sword.

O, prophetess of freedom, O, priestess of the right,
Stops then at the Pacific God's highway for the light?
Esteemed thou so lightly His glory on thy brow?
Is He among the nations to have no witness now?

Nay, yet arise, beloved, and cleanse thy skirts of blood,
Return unto thy calling and to thy holier mood;
Once more lift on the peoples thy chastened eyes like stars,
Lest God be wroth and spurn thee, Columbia of the wars.

Mr. JONES of Virginia. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. CONNER having resumed the chair as Speaker pro tempore, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes, and had come to no resolution thereon.

And then, on motion of Mr. JONES of Virginia (at 10 o'clock and 20 minutes p. m.), the House adjourned until to-morrow at 11 o'clock a. m.

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. 11247) extending the provisions of sections 2304 to 2309 of the Revised Statutes of the United States in certain cases, reported the same with amendments, accompanied by a report (No. 2644); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LOVERING, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 163) granting pensions to certain officers and enlisted men of the Life-Saving Service, and to their widows and minor children, reported the same without amendment, accompanied by a report (No. 2646); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 11808) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891, reported the same with amendments, accompanied by a report (No. 2656); which said bill and report were referred to the House Calendar.

Mr. MOODY of Oregon, from the Committee on Mines and Mining, to which was referred the bill of the House (H. R. 15198) defining what shall constitute and providing for assessments on oil-mining claims, reported the same with amendment, accompanied by a report (No. 2657); which said bill and report were referred to the House Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1359) to increase pension for total deafness, reported the same without amendment, accompanied by a report (No. 2654); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LACEY, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 11848) granting right of way to the Williams and Cataract Canyon Railroad Company across the Supai Indian Reservation, in Arizona, reported the same with amendment, accompanied by a report (No. 2658); which said bill and report 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. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13054) granting a pension to Louisa L. Kerr, reported the same with amendments, accompanied by a report (No. 2616); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4211) granting an increase of pension to Asa Worden, reported the same without amendment, accompanied by a report (No. 2617); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15114) granting an increase of pension to Alonza F. Canfield, reported the same with amendments, accompanied by a report (No. 2618); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15069) granting an increase of pension to Daniel P. Marshall, reported the same with amendment, accompanied by a report (No. 2619); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6008) granting an increase of pension to David Vickers, reported the same without amendment, accompanied by a report (No. 2620); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13997) granting an increase of pension to L. A. L. Gilbert, reported the same with amendments, accompanied by a report (No. 2621); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3423) granting an increase of pension to Maria V. Stadtmueller, reported the same without amendment, accompanied by a report (No. 2622); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12600) granting an increase of pension to George S. Graham, reported the same with amendments, accompanied by a report (No. 2623); which said bill and report were referred to the Private Calendar.

Mr. RUMPLE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4454) granting an increase of pension to John D. Sullivan, reported the same without amendment, accompanied by a report (No. 2624); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13799) granting an increase of pension to H. C. Trout, reported the same with amendments, accompanied by a report (No. 2625); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2306) granting an increase of pension to William H. Lessig, reported the same without amendment, accompanied by a report (No. 2626); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1272) granting an increase of pension to Joseph S. Chilcoat, reported the same without amendment, accompanied by a report (No. 2627); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1666) granting an increase of pension to Rufus V. Lee, reported the same without amendment, accompanied by a report (No. 2628); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15074) granting an increase of pension to George F. White, reported the same with amendment, accompanied by a report (No. 2629); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8626) granting a pension to Sarah E. Yeamans, reported the same with amendments, accompanied by a report (No. 2630); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5758) granting an increase of pension to David Ham, reported the same without amendment, accompanied by a report (No. 2631); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15113) granting an increase of pension to John Murphy, reported the same with amendments, accompanied by a report (No. 2632); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5076) granting an increase of pension to Katharine W. Clarke, reported the same without amendment, accompanied by a report (No. 2633); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14831) granting an increase of pension to Robert Clark, reported the same with amendment, accompanied by a report (No. 2634); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5747) granting an increase of pension to James E. Bader, reported the same without amendment, accompanied by a report (No. 2635); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5450) granting a pension to Dr. Charles P. Bigelow, reported the same with amendments, accompanied by a report (No. 2636); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4938) granting a pension to Alexander Gossett, reported the same without amendment, accompanied by a report (No. 2637); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3315) granting an increase of pension to George W. Bradshaw, reported the same without amendment, accompanied by a report (No. 2638); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14242) granting a pension to Charles E. Peake, reported the same without amendment, accompanied by a report (No. 2639); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2283) granting an increase of pension to William F. Angevine, reported the same without amendment, accompanied by a report (No. 2640); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4923) granting a pension to William L. Whetsell, reported the same without amendment, accompanied by a report (No. 2641); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 7361) for the relief of C. W. Colehour, reported the same with amendment, accompanied by a report (No. 2642); which said bill and report were referred to the Private Calendar.

He also, from the Committee on Claims, to which was referred

the bill of the House (H. R. 7363) for the relief of John A. Dolan, reported the same with amendment, accompanied by a report (No. 2643); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15084) granting an increase of pension to James H. Powell, reported the same with amendments, accompanied by a report (No. 2647); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11212) granting an increase of pension to J. D. Sims, reported the same with amendments, accompanied by a report (No. 2648); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14265) granting an increase of pension to Helen N. Packard, reported the same with amendments, accompanied by a report (No. 2649); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committe on Invalid Pensions, to which was referred the bill of the House (H. R. 3907) granting an increase of pension to John A. Sare, reported the same with amendment, accompanied by a report (No. 2650); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14751) granting an increase of pension to Regina F. Palmer, reported the same with amendments, accompanied by a report (No. 2651); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14952) granting an increase of pension to L. S. Grove, reported the same with amendments, accompanied by a report (No. 2652); which said bill and report were referred to the Private Calendar.

Mr. DARRAGH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9074) granting a pension to Elizabeth Gates, reported the same with amendments, accompanied by a report (No. 2653); which said bill and report were referred to the Private Calendar.

Mr. BURKE of South Dakota, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 4328) to ratify and confirm a lease made by the Seneca Nation of New York Indians to John Quilter, reported the same without amendment, accompanied by a report (No. 2655); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 15207) to permit W. W. Wheeler to prosecute a claim, and the same was referred to the Committee on War Claims.

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. BURTON: A bill (H. R. 15234) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902—to the Committee on Rivers and Harbors.

Also, a joint resolution (H. J. Res. 205) providing for the removal of shoal in North River of New York Harbor—to the Committee on Rivers and Harbors.

By Mr. HULL: A joint resolution (H. J. Res. 203) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point, Arturo R. Calvo, of Costa Rica—to the Committee on Military Affairs.

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. CURRIER: A bill (H. R. 15228) granting a pension to Mary A. Sanborn—to the Committee on Invalid Pensions.

By Mr. HENDERSON: A bill (H. R. 15229) granting a pension to James T. Jackson—to the Committee on Invalid Pensions.

By Mr. LONG: A bill (H. R. 15230) granting a pension to Emma Morton, guardian—to the Committee on Invalid Pensions.

By Mr. MEYER of Louisiana: A bill (H. R. 15231) for the relief of the New Orleans and Bayou Sara Mail Company—to the Committee on War Claims.

By Mr. SNOOK: A bill (H. R. 15232) granting an increase of pension to Philander E. Wilson—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 15233) granting an increase of pension to Edmond G. Carey—to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A joint resolution (H. J. Res. 204) for the relief of Caleb B. Rhoades—to the Committee on Indian Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Petition of the American Committee on Human Rights and Justice, in relation to the administration of affairs in the Philippines, especially against the disregard of the Catholic faith and institutions of the people—to the Committee on Insular Affairs.

Also, resolutions of the American Association of Nurserymen of Rochester, N. Y., urging the passage of House bill No. 10999—to the Committee on Agriculture.

By Mr. BABCOCK: Petition of churches of Richland Center, Wis., for a Sunday law for the national capital—to the Committee on the District of Columbia.

Also, petitions of R. L. Smith and other druggists, of Viola and Manston, Wis., and Errickson & Natwick, of Soldiers Grove, Wis., favoring House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. BEIDLER: Petition of druggists of Berea, Ohio, in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, resolutions of annual convention of 22 German societies of Cleveland, Ohio, protesting against the administration of affairs in the Philippines, especially against the disregard of the Catholic faith and institutions of the people—to the Committee on Insular Affairs.

By Mr. BOUTELL: Petition of J. Bollemp and E. K. Brockett, of Chicago, Ill., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of Chicago Turn Gemeinde for the erection of a monument to Baron Steuben—to the Committee on the Library.

By Mr. BRANTLEY: Petition of J. M. Harvey and 6 other retail druggists of Vacoesta, Ga., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. CALDERHEAD: Resolutions of American Association of Nurserymen, Rochester, N. Y., favoring the passage of House bill 10999—to the Committee on Agriculture.

By Mr. CONRY: Resolutions of the city councils of Cambridge, Fitchburg, and Winthrop, Mass, in favor of the proposed increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of Thomas Joyce & Co., of Boston, Mass., for reduction of tax on alcohol—to the Committee on Ways and Means.

By Mr. CURRIER: Petition of H. E. Rice and 8 other citizens of Nashua, N. H., for reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. ESCH: Petition of American Association of Nurserymen, of Rochester, N. Y., urging the passage of House bill 10999—to the Committee on Agriculture.

By Mr. HILL: Petitions of W. H. Camp, of Canaan; R. S. McDonald, of Darien; H. P. Bissell, of Ridgefield, and H. C. Boswell and others, of Greenwich, Conn., favoring the enactment of House bill 178, reducing the tax on alcohol—to the Committee on Ways and Means.

By Mr. HOWELL: Petition of American Association of Nurserymen, advocating the passage of House bill 10999—to the Committee on Agriculture.

Also, resolutions of Coopers' Union of Trenton, and Electrical Workers' Union, No. 3, of Jersey City, N. J., in favor of the proposed increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, protest of American Committee on Human Rights and Justice, of Philadelphia, Pa., against alleged injustice to Catholics in the Philippines—to the Committee on Insular Affairs.

By Mr. JONES of Washington: Petition of steam-vessel owners and licensed men, of Tacoma, Wash., favoring the passage of the Grosvenor bill concerning the regulation of gasoline and other launches—to the Committee on Merchant Marine and Fisheries.

By Mr. LACEY: Petition of Frank Ritter and others, of Philadelphia, Pa., against the public-school system in the Philippines—to the Committee on Insular Affairs.

By Mr. PAYNE: Petition of citizens of Seneca Castle, N. Y., for an amendment to the Constitution preventing polygamous marriages—to the Committee on the Judiciary.

By Mr. SNOOK: Papers to accompany House bill granting an increase of pension to Philander E. Wilson—to the Committee on Invalid Pensions.

By Mr. SPERRY: Petition of Pharmaceutical Association and retail druggists of Waterbury, Conn., urging the passage of House bill 178, for reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SULZER: Petition of citizens of New York City, in favor of the passage of House bill 12203—to the Committee on Invalid Pensions.

Also, petition of American Association of Nurserymen, of Rochester, N. Y., asking for the passage of House bill 10999—to the Committee on Agriculture.

Also, resolutions of West Side Lodge No. 320, International Association of Machinists, of New York, favoring the construction of war vessels at the Government navy-yards—to the Committee on Naval Affairs.

By Mr. YOUNG: Resolution of the Trades League of Philadelphia in favor of bill for the reorganization of the consular service, etc.—to the Committee on Foreign Affairs.

Also, resolutions of the Commercial Exchange of Philadelphia, urging the passage of House bill 14022—to the Committee on the Judiciary.

SENATE.

TUESDAY, *June 24, 1902.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

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

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

HOUR OF MEETING.

Mr. QUAY. I move that when the Senate adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The PRESIDENT pro tempore. The Senator from Pennsylvania moves that when the Senate adjourns to-day it adjourn to meet to-morrow at 11 o'clock. [Putting the question.] By the sound the noes have it.

Mr. QUAY. I do not care to have the vote taken by yeas and nays.

The PRESIDENT pro tempore. It is not a good time to do that.

Mr. QUAY. Evidently there is not a quorum present. So I will withdraw the motion for the present.

INDIAN DEPREDATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 23d instant, a list of all judgments rendered in favor of claimants in Indian depredation cases not heretofore appropriated for; which, with the accompanying papers, was referred to the Committee on Appropriations.

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. 2848) for the establishment of a subport of entry at Naco, Ariz.; and

A bill (S. 3651) appropriating the sum of $3,000 a year for the support and maintenance of the permanent international commission of the congresses of navigation, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 3323) granting a pension to Daniel L. Mallicoat;

A bill (H. R. 3500) granting an increase of pension to Kate O. Phillips;

A bill (H. R. 5315) granting an increase of pension to Orrin J. Wells;

A bill (H. R. 6871) granting an increase of pension to Harmon Scramlin;

A bill (H. R. 10178) granting an increase of pension to Daniel Thomas;

A bill (H. R. 10933) to provide for the erection at Fredericksburg, Va., of the monument to the memory of Gen. Hugh Mercer, which it was ordered by Congress on the 8th day of April, 1777, should be erected;

A bill (H. R. 12284) granting an increase of pension to George W. Shaw;

A bill (H. R. 12299) granting a pension to William C. Roberts;

A bill (H. R. 12507) granting an increase of pension to Ebenezer W. Oakley;

A bill (H. R. 12648) establishing a regular term of United States district court in Roanoke City;

A bill (H. R. 12800) granting an increase of pension to Horatio N. Whitbeck; and

A bill (H. R. 14221) granting an increase of pension to Nancy J. McArthur.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. 97) to authorize the Secretary of War to furnish duplicate certificates of discharge;

A bill (H. R. 11019) directing the Secretary of the Treasury to bestow medals upon First Lieut. David H. Jarvis, Second Lieut. Ellsworth P. Bertholf, and Samuel J. Call, surgeon, all of the Revenue-Cutter Service; and

A bill (H. R. 11987) relating to transportation of dutiable merchandise at subports of Tacoma and Seattle, State of Washington.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8840) granting an increase of pension to John H. Lauchly.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 13676) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1903, and for other purposes; and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented petitions of the Woman's Christian Temperance Unions of Rockland County, N. Y., and of Lebanon, Tenn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors at immigrant stations; which were ordered to lie on the table.

Mr. DRYDEN presented the memorial of W. Vanorden, of Hamburg, N. J., remonstrating against the enactment of legislation to prohibit the sale of intoxicating liquors in the Capitol building and at immigrant stations; which was ordered to lie on the table.

He also presented petitions of sundry citizens of Belvidere, Hoboken, Oceanport, Bloomfield, Jersey City, Bound Brook, Moorestown, Dennisville, and Clinton, of the New Jersey Conference of the Epworth League, of Camden, all in the State of New Jersey, and of sundry citizens of Philadelphia, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors at immigrant stations and in the Capitol building; which were ordered to lie on the table.

He also presented a petition of the Liquor Dealers' Association, of Hackensack, N. J., praying for the adoption of certain amendments to the internal-revenue law relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented the petition of C. S. Hedden, of Newark, N. J., praying for the enactment of legislation to reduce the duty on raw material imported from Cuba; which was referred to the Committee on Finance.

He also presented the petition of James E. Davis, of Newark, N. J., praying for the enactment of legislation to allow all newly coined words to become a part of the English language; which was referred to the Committee on Patents.

He also presented petitions of Silk City Lodge, No. 188, International Association of Machinists, of Paterson, and of Elysium Lodge, No. 351, International Association of Machinists, of Hoboken, in the State of New Jersey, praying for the passage of the so-called eight-hour bill; which were referred to the Committee on Education and Labor.

He also presented petitions of Mineral Mine Workers' Local Union No. 8588, of Port Oram; of the Martin Cook Association, of Hoboken; of Brewery Workmen's Local Union No. 26, of Trenton; of Sheet Metal Workers' Local Union No. 13, of Hoboken; of Coopers' Local Union No. 40, of Jersey City; of the Woman's Christian Temperance Union of Hoboken; of Court Harmony, No. 69, Foresters of America, of Hoboken; of Plumbers' Local Union No. 45, of Trenton; of Electrical Workers' Local Union No. 3, of Jersey City; and of Coopers' Local Union No. 151, of Trenton, all in the State of New Jersey, praying for the enactment of legislation to increase the compensation of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. QUARLES presented a petition of Iron Molders' Local Union No. 375, of South Milwaukee, Wis., praying for the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented a petition of the Federated Trades Council of Madison, Wis., praying for the enactment of legislation to increase the compensation of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FOSTER of Washington presented petitions of sundry