reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. STEPHENS of Texas: Papers to accompany House bill 7077, granting a pension to Felix Lindsay—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: Resolutions of the Chamber of Commerce of St. Paul, Minn., in favor of a tariff commission—to the Committee on Ways and Means.

Also, resolutions of the Winona County Medical Society and Minnesota Unitarian Conference, favoring the establishment of a laboratory for the study of the criminal, pauper, and defective classes—to the Committee on the Judiciary.

By Mr. STEWART of New York: Petition of retail druggists of Cooperstown, Catskill, and vicinity, New York, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. WARNOCK: Papers to accompany House bill granting a pension to Benjamin Knestrict—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Papers to accompany House bill for increase of pension of William S. Morris—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to William A. Cover—to the Committee on Invalid Pensions.

Also, papers to accompany bill for a pension to Caleb Ellis—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Minerva Murphy—to the Committee on Pensions.

Also, papers to accompany House bill granting a pension to Albert H. Noble—to the Committee on Pensions.

SENATE.

WEDNESDAY, *December 10, 1902.*

Prayer by Rev. J. W. DUFFEY, D. D., of the city of Washington.

Mr. HENRY M. TELLER, a Senator from the State of Colorado, appeared in his seat to-day.

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

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

SALES OF OSAGE INDIAN LANDS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of May 10, 1902, a report from the Acting Commissioner of the General Land Office relative to the money received from the sale of the Osage ceded and the Osage trust and the diminished reserve lands in the State of Kansas; which, on motion of Mr. HARRIS, was, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 7956) providing additional districts for the recording of all instruments required by law to be recorded in the Indian Territory; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution providing that when the two Houses adjourn on Saturday, December 20, they stand adjourned until 12 o'clock meridian Monday, January 5, 1903; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of the Creditmen's Association, of Rochester, N. Y., praying for the passage of the so-called Ray bankruptcy bill; which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of New York, praying for the enactment of legislation relative to a reduction of the tax on distilled spirits; which were referred to the Committee on Finance.

Mr. LODGE. I present several telegrams, in the nature of petitions, from business firms of Boston, Mass., relative to the tea duty as affected by a recent decision of the circuit court. The matter is pressing and demands immediate action. I move that the names of the firms be printed in the RECORD and that the telegrams be referred to the Committee on Finance.

The motion was agreed to.

The names of the firms referred to are as follows: Cobb, Bates & Yerka Company, Boston, Mass.; Thomas Wood & Co., Boston, Mass.; Dudley Hall, Boston, Mass.; Winslow, Rand & Watson, Boston, Mass.; Howard W. Spurr Coffee Company, Boston, Mass.; Briggs Seaver Company, Boston, Mass.; H. S. Brown & Co., Boston, Mass.

Mr. LODGE presented a petition of 15 ex-Union soldiers of Massachusetts, praying for the enactment of legislation to increase the pensions of soldiers and sailors who lost limbs in the service; which was referred to the Committee on Pensions.

He also presented a petition of the State Board of Trade of Massachusetts, praying for the enactment of legislation providing an educational test for immigrants to this country; which was ordered to lie on the table.

He also presented a petition of the State Board of Trade of Massachusetts, praying for the enactment of legislation for the Territory of Alaska to open the land to settlement and the mineral wealth of that district to the industry of the United States; which was referred to the Committee on Territories.

Mr. QUARLES presented the petition of A. M. Grau and 94 other citizens of Milwaukee, Wis., praying for the enactment of legislation to amend the internal-revenue laws relative to a reduction of the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a memorial of the Woman's Christian Temperance Union of Marshfield, Wis., remonstrating against the admission into the Union of the Territories of Arizona and New Mexico; which was ordered to lie on the table.

He also presented the petition of George McKerrow, superintendent of the Farmers' Institute of the University of Wisconsin, Madison, Wis., praying that an appropriation be made for the establishment of a bureau of farmers' institutes in the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the common council of Milwaukee, Wis., praying for the enactment of legislation to provide for the commemoration of the semicentennial anniversary of the commencement of the construction of the ship canal between Lake Huron and Lake Superior, at the falls of the St. Marys River, in the State of Wisconsin; which was referred to the Committee on Commerce.

Mr. PATTERSON presented a memorial of the Business Men's Association of Pueblo, Colo., remonstrating against the enactment of legislation to exclude from the United States all aliens over 15 years of age who can not read or write; which was ordered to lie on the table.

Mr. DRYDEN presented the petition of H. M. Nevius, of Redbank, N. J., and the petition of Joseph C. Stevens, of Bloomfield, N. J., praying for the enactment of legislation to increase the pensions of soldiers and sailors who lost limbs in the service; which were referred to the Committee on Pensions.

He also presented the petition of A. M. Cory, of New Providence, N. J., praying for the enactment of legislation granting pensions to contract surgeons in the war of 1861; which was referred to the Committee on Pensions.

He also presented memorials of the Young Woman's Christian Temperance Society of Haddonfield; of William W. Casselberry, of Haddonfield, and of Samuel J. Curran, of Haddonfield, all in the State of New Jersey, remonstrating against the admission into the Union of the Territories of Arizona, New Mexico, and Oklahoma; which were ordered to lie on the table.

He also presented the petition of D. K. Bayne, president of the Trenton Potteries Company, of Trenton, N. J., praying for the admission into the Union of the Territories of Arizona, New Mexico, and Oklahoma; which was ordered to lie on the table.

He also presented the petition of H. B. H. Sleght, of Newark, N. J., praying for the enactment of legislation to regulate the immigration of aliens into the United States; which was ordered to lie on the table.

He also presented the petition of James F. Rustling, of Trenton, N. J., praying for the enactment of legislation providing for the purchase of Temple Farm, at Yorktown, Va., for the purposes of a national park; which was referred to the Committee on the Library.

He also presented the memorial of P. Sanford Ross, of Jersey City, N. J., remonstrating against the enactment of legislation extending the hydraulic dredge patents of A. B. Bowers for a period of seventeen years; which was referred to the Committee on Patents.

He also presented the petition of Joseph Smolinski, representing the Polish-American organization of America, of Washington, D. C., praying for the erection of a bronze equestrian statue to the memory of the Revolutionary hero Pulaski; which was referred to the Committee on the Library.

OKLAHOMA AND INDIAN TERRITORY.

Mr. QUAY. Mr. President, I have received a very large number of resolutions and telegrams relating to the statehood bill, which will come up this afternoon, with the request that they be read in the Senate and entered in the RECORD.

I do not think it is worth while to go to the trouble of having them read. I would be glad to have a few of them, which are

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typical in their character, read, and the rest may go into the RECORD or not, as the Senate shall determine. I prefer that they should go in if there be no objection, as telegrams have been printed in the RECORD on the other side of the question.

The PRESIDENT pro tempore. Will the Senator from Pennsylvania first send to the desk those he desires to have read?

Mr. QUAY. I will do so.

The PRESIDENT pro tempore. Is there objection to the reading of the telegrams sent to the desk? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

POND CREEK, OKLA., *November 29, 1902.*

At a mass meeting of the citizens of Grant County held at the court-house in Pond Creek on this 29th day of November, 1902, the following resolution was offered and unanimously passed:

"*Resolved*, That the people of Grant County, Okla., having a population of over 20,000, do ignore the so-called statehood convention to be held at Claremore December 3, because it is a deception to miscarry the will of the people of this Territory in their desire for immediate admission to statehood. We refuse to send any delegates to such a meeting. We desire the passage of the 'omnibus bill' just as it passed the House. We desire statehood for New Mexico and Arizona as well as for ourselves. It is the just right of the pioneers of these Territories to have the blessings of full American citizenship now. They have added hundreds of millions of wealth to the nation; they have offered blood in the defense of its flag. They pay tribute in a vast trade to the States whose Senators would deprive them of the rights that they inherit from the founders of this Republic. We vote our heartfelt thanks to the Senators on the floor who rise to a plane of statesmanship equal to that of our fathers and who would hail new stars in the flag of the greatest and most progressive nation on earth. That we send a copy to our Delegate for Senator QUAY."

J. N. DECK, *President.*
H. J. WASSON, *Secretary.*

ELRENO, OKLA., *December 8, 1902.*

Hon. MATTHEW S. QUAY,
Senate, Washington, D. C.:

At a mass meeting of citizens of Elreno, Okla., the following resolutions were adopted:

"*Resolved, first*, That, in our judgment, nine-tenths of the people of Oklahoma, irrespective of party affiliations, favor the immediate passage of the omnibus statehood bill, and are opposed to the substitute bill.

"*Resolved, second*, That the people of Elreno earnestly request our Delegate to Congress, Senator MATTHEW S. QUAY, and all other friends of Oklahoma to use all honorable means to secure the passage of the omnibus state hood bill."

DICK T. MORGA, *Chairman.*
D. W. PEERY, *Secretary.*

GUTHRIE, OKLA., *December 9, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*

Oklahoma is with you in your fight for the omnibus bill. The people declared for this bill when it was the sole issue at the last election. They are unalterably opposed to the substitute bill.

FRANK H. GEER,
Editor Daily State Capital.

HOLDENVILLE, IND. T., *December 10, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*

As a resident of Creek Nation, I protest against passage of Senate amendment to statehood bill and recommend passage without including Indian Territory.

J. W. SINGLETON.

KINGFISHER, OKLA., *December 10, 1902.*

Senator QUAY, *Washington, D. C.:*

Republicans in recent election indorsed omnibus statehood bill. We urge its passage.

A. J. SEAY,
Ex-Governor.
AMOS A. EWING,
Chairman County Republican Committee.
F. L. WINKLER,
Territorial Council.
F. A. BELL,
President Commercial Club.
F. L. WINNER
(And 100 others).

PERRY, OKLA., *December 9, 1902.*

Senator QUAY, *Washington, D. C.:*

Political platforms should now be as sacred as they were then solemn. Reminding both parties that their national honor is now at test, we hope, ask, and beg for the omnibus bill's immediate passage.

William T. Little, postmaster; A. E. Smyser, mayor; R. E. Wade, president Commercial Club; C. D. Jensen, secretary Perry Commercial Club; Farmers and Merchants' Bank, Perry, Okla.; Exchange Bank; Noble County Bank; L. G. Shoop, register of deeds; H. A. Smith, probate judge; H. P. Larsh, county clerk; W. W. Faulds, county treasurer; W. T. Little.

HOLDENVILLE, IND. T., *December 9, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*

For best interest of all, would request that you urge passage of omnibus bill without Senate amendment.

W. S. HASTON.

HOBART, OKLA., *December 10, 1902.*

We are in favor of omnibus bill.

JOHN D. APPLEBY.
S. I. COMBS, *News-Republican.*
CHAS. H. LAMBA.
H. H. HADLOCK.

Hon. M. S. QUAY, *Washington, D. C.*

HOLDENVILLE, IND. T., *December 10, 1902.*

I earnestly protest against the passage of Senate amendment to omnibus bill and recommend passage of statehood bill without embracing Indian Territory.

L. WALKER.

Hon. M. S. QUAY,
United States Senate, Washington, D. C.

ELRENO, OKLA., *December 9, 1902.*

The people of Canadian County, Okla., demand the passage of the omnibus statehood bill, in accordance with promises held forth during the campaign, and are greatly alarmed at press reports, indicating a delay and showing a purpose to substitute some different measure.

CANADIAN COUNTY REPUBLICAN CENTRAL COMMITTEE,
By HENRY LASSEN, *Chairman.*

Senator MATT. QUAY, *Washington, D. C.*

GUTHRIE, OKLA., *December 9, 1902.*

The substitute statehood bill should not pass; Indian Territory entirely unprepared. People of Oklahoma are almost unanimous for the omnibus bill.

CHAS. E. BILLINGSLEY,
President Capital National Bank.

Senator MATT. QUAY, *Washington, D. C.*

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*

The following resolutions were unanimously adopted by the common council of the city of Elreno relative to the omnibus statehood bill now pending in the Senate:

"*Be it resolved by the mayor and council of the city of Elreno in special session assembled*, Whereas we are informed that certain parties are endeavoring to make it appear to the Senate that the people of Oklahoma are opposed to the passage of the omnibus statehood bill: Therefore,

"*Be it resolved*, That we as a body and as individuals hereby denounce such representations as untrue and calculated to mislead the Senate as to the wishes of the people of Oklahoma as regards statehood: Therefore,

"*Be it further resolved*, That we hereby declare ourselves in favor of the passage of the omnibus bill and are unalterably opposed to the substitute therefor; and, further, we believe these sentiments are shared in by nineteen-twentieths of the people of Oklahoma."

Passed and approved this the 9th day of December, 1902.

T. F. HENSLEY, *Mayor.*
SIDNEY L. CLUTE, *Clerk.*

HOLDENVILLE, IND. T., *December 10, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*

Please urge passage of omnibus bill, and defeat, if possible, Senate amendment, as to best interests of Indian Territory.

NATIONAL BANK OF HOLDENVILLE.

RIPLEY, OKLA., *December 10, 1902.*

Senator MATTHEW S. QUAY, *Washington, D. C.:*

City officials and business men of Ripley indorse the Flynn bill; we wish you godspeed in your able fight for the passage of measure.

GEO. H. FOSTER, *Mayor.*
W. H. BOWDLAR, *Clerk.*
JOHN P. HINKEL.
W. G. PATTON.
W. B. COOK.

GUTHRIE, OKLA., *December 10, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*

The Beveridge bill would make a hopelessly Democratic State—locates Federal court at leading Democratic towns and takes it from leading Republican towns.

Mr. QUAY. That telegram got in by mistake, Mr. President. [Laughter.]

The Secretary resumed the reading, as follows:

NORMAN, OKLA., *December 9, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*

The Republicans of Cleveland County favor immediate statehood along lines of omnibus bill.

JAY SHERMAN,
Territorial Committeeman.
JOHN A. McCARTNEY,
Chairman County Committee.
C. C. WILLIAMS,
Secretary.
D. L. LARSH,
Executive Committee.
J. J. BURKE,
Editor Transcript.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:

Omnibus bill our desire. Beveridge bill opposed.

N. S. ENGLE.

The PRESIDENT pro tempore. These resolutions and telegrams in the nature of petitions will lie on the table, the bill having been reported.

Mr. QUAY. I now send——

Mr. PLATT of Connecticut. If they are in the nature of petitions, why are they read to the Senate and put in the RECORD?

The PRESIDENT pro tempore. On the request of the Senator from Pennsylvania, to whose request unanimous consent was asked and given.

Mr. QUAY. I now send to the clerks' desk some that I do not desire to have read.

Mr. PLATT of Connecticut. Mr. President, I desire to say merely a word on this practice. I would prefer to have said it when the telegrams related to something else, and therefore I do not make any particular objection with reference to this matter, but it seems to me that at the same time we have got to consider whether every telegram which any person in the United States sees fit to send to a Senator is to be read to the Senate and printed in the RECORD.

Of course all know what the rules are. I know that the Senator who has a telegram, if objection is made, can rise and read it himself and that it will go into the RECORD; but I can not help thinking that this practice has been somewhat extended beyond any proper limits.

While, as I said, I would very much prefer to have made these remarks in relation to telegrams upon some other subject—one that did not excite particular interest—I think it is quite timely that attention should be called to the practice. If it goes on by the time we get to the end of the session we shall have anywhere from 300 to 1,000 pages of the RECORD filled with telegrams. I do not think we ought to burden our CONGRESSIONAL RECORD in that way. By the rules petitions are not to be put into the RECORD. The exception made is in the case of memorials of State legislatures and resolutions passed by State legislatures.

While, as I said, I make no special objection in this case, because I know there is feeling in the Senate upon the subject to which the telegrams relate, I hope that some action may be taken so that hereafter it will not be understood that every telegram which is sent can be presented to the Senate and the time of the Senate taken up in reading them and have the RECORD filled with that sort of petitions.

Mr. HOAR. Mr. President, I was in my seat when the Senator from Pennsylvania presented these petitions, and the thought which the Senator from Connecticut has expressed occurred to me. But where a people are petitioning for self-government, involving a matter so important as the question under what government they shall live, whether it shall remain Territorial, or what shall be the limits of their State if it came in, it seemed to me that the importance and interest of the question and the peculiar relation of the people, they having no representative on the floor of the Senate, warranted an exception to the ordinary practice in this case.

So I did not object; but, on the contrary, I thought the course taken by the Senator from Pennsylvania was absolutely right. Although I am not in favor of the view taken by the petitioners, it does seem to me that they are entitled to a special and peculiar hearing other than that which is accorded ordinarily to petitioners.

Mr. BATE. Besides, Mr. President, it will be remembered by the Senate that at least one telegram, which was very long and which it required a great while to read, was presented by the chairman of the Committee on Territories the other day on the other side of this question. I thought myself it was eminently proper that these telegrams should come in as an offset to that one and enlighten the Senate as to the opinions of those people. I believe the course taken was right, and the idea thrown out by the Senator from Massachusetts is certainly a correct one, that this is a case which involves the life of their government, the question being whether they ought to come into the Union as a State.

The PRESIDENT pro tempore. The Senator from Pennsylvania has sent to the desk a very large number of telegrams, which he asks shall be printed in the RECORD. That question was not put to the Senate at all. Does the Senate consent that these telegrams shall be printed in the RECORD? Is there objection?

Mr. PLATT of Connecticut. I wish to say that hereafter with relation to other matters I shall make objection to this course of procedure. I do not object to this particular matter.

The PRESIDENT pro tempore. The Chair hears no objection, and it is so ordered.

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

GUTHRIE, OKLA., *December 10, 1902.*

MATTHEW QUAY,
United States Senate, Washington, D. C.:

Irrespective of political opinion, the omnibus bill should pass.

J. J. ABELL.

GUTHRIE, OKLA., *December 10, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*

Passing omnibus bill would be best for business interests Oklahoma.

CHAS. F. EISENSCHMIT.

GUTHRIE, OKLA., *December 10, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*

Pass omnibus bill and Oklahoma will always be your friend.

O. A. FARQUHARSON.

GUTHRIE, OKLA., *December 10, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*

Citizens of Oklahoma, regardless of politics, prefer omnibus bill.

E. A. DOUGLASS.

GUTHRIE, OKLA., *December 10, 1902.*

Senator S. M. QUAY, *Washington, D. C.:*

Sentiment of Oklahoma people in favor of omnibus bill.

J. B. MORRIS.

GUTHRIE, OKLA., *December 10, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*

Citizens of Oklahoma indorse your stand for omnibus bill.

RAMSEY BROTHERS.

GUTHRIE, OKLA., *December 10, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*

Oklahoma people indorse omnibus bill and stand by you.

J. WHEELER & SON.

GUTHRIE, OKLA., *December 10, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*

Oklahomans, regardless of politics, prefer omnibus bill. Urge its passage

S. T. FRANKLIN.

GUTHRIE, OKLA., *December 10, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*

Omnibus bill best for Oklahoma. Your position greatly favored here.

J. H. COTTERELL.

GUTHRIE, OKLA., *December 10, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*

Regardless of politics, people here prefer omnibus bill to substitute.

N. S. CHEADLE.

HOLDENVILLE, IND. T., *December 10, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*

Hope you will urge omnibus bill regardless of Senate amendment.

W. R. SCOTT.

PERKINS, OKLA., *December 10, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*

Use every possible means to secure passage of omnibus statehood bill.

PERKINS REPUBLICAN CLUB.

HOLDENVILLE, IND. T., *December 10, 1902.*

M. S. QUAY, *Washington, D. C.:*

As a resident of Indian Territory, I protest against the Senate amendment to omnibus statehood bill, and recommend that the Indian Territory be not now attached.

CHARLES DEWATTEVILLE.

GUTHRIE, OKLA., *December 8, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:

Business men and artisans generally, mass meeting here to-day, unanimously and earnestly support omnibus bill. Conditions of Indian Territory not ripe for statehood now.

J. E. BALL, *Mayor.*
C. M. BARNES, *President Commercial Club.*
F. B. LUCAS, *Secretary.*

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:

Hurrah for omnibus bill. Western Oklahoma all favor it.

J. E. JONES.

ELRENO, OKLA., *December 9, 1902.*

Senator M. S. QUAY,
United States Senate, Washington, D. C.:

Our greatest desire, immediate statehood by omnibus bill.

L. C. VAN NESS.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senator, Washington, D. C.:

Earnestly urge passage of Flynn bill; Oklahoma opposes Beveridge bill.

THOS. JENSEN.

ELRENO, OKLA., *December 9, 1902.*

Senator M. S. QUAY,
United States Senate, Washington, D. C.:

As member of the Territorial Democratic central committee, I insist that loyal Oklahomans want immediate statehood by omnibus bill and oppose substitute.

S. G. HUMPHREYS.

ELRENO, OKLA., *December 9, 1902.*

Senator M. S. QUAY,
United States Senate, Wdshington:

We want statehood bad, but never with the Indian Territory.

J. E. BONEBRAKE.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:

Your fight for statehood approved by all. Keep it up.

WINNINGHAM BROS.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*

I favor the Flynn statehood bill.

V. D. TINKELHANGER.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*

The people of Oklahoma unqualifiedly indorse the omnibus bill.

ELRENO STATE BANK.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*

Hope you will succeed in passing omnibus bill.

PEACH BROS.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:

All West Side favor omnibus bill for Oklahoma.

S. D. SPIKER.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:

Your good work in favor of the Flynn bill for Oklahoma will be highly appreciated by our people.

HENRY SCHAFER.

ELRENO, OKLA., *December 9, 1902.*

Senator M. S. QUAY,
United States Senate, Washington, D. C.:

Your great fight for omnibus bill eagerly watched and applauded.

PRUITT BAKING CO.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*

Oklahoma citizens favor omnibus bill and appreciate your grand work.

GEO. W. BELLAMY,
Member Territorial Council, Seventh District.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*

We want immediate statehood without Indian Territory.

McCLEAN BROS.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*

Your support will be highly appreciated by the business people of El Reno.

J. C. HANOWSKI.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*

Ninety per cent of our people favor the omnibus bill.

C. A. VAN NESS.

ELRENO, OKLA., *December 9, 1902.*

Senator M. S. QUAY,
United States Senate, Washington, D. C.:

Our greatest desire, immediate statehood by omnibus bill.

L. C. VAN NESS.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:

Immediate statehood our desire. Your efforts applauded.

RHOADES & COOK.

ELRENO, OKLA., *December 9, 1902.*

Senator MATT. QUAY, *Washington, D. C.:*

The Oklahoma Export Company, of Oklahoma City, Okla., assure you that the business interests of Oklahoma demand the passage of the omnibus statehood bill.

HENRY LASSEN, *President.*

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:

We want the omnibus bill to pass.

J. A. HATCHER.
H. C. HUTT.

ELRENO, OKLA., *December 9, 1902.*

Senator MATT. QUAY, *Washington, D. C.:*

The Canadian County Mill and Elevator Company, through its board of directors, take the liberty to telegraph you its urgent expression of opinion that the commercial interests of Oklahoma Territory insist upon the passage of the omnibus statehood bill before the Senate, and that all substitutes be defeated.

C. M. JACKMAN, *Secretary.*

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:

Our people here largely favor passage of omnibus statehood bill.

C. E. PHILLIPS.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*

Push the omnibus bill for Oklahoma. Everybody wants it.

A. L. THAUSEN & KLATSKEN.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*

Citizens of Canadian County favor omnibus bill. We urge its passage.

CHAMBER OF COMMERCE,
J. E. JONES, *President.*

ELRENO, OKLA., *December 9, 1902.*

Senator M. S. QUAY,
United States Senate, Washington, D. C.:

Sentiment here universal in favor of omnibus bill statehood now.

H. K. RICKER.

ELRENO, OKLA., *December 9, 1902.*

Senator QUAY, *Washington, D. C.:*

We earnestly desire immediate statehood.

J. G. NOLAND.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:

Keep up your great fight for omnibus bill.

SANFORD & SANDERS.

ELRENO, OKLA., *December 9, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*

Everyone here applauding your great fight for immediate statehood.

FRANK NAEYER.

ELRENO, OKLA., *December 9, 1902.*

Senator QUAY,
United States Senate, Washington, D. C.:

We earnestly desire passing of omnibus bill. Your gallant fight applauded.

FERGUSSON & BOWMAN.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:

We want immediate statehood, omnibus bill. Formerly from Beaver County.

A. D. BOGGS.

GUTHRIE, OKLA., *December 9, 1902.*

Senator MATT. QUAY, *Washington, D. C.:*

People of Indian Territory not ready for statehood. We favor passage of omnibus bill.

CHAS. E. BILLINGSLEY,
President National Bank of Holdenville, Ind. T.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:

We desire immediate statehood without Indian Territory.

JOHN KOSSUTH.

ELRENO, OKLA., *December 9, 1902.*

Hon. MATTHEW S. QUAY,
United States Senator, Washington, D. C.:

We urge the support of omnibus statehood bill, and oppose Senate substitute.

W. A. EDGER.

GUTHRIE, OKLA., *December 9, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*

The people of Oklahoma Territory have declared for statehood, and we should have it upon lines House bill. While we are for ultimate single statehood, we should not be compelled to bear the expenses of a single State at this time. It is also a grave political mistake.

W. C. GUSS, *A Pennsylvanian.*

ELRENO, OKLA., *December 8, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*

The people of Oklahoma are unit for passage of omnibus statehood bill as passed by the House.

C. F. GREER.

GUTHRIE, OKLA., *December 9, 1902.*

Hon. MATT. QUAY,
United States Senate, Washington, D. C.:

People unanimous in favor of the omnibus bill. Please oppose the substitute statehood in Senate.

HENRY F. BENT,
Manager National Life and Trust Co., of Des Moines, for Oklahoma and Indian Territory.

ELRENO, OKLA., *December 9, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*

Oklahoma desires immediate and separate statehood; no compromise.

JNO. A. GOODWIN.

ELRENO, OKLA., *December —, 1902.*

Hon. MATTHEW QUAY, *Washington, D. C.:*

The Elreno Light and Power Company, by its board of directors, has directed its manager to telegraph you to insist upon the immediate passage of the omnibus statehood bill in behalf of the business and commercial interests of this Territory.

JOHN A. MASTERS.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*

Heartily indorse omnibus bill; hope you will succeed.

R. J. WILLIAMS.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*

Nearly entire population Canadian County and southwest want omnibus bill.

C. K. IMMELL.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY, *Washington D. C.:*

Omnibus Bill good driver; thousands willing to ride with him.

SAM TANNEBAM.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*

Nine-tenths of my people favor omnibus bill; oppose substitute.

CHAS. BRANDLY.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:

Passage of omnibus bill our greatest desire. Your efforts great.

DR. A. P. OWENS.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:

Keep up your great fight for omnibus bill and statehood.

F. D. GRIFFING.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:

Omnibus bill our desire. Beveridge bill opposed.

H. S. ENGLE.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:

Our earnest desire immediate statehood by omnibus bill. No compromise.

ARRINGTON & STRONG.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
Senator, Washington, D. C.:

We are in favor immediate statehood.

KITSCHEN & MORSE, *Druggists.*

ELRENO, OKLA., *December 9, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*

Urge passage omnibus statehood bill. Everybody here opposes substitute.

HENRY C. HICKS.

ELRENO, OKLA., *December 9, 1902.*

Senator M. S. QUAY,
United States Senate, Washington, D. C.:

Immediate statehood by omnibus bill desired. No substitute.

J. A. ABBOTT.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:

Am enthusiastically in favor of omnibus bill. Hope you succeed.

EHLEY & CO.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:

Sentiment in favor of omnibus bill. We applaud your efforts.

GEO. H. WHEELER & CO.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:

We all want omnibus bill passed; push it hard.

HEINRICH & STOLTZ.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:

Omnibus bill preferred to any substitute; your efforts sincerely appreciated.

L. N. WILSON.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*

We are universally in favor of the omnibus bill.

J. W. CLARK.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:

Immediate statehood universally desired by omnibus bill.

CODY & FOWLER.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*

Our people are in favor of omnibus bill.

CITIZENS' NATIONAL BANK,
H. T. SMITH, *President.*

ELRENO, OKLA., *December 9, 1902.*

Senator M. S. QUAY,
United States Senate, Washington:

Keep up your great fight for immediate statehood.

E. C. YOUNG.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington:

We believe all of our people favor omnibus bill.

SHAW & KINTZLEY.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*

Pass the omnibus bill by all means. Oklahoma needs it.

J. T. PARSENS.

ELRENO, OKLA., *December 9, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:

Keep up your great fight for omnibus bill and statehood.

F. D. GRIFFING.

HOLDENVILLE, IND. T., *December 10, 1902.*

Hon. M. S. QUAY,
United States Senate, Washington, D. C.:

I urge passage of omnibus bill and defeat of Senate amendment as to best interest of Indian Territory.

R. M. MCFARLIN.

GUTHRIE, OKLA., *December 9, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*

Interest of Oklahoma best served by passage of omnibus bill.

SPENCER HARDWARE CO.

GUTHRIE, OKLA., *December 9, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*

The omnibus bill serves interests of Oklahoma best. Urge passage.

I. B. LEVY.

HOLDENVILLE, IND. T., *December 10, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*

Would respectfully request you to urge passage of omnibus bill, and protest against Senate amendment.

M. J. MYERS.

HOLDENVILLE, IND. T., *December 10, 1902.*

Hon. M. S. QUAY, *Washington, D. C.:*

I urge passage of omnibus bill without Senate amendment.

B. P. MCFARLIN.

HOLDENVILLE, IND. T., *December 10, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*

I request that you urge passage of omnibus bill, and defeat if possible Senate amendment as to interest of Indian Territory.

E. A. EDMONDSON.

HOLDENVILLE, IND. T., *December 10, 1902.*

Senator M. S. QUAY, *Washington, D. C.:*

Please urge passage of omnibus bill without Senate amendment.

JOHN A. BARNARD.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Foreign Relations, to whom was referred the amendment submitted by himself on the 2d instant, providing for a reorganization of the consular service of the United States, intended to be proposed to the diplomatic and consular appropriation bill, reported it with an amendment, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. GAMBLE, from the Committee on Public Lands, to whom was referred the bill (S. 6290) to extend the provisions of section 2455 of the Revised Statutes of the United States as amended by act of February 26, 1895, relating to public lands, reported it without amendment, and submitted a report thereon.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (H. R. 3269) granting a pension to Ida M. Kinney, reported it without amendment, and submitted a report thereon.

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

A bill (S. 532) granting an increase of pension to Merritt Young;

A bill (S. 1738) granting a pension to Thomas Doyle;

A bill (S. 3607) granting an increase of pension to Oliver P. Helton;

A bill (S. 3081) granting an increase of pension to Leonard A. Norton; and

A bill (S. 4134) granting an increase of pension to Timothy Laughlin.

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

A bill (S. 5040) granting an increase of pension to Stephen G. Cole;

A bill (H. R. 13324) granting an increase of pension to John J. Cross;

A bill (H. R. 13815) granting an increase of pension to James J. Wilson;

A bill (H. R. 14381) granting an increase of pension to George Riddle;

A bill (H. R. 13621) granting an increase of pension to Anson Greenman;

A bill (H. R. 3304) granting an increase of pension to William Burke; and

A bill (H. R. 14312) granting an increase of pension to John W. Huckelberry.

HEARINGS ON PROPOSED EIGHT-HOUR LAW.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the resolution submitted by Mr. McCOMAS on the 3d instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the hearings on House bill 3076 had before the Committee on Education and Labor during the Fifty-seventh Congress be printed as a document, and that 300 additional copies be printed for the use of the committee.

AGATHA W. VEST.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted by Mr. COCKRELL on the 2d instant, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Agatha W. Vest, widow of George Pugh Vest, late clerk to the Senate Committee on Public Health and National Quarantine, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

MALINE JOHNSON.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted by Mr. NELSON on the 3d instant, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Maline Johnson, widow of Edward Johnson, late a messenger in the Senate of the United States, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

FUNERAL OF THE LATE SENATOR JAMES M'MILLAN.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted by Mr. BURROWS on the 9th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the President pro tempore of the Senate in arranging for and attending the funeral of the late Senator from Michigan, Hon. James McMillan, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

EMMA I. GRAVES.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted by Mr. KEARNS on the 9th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Emma I. Graves, mother of George G. Graves, late a clerk in the office of the Secretary of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

BILLS INTRODUCED.

Mr. DUBOIS introduced a bill (S. 6502) relating to ceded lands on the Fort Hall Indian Reservation; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PETTUS introduced a bill (S. 6503) for the relief of Mary A. Green and Loula C. Green; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT of Connecticut introduced a bill (S. 6504) to provide for the modification of the project for the improvement of the harbor of New Haven, Conn.; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 6505) for the relief of Miss Eliza A. White; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 6506) for the relief of the heirs of Jenkins and Havens; which was read twice by its title, and referred to the Committee on Claims.

He also (for Mr. HAWLEY) introduced a bill (S. 6507) granting an increase of pension to Nicholas Fitzgerald; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FAIRBANKS introduced a bill (S. 6508) granting a pension to Stephen K. Fuson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BURROWS introduced a bill (S. 6509) granting an increase of pension to Marion F. White; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. WELLINGTON introduced a bill (S. 6510) to remove the charge of desertion from the military record of Charles E. Mitchell; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GALLINGER introduced a bill (S. 6511) to exempt from taxation certain property of the American Institute of Architects in Washington, D. C.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. QUAY introduced a bill (S. 6512) to extend the jurisdiction of the United States courts, and for other purposes; which was read twice by its title.

Mr. QUAY. The bill relates merely to Indians, but I think I will ask to have it referred to the Committee on the Judiciary originally.

The PRESIDENT pro tempore. The bill will be referred to the Committee on the Judiciary.

Mr. DEPEW introduced a bill (S. 6513) granting a pension to Thomas Allen; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TALIAFERRO introduced a bill (S. 6514) granting an increase of pension to Stephen J. Houston; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SCOTT introduced a bill (S. 6515) to exempt from taxation certain property of the Daughters of the American Revolution in Washington, D. C.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. GALLINGER introduced a joint resolution (S. R. 142) authorizing the Secretary of the Navy to receive for instruction at the Naval Academy, Annapolis, Eduardo Mario Saez, of Uruguay; which was read twice by its title, and referred to the Committee on Naval Affairs.

SOPHIA BOWIE.

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

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Sophia Bowie, widow of Albert Bowie, late an employee in the Senate stables, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

SALARIES OF POSTMASTERS IN CONNECTICUT.

Mr. PLATT of Connecticut. I have been requested to introduce the following resolution and I comply with the request not because I wish to be committed to the project which is embraced in the resolution, but because I wish to comply with all reasonable requests.

The resolution was referred, with the accompanying papers, to the Committee on Post-Offices and Post-Roads, as follows:

Resolved by the Senate, That the Postmaster-General be, and hereby is, directed to report to the Senate the amounts of salaries of all postmasters in the State of Connecticut, for the terms of service specified, whose names and terms of service appear on the schedule of such cases in said State hereto attached, adjusted under the act of 1854, and the amount of the salary of each such postmaster adjusted and paid under the act of 1864, so that the difference between the salary paid and the amount of salary ordered paid by the act of 1883 shall appear in each case specified on the said schedule.

SALARIES OF POSTMASTERS IN MICHIGAN.

Mr. BURROWS submitted the following resolution; which, with the accompanying paper, was referred to the Committee on Post-Offices and Post-Roads:

Resolved by the Senate, That the Postmaster-General be, and hereby is, directed to report to the Senate the amounts of salaries of all postmasters in the State of Michigan, for the terms of service specified, whose names and terms of service appear on the schedule of such cases in said State hereto attached, adjusted under the act of 1854, and the amount of the salary of each such postmaster adjusted and paid under the act of 1864, so that the difference between the salary paid and the amount of salary ordered paid by the act of 1883 shall appear in each case specified on the said schedule.

ISTHMIAN CANAL.

Mr. MORGAN. I ask for the printing as a document of a part of Document No. 188, first session, Fifty-sixth Congress, and the latter part of the isthmian canal report, which contains the correspondence between M. Hutin and Admiral Walker. The first part consists of letters addressed by the New Panama Canal Company to the President and the Secretary of State. Document No. 188 has been printed, but it is out of print now, and it contains a number of maps. It would be quite expensive to print that document, so I combine the two. This document was printed for the use of the Committee on Interoceanic Canals and is in type and it will require nothing but to strike it off.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent for printing as a document certain papers which he sends to the desk. Is there objection? The Chair hears none.

HOUSE BILL REFERRED.

The bill (H. R. 7956) providing additional districts for the recording of all instruments required by law to be recorded in the Indian Territory was read twice by its title and referred to the Committee on Indian Affairs.

HOLIDAY RECESS.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was read and referred to the Committee on Appropriations:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Saturday, December 20, they stand adjourned until 12 o'clock meridian, Monday, January 5, 1903.

OMNIBUS STATEHOOD BILL.

Mr. QUAY. Mr. President, the statehood bill will come before the Senate this afternoon. I understand that the chairman of the Committee on Territories has in the course of preparation a report, but it has not yet appeared in this body. The Senator who represents the thought of the gentlemen upon the other side of the Chamber is also preparing a report, but he seems to be disposed to await the pleasure of the chairman of the committee. I am a sort of political orphan upon that committee, and as a dissenting member of the committee, certainly from the majority report, and it may be, possibly, from some of the conclusions of the minority, I have drawn a report of my own, which I now present to the Senate, and I should like to have the report read.

The PRESIDENT pro tempore. The Senator from Pennsylvania presents a report touching the omnibus statehood bill and asks that it be read. Is there objection? The Chair hears none. Does the Senator desire to have the House report, which is embodied in it, read?

Mr. QUAY. Yes.

The PRESIDENT pro tempore. The Secretary will read.

The Secretary read as follows:

VIEWS OF MR. QUAY.

As a member of the Committee on Territories, I dissent from the report of the majority on House bill No. 12543, and assent to the able and unanimous report submitted on this bill by the Committee on the Territories of the House of Representatives, which I adopt and make a part of this report, as follows:

[House Report No. 1309, Fifty-seventh Congress, first session.]

ADMISSION OF CERTAIN TERRITORIES INTO THE UNION.

"April 1, 1902. Committed to the Committee of the Whole House on the state of the Union, and ordered to be printed.

"Mr. KNOX, from the Committee on the Territories, submitted the following report (to accompany H. R. 12543):

"The Committee on the Territories, to whom was referred H. R. 2, "To enable the people of New Mexico to form a constitution and State government and to be admitted into the Union on an equal footing with the original States;" H. R. 152, "To enable the people of Oklahoma to form a constitution and State government and to be admitted into the Union on an equal footing with the original States;" H. R. 2015, "To enable the people of Arizona to form a constitution and State government and to be admitted into the Union on an equal footing with the original States;" H. R. 4570, "To authorize single statehood for Oklahoma and Indian Territories as the State of Oklahoma, and for other purposes;" H. R. 9675, "To provide for the union of Oklahoma Territory and the Indian Territory, and to enable the people thereof to form a constitution and State government, and to be admitted into the Union as the State of Oklahoma on an equal footing with the original States, and to make donations of public lands to said State;" H. R. 11802, "To enable the people of Oklahoma to form a constitution and State government and to be admitted into the Union on an equal footing with the original States;" H. R. 11992, "To enable the people of Arizona to form a constitution and State government and to be admitted into the Union on an equal footing with the original State;" H. R. 11995, "To enable the people of New Mexico to form a constitution and State government and to be admitted into the Union on an equal footing with the original States;" 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," have considered said bills and report back H. R. 12543 without amendment and recommend that it pass.

"The bill provides enabling acts for the admission of Oklahoma, Arizona, and New Nexico. It is similar to former enabling acts enacted by Congress with the exception, perhaps, that as to New Mexico the constitutional convention is empowered to designate the name by which the new State shall enter the Union. And in the case of Oklahoma it is provided that the constitutional convention shall by irrevocable ordinance express the consent of the State of Oklahoma that Congress may attach all or any part of the Indian Territory to the State of Oklahoma. The enabling acts differ from each other chiefly in reference to the public lands appropriated for educational and public purposes.

"There is no rule of law or uniform precedent that determines when a Territory may become a State in the Union, but it has never been questioned that all the continental Territories, with perhaps the exception of Alaska, were at some time to be admitted to the Union upon equality with the other States, and that such a termination of Territorial existence, which has been considered as probationary, was in the nature of a right possessed by the people of the Territories. Political partisanship has played quite a part in the admission of some of the Territories—generally with a result quite opposite to the calculations of the party in power in Congress, which sought to gain advantage by such admission. Fortunately political considerations are eliminated from the discussion of the bill for the admission of the Territories of Oklahoma, New Mexico, and Arizona as States, as both the great parties of the country, in the platforms of the last two national conventions, have declared in favor of such legislation.

"The case, then, may be decided upon the merits, and the time has come when the people of these Territories may, as of right, ask that the merits of their claim for statehood be passed upon by Congress.

"New Mexico has been a Territory for more than half a century; Arizona for more than a generation, and previous to its organization as a Territory was a county of New Mexico. No one of the Territories that have been admitted as States remained so long under Territorial government. Even Oklahoma, the last of the Territories to be organized, has been a Territory for twelve years. If lapse of time is essential to qualify a Territory for statehood, those under consideration have more than served out their probation. Their efforts in the past to attain this end may not be of much weight upon the justice and reasonableness of their claim now, but those efforts do certainly show the earnest and persistent striving of the people of the Territories to become American citizens in reality as well as in name.

"American citizenship is not enjoyed in its fullness in the possession of personal liberty and the protection of law. Among its priceless attributes is the right to choose rulers and representatives and those who make and administer the law. Undoubtedly the deprivation of this right is more keenly felt by the people of the Territories now than ever before, on account of the late acquisitions of the United States beyond the mainland. Hawaii has a full Territorial government; Porto Rico has a governor and other officers appointed by the President, and limited local representation in the legislature of the islands, a representative in Washington, and a United States court. It is proposed to give substantially the same form of government to the Philippine Islands when civil government shall be established there.

"The comparison is not an inviting one when the newcomers to the national fold—the Hawaiian, the Porto Rican, and the Filipino—are placed side by side as to political rights with the pioneers of American civilization in the great West, those who were born under the flag, and have lived under it, fought for it, and under its protection have made American homes, founded American towns and cities, built schoolhouses and churches and public buildings, brought the soil to cultivation, opened the mines, cleared the forests, and made States in fact if not in name. It is often said that the Territories have their own legislatures and make their own laws. But the laws so made can be unmade by Congress. The right to make laws that some one else can unmake is not a high privilege.

"It is no greater than the right possessed by the leading English and French colonies. One of the high attributes of American citizenship is that of equal opportunity under the law with all others; the chance to start fairly in the race for the rewards which enterprise, industry, and thrift may bring. The material advancement of the inhabitants of the Territory depends largely upon the rapid development of the resources of the Territory. The one essential for such development is capital, but it hesitates to enter the Territories and invest in enterprises otherwise promising. Legal certainties and fixed conditions are necessary to attract it.

"With the absolute control of Congress over Territorial legislation, there can never be certainty that rights and privileges conferred may not be taken away. The power of Congress is a constant menace to progress, and there is no way a Territory may escape it. This is not a mere general statement. Abundant and positive testimony was before the committee that ample commitments of capital could be had were the Territories States. Untold riches, abundance of all that makes for human happiness, and prosperous and populous Commonwealths await emancipation from the thraldom of Territorial existence.

"Apart from general considerations, if we look at the actual conditions of the Territories to-day to determine their fitness to become States we shall probably say that it depends upon three propositions:

"(1) Do the people desire statehood?

"(2) Is the population of such number and character as to justify admission?

"(3) Do the Territories possess sufficient taxable wealth to maintain State governments according to the standard of American Commonwealths?

"No time need be spent in answering the first interrogatory. That answer must be overwhelmingly in the affirmative. So general is this desire that it may be said to be unanimous. The representatives of the people in Congress are active and earnest. The public press of the Territories, consisting of hundreds of publications—daily, weekly, and monthly—is without a discordant note.

"Territorial conventions, county conventions, and wherever men in assembly have recorded their opinions, have declared for statehood. And the representatives of the Territories in national conventions of the great political parties have successfully urged that the platforms adopted should make emphatic the right of the Territories to immediate admission to the Union. It is not too much to say that no man can doubt that the people of Oklahoma, Arizona, and New Mexico are practically a unit for admission as States.

"Is the population of the Territories sufficiently large for admission as States? By the last census the population of Oklahoma in 1900 was 398,331; of Arizona, 122,211; of New Mexico, 195,310. The governor of each of the Territories claims in his annual report that the census enumeration does injustice to the Territory, and gives very reasonable grounds for such claim.

"The governor of Oklahoma claims that the population to-day is in excess of 500,000; of Arizona, that the population is 135,000; of New Mexico, that it is 313,191. Probably the true number is between that of the census returns and the estimates of the governors. Whatever the fact may be, Oklahoma has a larger population than any other Territory previous to admission; Arizona and New Mexico larger than many. According to the precedents of the past, their population is ample. But what shall be said of this population in the future? In the last decade the increase of population in Oklahoma was 544.2 per cent; in Arizona, 104.9; in New Mexico, 27.2. Who can estimate the increase in the next decade if they now become States? With a single exception, every Territory after admission has increased with wonderful rapidity in wealth and population.

"What shall be said of the character of this population? In Oklahoma 95 per cent are native Americans, coming from the States. In Arizona, of the 70,000 white population 22,000 are foreign born. The governor asserts that not more than half the foreign-born population is Mexican, the balance being immigrants largely employed in the mines and coming from western and northern Europe. In New Mexico immigration from the Central, Western, and Northern States is rapidly increasing, and more than 7,000 homesteaders have been added to the population during the past year.

"In all the Territories the population is distinctively American and the best type of American, made up of those who seek life's prizes by toil and patience. Of what manner of men this population is made up let their works speak. Cities and towns, with all that modern civilization demands, homes of culture and refinement, schools and higher institutions of learning, public and private charitable institutions, everywhere the free church and free press. These are not the monuments of the Indian nor the Mexican, the idle nor the vicious. The past legislation of the Territories has recorded forever the wisdom the justicee of the people. It can be safely said that they can not be unfavorably compared with the people of any State of the Union.

"What of the taxable wealth of the Territories? Oklahoma is the young giant of the Territories, rich in a soil yielding with nature's most lavish hand all the products of the Temperate Zone. This soil is now almost entirely under cultivation and little of the public lands remain. More fortunate than her sister Territories, Oklahoma has an adequate rainfall. This fair land about equals in size the State of Ohio. If the figures were not at hand to show the valuation of property for taxation, could anyone doubt the ability of the new State to support the best State government? New Mexico and Arizona are an imperial domain. New Mexico is larger than Great Britain, Scotland, and Ireland. Arizona is nearly as large. They differ in topography from the

rich prairie lands of Oklahoma, with their mountains, valleys, and high table-lands.

"They lack sufficient rainfall, but the hand of man will supply this lack, and in its place are ever the sunshine and cloudless skies. To compensate for the portions of their lands that are arid they have exhaustless supplies of coal, the one necessity of modern industrial progress, vast forests of virgin timber, great grazing grounds, rich mines of copper and the precious metals. Did not the official figures of the assessed value of property of these Territories answer authoritatively the last interrogatory in the affirmative, the slightest examination of their marvelous resources would place beyond doubt their ability to maintain State governments.

"There is neither justice nor reason in longer denying statehood to the Territories which are here through their representatives petitioning as they have again and again in the past. Always refused or thwarted by the tricks and devices of legislative procedure, the feeling of disappointment is deepening into a sense of wrong inflicted. "Equality of rights is the first of rights." Inseparable from it is the right of equality of opportunity. These boons, the common heritage of all, are now asked by almost a million American citizens. From the islands of the sea, new possessions of the United States, comes the cry for home rule. The American people hasten to announce to the world their purpose to grant it. There is but one kind of home rule possible in the United States. It is that of sovereign States. What we readily grant to the land but lately foreign, and to the alien race, let us not withhold from our own.

"OKLAHOMA.

"The Territory of Oklahoma contains 39,030 square miles, or 24,979,200 acres, an area about equal to the State of Ohio. It lies between the thirty-fourth and thirty-seventh parallels north latitude, and mainly between 96° 30' and 100° west longitude. North and south its location corresponds with that of Tennessee, and east and west with that of central Kansas. The altitude above sea level is from 800 to 3,000 feet. A large portion of the Territory is composed of productive agricultural lands, corresponding in fertility with the rich prairie lands of Kansas, Nebraska, and Iowa.

"The first settlement was made on April 22, 1889, and the census of the following year (1890) showed a population of 61,834. By the census of 1900 the population was 398,331, or more than six times as large as it was ten years before, the increase being 544.2 per cent. The number of persons of voting age was 109,191, and of school age 147,656. Only 3.5 per cent of the total population was foreign born. The following table shows the population by counties for 1900 and 1890:

Population of Oklahoma by counties.

Counties.	1900.	1890.
Beaver	3,051	2,674
Blaine	10,658	----------
Canadian	15,981	7,158
Cleveland	16,388	6,605
Custer	12,264	----------
Day	2,173	----------
Dewey	8,819	----------
Garfield	22,076	----------
Grant	17,273	----------
Greer	17,922	5,338
Kay	22,530	----------
Kingfisher	18,501	8,332
Lincoln	27,007	----------
Logan	26,563	12,770
Noble	14,015	----------
Oklahoma	25,915	11,742
Pawnee	12,366	----------
Payne	20,909	7,215
Pottawatomie	26,412	----------
Roger Mills	6,190	----------
Washita	15,001	----------
Woods	34,975	----------
Woodward	7,469	----------
Kaw Indian Reservation	768	----------
Kiowa, Comanche, and Apache Indian Reservation	4,968	----------
Osage Indian Reservation	6,717	----------
Wichita Reservation	1,420	----------
Total	398,331	61,834

"Since the census of 1900 the increase of population in all parts of the Territory and the growth of the cities and towns have been phenomenal, and is estimated by the governor of Oklahoma in his report for the year ending June 30, 1901, at not less than 60,000. To this must be added the large influx of population into the Kiowa and Comanche and Wichita reservations, opened to settlement in August, 1901, when 13,000 homesteads were opened for settlement. So there seems to be no doubt but what the present population of Oklahoma is not less than 500,000.

"The increase in the value of property has kept pace with the rapid increase in the population. The following from the governor's report shows the total taxable valuation by counties for the last three years, the character and valuation of the different classes of property taxed, the tax levy for 1901, and the purposes for which the same was made:

"'The total valuation of all property of the Territory as returned for taxation in 1901 was $60,464,696, an increase of $11,126,035 over 1900. Of this amount $4,538,375 was railway property, $17,279,809 farm lands, $8,062,567 town property, $2,552,932 moneys and credits, and $28,631,013 other personal property.

"'Farm lands were returned at an average of $3.45 per acre, cattle at $12.58, horses at $17.14, sheep at $1.30, and hogs at $2.46, which shows that property is returned at a very small part of its real value.

"'The total assessment of each of the counties is given below for three years for comparison.'

Taxable valuations for three years past.

County.	1899.	1900.	1901.
Beaver	$1,341,268	$1,573,563	$1,614,072
Blaine	505,711	633,775	996,096
Canadian	4,356,858	5,591,056	4,971,229
Cleveland	1,775,142	1,844,744	2,177,522
Custer	1,051,638	1,278,194	1,651,724
Day	399,668	435,012	477,913
Dewey	498,995	674,200	810,725
Garfield	2,034,001	2,325,294	3,105,801
Grant	1,820,615	1,864,393	2,725,624

Taxable valuations for three years past—Continued.

County.	1899.	1900.	1901.
Greer	$1,622,404	$2,049,585	$3,363,101
Kay	2,192,071	2,647,044	3,404,931
Kingfisher	2,086,002	2,576,510	3,261,709
Lincoln	1,835,070	1,967,596	2,626,587
Logan	4,131,921	4,432,980	4,690,417
Noble	1,576,576	1,647,120	2,029,942
Oklahoma	4,421,699	4,386,337	4,738,133
Pawnee	1,600,708	1,920,093	1,674,296
Payne	2,169,851	2,277,618	3,215,641
Pottawatomie	1,784,448	1,933,734	2,951,073
Roger Mills	679,558	738,150	913,713
Washita	892,953	1,124,241	1,433,309
Woods	2,321,394	3,030,963	4,848,204
Woodward	1,883,864	2,386,459	2,079,114
Total	42,982,414	49,338,661	60,464,696

"The Territorial tax levy for 1901 is 7½ mills, divided as follows:

Territorial tax levy, 1901.

	Mills.
General fund	3
University support	.5
University building	.7
University preparatory school	.2
Normal, Edmond, support	.5
Normal, Alva, support	.5
Alva normal building	.25
Agricultural and mechanical college support	.1
Agricultural and mechanical college building	.3
Agricultural and normal university support	.1
Agricultural and normal university building	.3
Southwest normal building	.4
Deaf and dumb institute	.4
Bond interest	.25
Total	7.5

"This is an increase of 2.35 mills over last year's rate, the increase being wholly for the erection and payment of buildings for the various educational institutions.

"The total outstanding Territorial indebtedness on June 30, 1901, was $466,220.13. Of this amount $48,000 is in bonds contracted for educational purposes in the early history of the Territory, and the balance is in warrants drawing interest at the rate of 6 per cent. On the same day the amount of cash in the Territorial treasury was $258,590.02. The financial credit of Oklahoma has never been questioned, and all of its obligations have been promptly met.

"The district school system prevails in the Territory. There were 2,096 districts in July, 1901, and 2,343 teachers, with an enumeration of pupils 114,737. It is estimated that the districts formed since that date in the new counties and along the western border have increased the number to nearly 2,500.

"More than $1,000,000 were expended last year for the support of the common schools. High schools are maintained in nearly all the county seat towns, and the graduates from these schools are admitted to the Territorial university and to the universities of the surrounding States.

"Oklahoma has a Territorial university, two normal schools, an agricultural and mechanical college, and a normal university for colored students. All of these institutions are in a prosperous condition. They are liberally supported by the Territory and are attended by upward of 3,000 young men and women.

"The last Territorial legislature appropriated $90,000 for additional buildings for the university, $54,000 for the Agricultural and Mechanical College, and $50,000 for the erection of a third normal school in the southwestern part of the Territory. A university preparatory school is to be established in Kay County, at a cost of $20,000. There are a large number of private and sectarian schools and colleges established in different sections of the Territory.

"The railroad mileage in the Territory is about 1,200. New lines are now being built by several companies, and others are projected and under contract. Before the end of the present year it is probable that more than 400 miles will be added to the present mileage. The railroads already constructed reach 23 out of the 26 county seats in the Territory. During the year ending June 30, 1901, the railroads shipped to markets outside of the Territory 49,011 carloads of live stock and agricultural products, and 268,222 bales of cotton. There are 50 incorporated cities and towns in the Territory, and most of them are connected by railroad and telephone lines, and all the larger towns are supplied with electric light and sewer systems.

"On September 30, 1901, there were 31 national and 113 Territorial banks in the Territory, with $16,494,650 resources and $12,512,016 deposits. Since that time 24 national and 34 Territorial banks have been established, making the total number of banks of both classes now in the Territory 202.

"Twenty-two daily, 168 weekly, 20 monthly, and 4 semimonthly newspapers and periodicals are published in the Territory.

"At the election in 1900, 72,352 votes were cast for Delegate to Congress. This number was in excess of the total vote in each of the following States: Delaware, Florida, Idaho, Louisiana, Mississippi, Montana, Nevada, North Dakota, Rhode Island, South Carolina, Vermont, and Wyoming.

"In reviewing the remarkable progress of Oklahoma during the short period of its existence, the governor says in his last report:

"'Had any man dared ten years ago to foretell for Oklahoma but a small portion of what is to-day a reality he would undoubtedly have been classed with Munchausen, or adjudged a fit subject of restraint in some asylum for the insane.

"'And in view of what has been accomplished in these ten years in a new and untried land by a people who had little capital save their strong right arms and active brains, who dares predict for the future, now that the success of all lines of agriculture and business are assured? The lesson of experience has been learned, and not only people, but capital and wealth, are coming and taking hold on every hand to make the future far eclipse the rapid progress of the past.

"'Here to-day is a growing, progressive American community of more than half a million people, successful in all lines of life work, with schools and colleges and universities beyond those of half the States; with a code of laws equal to those of any State; with a taxable wealth sufficient to carry on all of the functions and institutions of self-government without burdening the people.

"'Who, then, can give any good reason why all the rights and privileges of self-government should not be accorded these people?

"'Let him who disputes the claim of Oklahoma to a place in the galaxy of States carefully peruse the pages of this report, as showing the past progress, present conditions, and future possibilities of the Territory, and he can not but be convinced, even against his will, of her right to statehood.

"'With a population much greater than that of any Territory ever admitted to statehood and greater than that of twelve different States of the Union at this time; with a taxable valuation greater than that of any State of the Union at its admission; with a school population almost double the average population of all of the States when granted self-government; with an area almost equal to that of the State of Ohio and greater than that of other States; with a free school within easy distance of every home and a higher college or university education offered without price to all of the youth of the Territory, of whatever race or sex or condition; with well-governed cities and counties and laws enforced in every way; with a people 96 per cent American born and all loyal and patriotic citizens; with an annual production of 25,000,000 bushels of wheat, 60,000,000 bushels of corn, 150,000 bales of cotton, other agricultural products in proportion, and herds that pass the million mark; with a financial record without a stain of default or repudiation; with a financial, commercial, and business growth equaled by no other State or Territory, is not Oklahoma clearly entitled to admission to the sisterhood of States?'

"The July issue of Bradstreet's contained the following résumé of business conditions and progress in Oklahoma:

"'During the past ninety days 1,200 new firms have opened in business and 760 firms have sold out or discontinued, leaving a net gain of 441 new firms in business in the Territory over the number in business three months ago.

"'Twelve small towns and post-offices have been wiped off the slate during the three months, owing to railway extensions and local conditions rendering their location valueless, and in the same ninety days 28 new towns have been started, making 16 more towns and business centers in Oklahoma than were in existence three months ago.

"'In connection with the above information it may not be uninteresting to know that Oklahoma has now 681 towns and cities listed on the mercantile reports.'

"The bill as reported contains all the usual provisions of the enabling acts under which most of the Territories have heretofore been admitted as States.

"In the third section it is provided that the constitutional convention shall by an irrevocable ordinance express the consent of the State of Oklahoma that Congress may at any time, or from time to time, attach all or any part of the Indian Territory to the State of Oklahoma. This leaves Congress free to add the Indian Territory to Oklahoma without obtaining the consent of the State, should the events of the future justify such action.

"Section 7 of the bill provides for granting to the State sections 16 and 36 in every township in the Territory, or indemnity land equivalent thereto, for the support of the common schools. These lands are to be disposed of only at public auction to the highest bidder, preference right to purchase being given to the lessee at time of sale, the proceeds to constitute a public-school fund, the interest of which only shall be expended in the support of such schools; but it is provided that the lands may be leased for a period not to exceed five years under such regulations as the legislature may provide.

"In section 8 of the bill, section 13 in every township is granted to the State under the same conditions for the equal use and benefit of the university, the normal schools, and the agricultural and mechanical college.

"Section 33 in every township is granted for charitable and penal institutions, and is to be disposed of as the legislature of the State may provide.

"All of these lands have heretofore been reserved to the Territory under various acts of Congress.

"In addition to these grants, the bill provides that, in lieu of grants of land for the purpose of internal improvements heretofore made new States by acts of Congress, the following grants shall be made to Oklahoma: For the benefit of the Territorial University, 200,000 acres; for the benefit of the agricultural and mechanical college, 250,000; for the benefit of the colored agricultural and normal university, 100,000 acres; for the benefit of normal schools, 250,000, and to be disposed of as the legislature may provide, 650,000 acres, all of said land to be selected by the State with the approval of the Secretary of the Interior.

"The bill provides that until the next general census the State shall be entitled to two Representatives in the lower House of Congress. The constitutional convention is authorized to provide for the election of officers for a full State government, members of the legislature, and Representatives in Congress, but said State government shall remain in abeyance until the State shall be admitted into the Union.

"In view of the large population, the remarkable development, the abundant financial resources, and of every necessary qualification to exercise the functions of a State government, your committee believe that there should be no hesitancy on the part of Congress to promptly admit Oklahoma into the Union as a State.

"ARIZONA.

"Arizona lies along the northern boundary of Sonora, and is the extreme southwestern political division of the United States. It is 378 miles in length by 339 in width, and contains an area of 113,929 square miles, or 73,000,000 acres, a large part of which is capable of producing every variety of fruit, vegetable, and cereal known to the Temperate zones; mines of gold, silver, copper, iron, and coal inexhaustible in extent; lakes of salt, springs of petroleum, and forests of pine, cedar, spruce, juniper, ash, and oak of as great extent as any State or Territory of the Union. That part of Arizona lying north of the thirty-fourth parallel, embracing only four counties, is greater in area than the six New England States combined. The part lying south of that parallel is destined to become the most famously productive portion of the globe. Within that area the date, olive, fig, grape, lime, lemon, and orange grows, under proper husbandry, in prodigal profusion. Ascending from the lower valleys, every fruit of the Temperate zones is produced in perfection.

"*Population.*—By the national census of 1900 the population of Arizona is placed in round numbers at 125,000, but the census was confessedly badly taken. The wide range of territory over which the enumerators were compelled to go to take a proper census, and the low price paid for taking the census, prevented the possibility of accuracy. The population of Arizona, from the best obtainable statistics, school census, number of school children, etc., is 175,000. This population has a greater proportion of native-born inhabitants than probably any other subdivision of the United States. Arizona maintains a splendid common-school system, as well as normal schools, and a splendid Territorial university. The inhabitants of the Territory are as well educated, if not better, than in any other Congressional district in the United States. The people are highly progressive and very prosperous.

"The total assessed valuation of the taxable property in the Territory, as ascertained by the Territorial board of equalization in August, 1900, was $39,000,000 in round numbers. The net increase for the year 1901 was over $5,000,000. This low result is had by assessing the property throughout the counties at less than half of its cash salable value, and from it is excluded the great mining properties owned by different individuals and corporations throughout the Territory, and the railroads pay a tax on an estimated value of $7,000 a mile, when they are paying a fair profit on a bonded debt per mile of over $30,000. The copper and gold mines of the Territory are easily worth $100,000,000, the railroads, $20,000,000.

"From the governor's report, 1901, and from other sources, it is learned that Arizona produced in 1900 125,000,000 pounds of fine copper, against 48,000,000 pounds in 1895. Large new producers are developed, and it is safe to say that in the next fiscal year Arizona will produce 150,000,000 pounds. This, at 10 cents a pound, would be $15,000,000. The gold and silver product reached last year about $10,000,000.

"*Agriculture.*—The agricultural lands of the Territory of Arizona sustained by irrigation are at present confined largely to the waters of the Salt, the Gila, and the Colorado rivers.

"There are 880 miles of irrigating canals now in operation in the Territory, and the lands supplied by these canals can in the near future be easily doubled in area by a proper conservation of the waters of the streams by impounding the flood waters and erecting supply reservoirs for storage purposes.

"*Railroads.*—Railroad building has been especially active in Arizona during the year. The Arizona and Southeastern has been extended from Bisbee, Ariz., to Nacosari, Mexico. It crosses the international line at the town of Douglas, in Cochise County. A line extends east from Douglas to El Paso, Tex. A line is also projected from a point on the Arizona and Southeastern to the famous mining camp of Tombstone. The Rock Island Railroad is arranging to extend west from El Paso across Arizona to the coast, which will give through that Territory three transcontinental trunk lines.

"The Arizona and New Mexico, from Clifton to Lordsburg, has been widened to a standard gauge during the year and is being extended from Lordsburg to connect with the line from Bisbee to El Paso. Another road has been constructed from Williams, on the Santa Fe, to the Grand Canyon of the Colorado, a distance of 65 miles. The Prescott and Eastern Railroad is building a branch from Mayer to Big Bug Creek, and another branch has been surveyed a distance of 25 miles from Mayer into the Bradshaw Mountains, a rich mining district, which branch will undoubtedly be built in the near future. The survey of a line from Phoenix, the capital of Arizona to Benson, to connect with the Southern Pacific Transcontinental line, and with the New Mexico and Arizona, which runs south from Benson through Nogales to Guaymas, on the Gulf of California, has been completed, and the road will soon be built. The 1,558 miles of road now in successful operation within the Territory, with these projected lines, will give to every portion of the Territory a quick outlet to the markets of the world.

"*Timber lands.*—Arizona has the largest unbroken pine forest in the United States, covering an area of over 10,000 square miles, or 6,400,000 acres. The principal forests are in Coconino County and border on the Grand Canyon of the Colorado, although Gila, Apache, and Yavapai counties have large bodies of timber. In the Mogollon Mountains, in Yavapai, Coconino, Apache, and Gila counties there are large bodies of oak timber suitable for the manufacture of farm machinery, wagons, etc. The ash, black walnut, and oak are found in the lower valleys and ravines. Besides these are the cottonwood, alder, cedar, manzanita, maple, mesquite, wild cherry, and ironwood, the last a tree peculiar to Arizona and Sonora, which has a specific gravity greater than water and, it is said, creates a furnace heat equal to the best coke.

"*Public buildings.*—The public buildings of the Territory comprise the capitol, situated at Phoenix, recently erected at a cost of $130,000; the university at Tucson, Territorial prison at Yuma, the Asylum for the Insane at Phoenix, and splendid normal-school buildings at Tempe and Flagstaff, and a reform school for young offenders is now in course of erection at Benson, in Cochise County. Besides these, nearly every county has a splendid modern courthouse, jail, and fireproof vaults for public records, and every town and village has public schoolhouses that would do honor to any school district of the older States. Many of these schoolhouses are large, expensive, and architecturally beautiful.

"*School lands.*—The bill for the admission of Arizona and New Mexico demands four sections in each township for common-school purposes, instead of the two sections heretofore given to other States. New Mexico has received the two sections and is now asking two more. Arizona has received none and is asking for four sections. This, the committee thinks, should be allowed. There is no better purpose to which the public lands could be applied than to the education of the people. The committee estimates that this increased donation will not exceed in value the lands given to other States for similar purposes, as much of the land is of a desert character that can never be reclaimed; much of it in volcanic mountains, which can never be of value to the schools. Arizona has the most liberal school system in the country, and has borne without complaint a heavier tax for school purposes than any other known to your committee, paying at many times and in many places as much as $5 per month for each child in the schools. Attendance is compulsory.

"*Customs.*—Arizona, by act of Congress, 1892, was made a customs district. The chief port is Nogales, a railroad town on the international line.

"The foregoing is merely a summary of the many facts presented to your committee, from which it is concluded that no valid objection to Arizona's admission to statehood now exists. Many of the greatest States of the Union have been admitted with much less population and half the resources that Arizona possesses. Peace and quiet are everywhere supreme. The law is respected and enforced. Life and property are as safe there as in the capital of the nation. The population of Arizona, by every rule of virtue, education, property, patriotism, and industry, fills to the fullest measure every requirement of citizenship.

"NEW MEXICO.

"The Territory of New Mexico was acquired from the Republic of Mexico under the treaty made between the United States and Mexico at Guadelupe-Hidalgo on the 2d day of February, 1848, and the Gadsden treaty of December 30, 1853. It was organized as a Territory under an act of Congress of September 30, 1850.

"Bills have been reported favorably in the House of Representatives admitting New Mexico to statehood by the Committee on Territories in six or more Congresses, commencing with the Forty-third, and three favorable reports have been made by the Committee on Territories of the Senate in different Congresses.

"New Mexico has an area of 122,580 square miles. It is larger than New York and Pennsylvania combined, or the two States of Iowa and Illinois; three times as large as the State of Ohio, and, if admitted, will be the fourth State in the Union in size, Texas, California, and Montana being the only ones that are larger. Its area in acres is 78,451,200, and of this 23,353,666 acres are included in Spanish, Mexican, and United States railroad land grants and in homesteads and private holdings, leaving still as public domain 55,097,534 acres, a tract considerably larger than the area of the States of Massachusetts and Pennsylvania combined.

"Its population in 1900, according to the census, was 195,310 people. It is claimed, and on what seems to be good authority, that the census report is incorrect and incomplete, and that the actual population at the time the census was taken was nearly 300,000 people, and that the Territory has gained some 30,000 people in population since the time the census was taken. The

records show that at the election for Delegate to Congress, which occurred in the fall of the year 1900, that there were registered 59,297 voters, so that according to the usual ratio of votes to population it would appear that the Territory then contained a much larger number of inhabitants than is shown by the census.

"From the Government statistics it may be learned that five of the original States, and twenty-six States that have since been admitted, had a less population than New Mexico now has, even though it should be admitted that the census returns are correct.

"The assessed valuation of the property in the Territory for last year was $38,227,878. There seems to be no question from the hearings and the governor's report that the actual value of the property is at least $150,000,000. The census of 1890 showed an estimate of property values in the Territory of $231,459,897, and all agree that the property interests of the Territory are more valuable now than they were at that time. The evidence presented before this committee, roughly tabulated, shows the present property of the Territory that will be subjected to taxation when it is admitted as a State as follows:

7,000,000 acres of railroad land, with its coal, iron, and timber, at $5	$35,000,000
7,000,000 acres of private patented land grants, with its timber and, in some instances, its minerals, at $5	35,000,000
2,000,000 acres agricultural land, at $10	20,000,000
3,000 miles of railroad, with its franchises, equipment, machinery, shops, etc., at $20,000	60,000,000
Patented mines and plants	25,000,000
7,000,000 sheep and goats, at $2	14,000,000
21,000,000 pounds of wool, at 8 cents	1,680,000
1,700,000 head of cattle, at $20	34,000,000
50,000 head of horses, at $10	500,000
100,000 head of burros, at $2	200,000
City lots and buildings	25,000,000
Stocks of goods	12,500,000
Household furniture of all kinds	4,120,000
Jewelry	2,000,000
Cash, bonds, stocks, mortgages, etc	5,500,000
Produce of mines—coal, iron, gold, silver, copper, lead, etc	5,000,000
Produce of farms—alfalfa, wheat, and other crops	2,500,000
All other kinds of property	1,000,000
Total	283,000,000

"The corporations alone of the Territory are capitalized at $89,735,925.

"The indebtedness of New Mexico at the close of the last fiscal year was $1,205,100, and the cash on hand to meet outstanding obligations was $246,264.96. So that to pay every debt it must expend $958,825.04. Last year, according to the report of the governor of the Territory, all current obligations were met, including interest, and $89,437 was paid on the principal of the bonded debt. If his report can be relied on—and we know of no reason why it should not—the financial condition of the Territory is good and presents an encouraging situation.

"And this is all the more creditable when it is considered that not only has the Territory been self-sustaining, but in addition has built all of the Territorial institutions and instituted its splendid school system without one dollar of aid from Congress, save that which is common to all Territories—the payment of its legislature and judiciary. However, as the revenue laws extend over the Territory the same as anywhere else, and the receipts are all turned into the National Treasury, it perhaps is true that the Territory has never been a burden upon the nation.

"The Territory has an attractive capitol building, which cost $400,000. Its penitentiary is valued at $500,000. Its College of Agriculture and Mechanical Arts is estimated at $100,000. Its asylum for the insane cost $80,000. Its school of mines is an investment of $65,000. Its university made an outlay of $60,000. Its normal school represents $60,000 of capital. Its military institute cost over $50,000. Other public institutions which are now in operation have secured appropriations for over $60,000.

"The educational system of the Territory, based upon the public schools, is creditable indeed.

"The Delegate for the Territory has just presented the committee with an advanced report of statistics for the scholastic year 1900-1901, made by the Territorial superintendent of education, which shows a school population of 66,064 children, being an increase over the previous year as given in the governor's report of 13,056, or 24.63 per cent. This fact would seem to corroborate the claim made by the witnesses who appeared before the committee that New Mexico, owing to the enterprises now on foot there, is increasing in population, and has increased, since the census was taken, proportionately faster than any other part of the nation.

"This same report shows that about three-fourths of the school population are enrolled as pupils, and all save a small per cent are in daily attendance; that the number of teachers is 1,046, and the number of schools 800; that the receipts for school purposes for the year ending October 1, 1901, was $839,018.70, and that of this sum $403,700.28 was paid in teachers' wages; that the value of all school property is $2,071,703.25. Besides the public schools and the Territorial institutions, there are over 50 sectarian schools, conducted by all religious denominations, with an enrollment of nearly 4,000 pupils. It is a creditable fact also that in thirty years the per cent of illiteracy has been reduced more than three-fourths.

"Its mining industry is rapidly developing. Last year's product of the mines is estimated at $6,000,000, and consists mainly of gold, silver, copper, and coal. It is claimed, however, that not to exceed one-third of the actual mineral output is taken account of so as to be available for statistical purposes, because the Territory has no reduction works for minerals within its borders, so that its output when shipped in the shape of ores goes to swell the output of other jurisdictions. The Territory mined last year about 1,300,000 tons of bituminous coal.

"In manufacture and industrial enterprise it shows a healthful development. Its banks, of which there are quite a good number, are doing a prosperous business. Its commercial enterprises are a success. There were only three failures reported last year out of 1,662 business concerns. It had a better record in this regard than any other State or Territory in the Union.

"The Territory had more sheep than any other State or Territory April 1, 1900, as shown by the Agricultural Yearbook, and not alone have they been successful in raising sheep, but they have an abundance of horses and cattle, as well as other property, as can be seen by the foregoing tabulated statement and as is fully shown by the governor's report.

"There are published within the limits of the Territory 75 newspapers, 5 or 6 of the daily ones being of such size and make-up as to be a decided credit to the Territory.

"The Territory has, according to the governor's report, about 2,000 miles of railroad, represented by 12 different corporations, and evidence was submitted to the committee showing that several hundred miles of new road have since been completed and that several hundred miles additional are being constructed and in contemplation.

"*School lands.*—On June 21, 1898, Congress passed an act granting something over 4,000,000 acres of land to the Territory. About 1,000,000 acres of this was for Territorial institutions and the balance was for the benefit of the common schools, and is made up by a grant of two sections, 16 and 36, in each township in the Territory where public land can be had. That act provided, section 7:

"'That this act is intended only as a partial grant of the lands to which said Territory may be entitled upon its admission into the Union as a State, reserving the question as to the total amount of lands to be granted to said Territory until the admission of said Territory as a State shall be determined by Congress.'

"The bill which your committee has reported provides for a grant embracing about the same amount of land as was given by the former act, and designates sections 13 and 33 in each township as school sections. This donation of land, considering that a large quantity of the really good lands are included within land grants, forest reserves, etc., and that the quality of the remaining public lands available is not of the best, is not considered unreasonable, nor will it, in the opinion of your committee, be of any more value to the schools of the future State than would one-fourth or one-third as much land in a place like eastern Kansas or Oklahoma.

"Finally, the committee concludes that the Territory is in every way prepared to maintain itself and do credit to the country at large by its progress.

"It has a patriotic people. When the first call to arms was made in 1898 it furnished a greater number of men, according to population, than any other Commonwealth enjoying the full benefits of American citizenship. There can be no question of its loyalty to country and its devotion to the Republic.

"It has always been a question whether New Mexico should not have been admitted to statehood in 1850, when California was accepted. It is a well-known fact that it then framed a constitution, elected officers thereunder, and sent its Senators and Representatives here at that time, but, after a long struggle, they were returned without the recognition of their right to seats in the legislative body at the Capitol.

"In 1876 a bill for the statehood of New Mexico passed both Houses of Congress, but for some cause was not agreed to in conference between the two Houses. Again, after repeated attempts, it is pushing its claims for statehood. Fifty years has elapsed since its first futile effort. The passage of the bill is urged by both political parties of the Territory; the press is unanimously for it, and the people are demanding it. Why should it not be given?

"If population determines her right, then by nearly every precedent heretofore made her claim is established. If area is to be a factor in its determination, then no question can arise as to her right to statehood. If natural resources and material development are to be the criterion of action, then, upon investigation, she can safely rely upon statehood. If education, integrity, and devotion to American institutions make the bulwark that insures recognition, then Congress, in our judgment, should by legal enactment admit her to the sisterhood of States. If patriotism and a burning desire to enjoy the full benefits of citizenship and to control their own domestic affairs should guide the action of Congress, then the bill enabling her to enjoy these rights should be passed at once."

The Republican national convention of 1900 unanimously passed the following resolution:

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

President Roosevelt was a delegate to that convention. There were also present as delegates the following-named members of this body: Mr. A. J. BEVERIDGE, Mr. C. W. FAIRBANKS, Mr. J. R. BURTON, Mr. L. E. MCCOMAS, Mr. H. C. LODGE, Mr. KNUTE NELSON, Mr. J. H. GALLINGER, Mr. T. C. PLATT, Mr. C. M. DEPEW, Mr. J. C. PRITCHARD, Mr. H. C. HANSBROUGH, Mr. P. J. MCCUMBER, Mr. J. B. FORAKER, Mr. BOIES PENROSE, Mr. M. S. QUAY, Mr. THOMAS KEARNS, Mr. F. E. WARREN, and Mr. C. D. CLARK.

Senator GALLINGER was upon the subcommittee which passed upon this resolution and reported it to the committee on resolutions.

Senator FAIRBANKS was the chairman of the committee on resolutions and this resolution was unanimously adopted by that committee and reported to the convention by Senator FAIRBANKS.

The amendment reported by the majority of the Committee on Territories provides for the admission of the Territory of Oklahoma in conjunction with the Indian Territory as a single State, and excludes from statehood the Territories of Arizona and New Mexico. In respect to these last-named Territories it is in direct violation of the pledge made by the Republican platform. No resolution was ever adopted in any convention of any party for the assimilation of the Indian Territory in any form to the body of the States. No such proposition was ever seriously considered in either branch of Congress until the improvisation of the majority report now before this Senate.

The Indian Territory should not be included in the State of Oklahoma at present because:

First, under the treaties and agreements between the United States and the Five Tribes a separate political organization was provided for the Indian Territory, and the jurisdiction of the tribal governments extended to 1906. In the agreement with the Choctaws and Chickasaws the following provision was made:

"It is further agreed, in view of the modification of legislative authority and judicial jurisdiction herein provided, and the necessity of the continuance of the tribal governments so modified, in order to carry out the requirements of this agreement, that the same shall continue for the period of eight years from the fourth day of March, eighteen hundred and ninety-eight. This stipulation is made in the belief that the tribal governments so modified will prove so satisfactory that there will be no need or desire for further change till the lands now occupied by the Five Civilized Tribes shall, in the opinion of Congress, be prepared for admission as a state of the Union. But this provision shall not be construed to be in any respect an abdication by Congress of power at any time to make needful rules and regulations respecting said tribes."

Agreements with the Creeks and Cherokees contain the same pledge on the part of the United States, and it would be dishonorable on the part of Congress to violate the treaties and agreements with the Indians.

Second. Because the Indian governments and the entire membership of the Five Tribes are opposed to becoming a part of the State of Oklahoma, and earnestly protest against such action on the part of Congress.

Third. Because the whole body of the land in the Indian Territory is held by the Indian tribes by a fee-simple title, and not a single acre of land outside of a few town lots segregated by the town-site provisions of the Curtis Act is now subject to taxation. All allotments to be made to 85,000 Indians for homesteads are to be exempted from taxation for a period of twenty-five years. No greater injustice could be perpetrated against the people of Oklahoma than to require them to bear the burdens of the Indian Territory with its nontaxable land and anomalous conditions.

Fourth. Because the illiteracy and crime within the limits of the Five Tribes presents a record more deplorable than exists in any other section of the United States. The educational, social, and orderly life of the people of Oklahoma, with their splendid common-school system, colleges, and normal schools, would be seriously impaired by union with the Indian Territory.

By the census of 1900 20 per cent of the entire population of that Territory is reported illiterate. Of the 97,361 persons of voting age, 15.9 per cent are given as illiterate, while of the 109,191 persons of voting age in Oklahoma only 5.9 per cent belong to the illiterate class. Mr. Frank C. Churchill, special agent of the Secretary of the Interior, made an extensive examination of the condition of affairs in the Indian Territory under the direction of the Secretary, as required by act of Congress approved March 3, 1901, and the following is quoted from his report which was transmitted to Congress at the last session. On page 2, House Document No. 522, Mr. Churchill says:

"In all this Territory, the extent and area of which will be given elsewhere in detail, there is not a school maintained by taxation outside of the few incorporated towns which are authorized by the act of Congress approved June 28, 1898 (Curtis Act), to levy a tax not exceeding 2 per cent for all purposes."

Speaking of Indian education, he says, on page 18—

"But perhaps the most startling fact is that, so far as I can learn, not a dollar of tribal funds has ever been appropriated toward the erection of a day or neighborhood schoolhouse in any of the nations."

Mr. Churchill also gave much attention to illiteracy and crime in the Indian Territory, and reports as follows:

"The Territory is divided into three judicial districts, and such is the demand upon the time of the four Federal judges that much civil business has to be pushed aside from time to time in order that the court may give attention to the enormous number of misdemeanor and felony cases.

"This statement is introduced for the purpose of calling your attention to the fact that a large percentage of the young criminals who appear in courts never saw the inside of a schoolhouse, and, as I believe, would never have landed in jail had they received the ordinary advantages offered in the common schools of the States.

"On this subject I have the testimony of numerous court officers, who declare that many of the persons arrested for the lesser crimes are not naturally vicious, but through ignorance and idleness drift into ways that bring them into trouble, much of which could be averted by popular education in elementary schools.

"On October 2, 1901, I visited the United States jail in the northern judicial district, and of the 264 inmates on that day 65 who could speak English admitted to me that they could neither read nor write, and nearly all of these were young men and women, and the same condition of affairs can be found in the other jails of the Territory.

"But to my mind a worse feature still is that a large part of the jurors and witnesses who try these cases are illiterate, as proven by the books of the United States marshal's office, where these persons receipt for their fees.

"I am informed by one United States commissioner that of 4,000 witnesses examined by him since he assumed his duties in this Territory 23 per cent could not read or write.

"One-sixth of the male population of 21 years and upward are illiterate, and a much greater percentage of the younger men are illiterate, as many of those more advanced in years have come from States where they enjoyed some school privileges: and I have the testimony of several persons whose judgment is worthy of credence that not less than 50 per cent of the criminals are illiterate persons, and criminals are being shipped from this Territory to the several United States prisons and reformatories in carload lots at very frequent intervals."

In this summary of the situation he says:

"I find that upward of 100,000 persons of school age reside in the Indian Territory without free schools."

Fifth. In the various treaties and agreements with the Five Tribes no land or money has been reserved for common schools or for penal and charitable institutions of the future State. No public lands exist in that Territory. The clause in the substitute bill proposing to select for these purposes in Oklahoma lands equal to four sections in each township in the Indian Territory will be practically inoperative, because all the available public lands in Oklahoma of any value have already been reserved by acts of Congress or settled upon by settlers.

Sixth. Without any land subject to taxation, the expense of the courts in the Indian Territory would be unduly oppressive.

"As reported by the Attorney-General of the United States, there were pending in the courts of the Indian Territory on July 1, 1901, 2,548 penal prosecutions. Of this number 1,169 were in the northern district, 570 in the central district, and 992 in the southern district. * * * The expenses of the courts for the fiscal year ending June 30, 1901, were for the northern district, $185,297.22; for the central district, $134,634.30, and for the southern district, $163,455.85, making the total cost of the three courts $483,383.40."

Seventh. Since the Five Tribes occupied the Indian Territory all kinds of spirituous liquors have been excluded by law, and the introduction of liquors into that Territory has been punished as a serious crime. If united with Oklahoma, saloons would be instituted and the Indian tribes would be demoralized and destroyed.

Eighth. Because a large majority of the people of both Territories are unalterably opposed to the union of the two Territories as proposed by the bill. The so-called single-statehood convention recently held in Claremore, in the Indian Territory, was in no sense a representative meeting, was attended by only a few persons, and the resolutions passed and presented to the Senate were inspired by considerations of a local character and to advance individual interests.

Ninth. Oklahoma is ready for statehood. The Indian Territory is unfit in all respects to enter the Union. Oklahoma will make a great and prosperous State, and is capable of supporting 2,000,000 people. Its prosperity of to-day is not due to a fictitious boom, but to the fertility of the soil and to its abundant resources and favorable climatic conditions. Until the unfortunate conditions which exist in the Indian Territory are corrected, and the land becomes subject to taxation and a common-school system is instituted and funds are provided for its support, it would be scarcely less than an outrage to require the people of Oklahoma to pay the taxes to support a State government for the Indian Territory.

Tenth. With the exception of the country owned by the Creeks and Seminoles, which constitutes only a small portion of the Indian Territory, no provision has been made for public roads, and the land for the same will have to be purchased from the Indians at the cost of several million dollars. This condition alone would make a most oppressive rate of taxation for the people of Oklahoma.

Recurring to New Mexico, the faith of the nation was plighted to the people of that Territory at the time of its original occupancy by the troops of the United States, when Kearny, without opposition, occupied Santa Fe, in 1846. He proclaimed that "it was the wish and intention of the United States to provide the people of New Mexico with a free government, with the least possible delay, similar to those in the United States." This proclamation pacified the Territory. The ninth article of the treaty of Guadelupe Hidalgo, of February 21, 1848, provided as follows:

"The Mexicans who, in the Territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution, and in the meantime shall be maintained and protected in the free enjoyment of their liberty and property and secured in the free exercise of their religion without restriction."

Acting upon these assurances, the people of New Mexico in 1850 held a constitutional convention and adopted a constitution. Afterwards, in the same year, they elected State officers and a legislature, and also elected William S. Messervy as a Representative in Congress. Later the legislature elected R. H. Weightman and F. C. Cunningham as United States Senators. With the Representative-elect they proceeded to this city. They were not admitted to seats, because the compromise act of 1850, which admitted California to statehood, relegated New Mexico to the condition of a Territory. Amongst the many efforts of New Mexico to be admitted as a State since that date one is especially of note.

In the Forty-third Congress a bill for the admission of the Territory was passed in the House of Representatives by a vote of 160 to 54, and afterwards, on the 24th of February, a few days previous to final adjournment, passed the Senate, with a slight amendment, by a vote of 32 to 11. When returned to the House for concurrence in the amendment of the Senate it was found impossible to take it up for concurrence. The bill fell, although favored by three-fourths of each branch of Congress, because of that slight Senate amendment. In an address delivered by Hon. L. Bradford Prince, ex-chief justice and ex-governor of New Mexico, before the trans-Mississippi congress, at Cripple Creek, Colo., July 19, 1901, in reference to the character of the population of New Mexico, he said:

By many the people are looked upon as foreign and not in harmony with American institutions. It is strange that this objection should arise in a land which absorbs half a million of foreigners every year and which manages to assimilate the very worst elements of continental Europe. It should be remembered that New Mexico was acquired in 1846; that all of its inhabitants, except the oldest, were born on American soil, and that its people belonged to a sister Republic with institutions similar to ours, and so needed no new education in free government. For almost half a century they have been electing their legislatures, making their laws, and carrying on their local government under the American system.

The people have shown themselves as loyal as any in the nation. During the rebellion out of her total population of 93,567 she sent 6,531 into the Army. Her volunteers fought at Valverde, Peralta, and on other fields, and at Glorieta, together with their comrades of Colorado, defeated the enemy and turned back the column which was advancing northerly from Texas with the intention of cutting off the Pacific slope from the remainder of the country. The value of that service to the Union cause can scarcely be overestimated. The total number of volunteers from the Territories now composing the six new States of North Dakota, South Dakota, Washington, Montana, Idaho, and Wyoming was 1,170. Colorado sent but 4,903; and Nebraska, Oregon, and Nevada, taken together, did not contribute but 6,047, being 500 less than New Mexico alone.

In the recent war with Spain the people showed equal patriotism, no less than 1,089 volunteers enlisting, including about 500 "Rough Riders," who gained a high reputation at Las Guasimas and on San Juan Hill.

If we look at the foreign element in the population, we will find it smaller in New Mexico than anywhere in the country, except in certain Southern States. A comparison with Territories recently admitted is instructive in this regard. The figures are those of the census of 1890, which are the latest available on this point.

New Mexico contained 11,259 foreign inhabitants out of a total of 153,593, or 7½ per cent.

Idaho had 21 per cent; Wyoming, 24; Washington, 25; Montana, 43, and North Dakota, 45.

Even in the older States, New York and Michigan had 23 per cent; Massachusetts, 29; Rhode Island, Wisconsin, and California, 30, and Minnesota, 36.

So that New Mexico looms up as a specially native American community.

But to the uninformed the large number of voters of Spanish descent is looked upon as a grave misfortune. There could not be a greater mistake. It is the possession of that conservative element in connection with the energetic and enterprising American from the East which gives New Mexico her special advantages as a self-governing community over most other Territories. Everyone familiar with the far West knows that the principal danger in new communities arises from the unsettled and irresponsible character of much of the population.

They have energy, general intelligence, vigor, and enterprise, and we recognize them in those respects as good State builders; but at the same time they have some characteristics not so desirable. One is that they are continually "on the move." The number of men through all that region with whom two years is a long residence in any one place is astonishing. The habit of moving is upon them, and they are always looking for some new place to which to migrate. Of course there are many solid, substantial citizens; but this restless, nomadic population constitutes an element that is always active, aggressive, and noisy.

They are eager for office, ready to vote for any amount of bonds and taxation, and to their irresponsible action is principally due the heavy indebtedness and not infrequent bankruptcy of so many Western cities and counties. They do the mischief and are gone before its effects are felt. The chief danger in many a new community comes from this class of men and from the overenthusiasm of others who think that life in the West is a continual boom, and many a State and Territory has suffered from it. But New Mexico runs no such risk. She has a solid, stable, responsible, and conservative element in her native population which counteracts the danger. They are attached to the soil and have no thought of leaving. They are identified with the country and naturally opposed to rash schemes which involve extravagant expense and debt. Mixed with the overzealous American, they form an admirable combination. Another objection which has been urged against us is that of illiteracy.

Some years ago there may have been some force in this argument, but it is fast disappearing. In no respect has New Mexico been making such rapid progress as in public education. Even under the crude system which existed before the public-school law of 1891 the number of children under instruction had increased in a ratio far in advance of the population. The census developed the fact that while the population of the Territory increased 28 per cent during the decade from 1880 to 1890, the number of children enrolled in the schools increased 283 per cent, or ten times as rapidly.

During the last decade the gain has been equally gratifying. The school law of 1891 gave a great impetus to public instruction. Under its beneficent provisions the educational system is improving with great rapidity.

It should be remembered that all this has to be done by direct taxation, as we have had no school fund whatever. Should you deprive all of the States of their school funds a lamentable condition of affairs would result in many of them. If the educational matter is to be considered it should be weighed in the direction of giving us statehood, which will increase our means for public education rather than in depriving us of it.

I submit a table showing the population of these Territories in comparison

with a number of the States of the Union at the dates of their admission to statehood:

Arizona, 1900, population	122,931
New Mexico, 1900, population	195,310
Oklahoma, 1900, population	398,331
Montana, admitted November 8, 1889; population, 1890	132,159
North Dakota, admitted November 2, 1889; population, 1890	182,719
South Dakota, admitted November 2, 1889; population, 1890	328,808
Utah, admitted January 4, 1896; population, 1900	276,749
Vermont, admitted March 4, 1791; population, 1790	85,425
Idaho, admitted July 3, 1890; population, 1890	84,385
Wyoming, admitted July 10, 1890; population, 1890	60,705
Ohio, admitted November 29, 1802; population, 1800	45,365
California, admitted September 9, 1850; population, 1850	92,597
Indiana, admitted December 11, 1816; population, 1810	24,520
Illinois, admitted December 3, 1818; population, 1820	55,211
Washington, admitted November 11, 1889; population, 1890	349,390
Minnesota, admitted May 11, 1858; population, 1860	172,023
Nebraska, admitted March 1, 1867; population, 1870	122,993
Oregon, admitted February 14, 1859; population, 1860	52,465
Alabama, admitted December 14, 1819; population, 1820	127,901
Florida, admitted March 3, 1845; population, 1850	87,445
Iowa, admitted December 28, 1846; population, 1850	192,214
Delaware, one of original 13 States; population, 1900	184,735

For the reasons, therefore, that the Republican party in 1900 promised statehood to the Territories of Arizona, New Mexico, and Oklahoma, while no such pledge was made or promised in the national convention for the Indian Territory, which is not now fit for statehood, and that these Territories compare favorably in number and character of population, as well as in resources and territorial extent, with nearly all of the States admitted to the Union for many years past, and in accordance with the precedents of our history, I recommend that House bill No. 12543 be passed without amendment.

M. S. QUAY.

INTERNAL-REVENUE TAXES ON PRIVATE DIES.

Mr. LODGE. Mr. President, as it is not yet 2 o'clock, I ask unanimous consent for the present consideration of the bill (S. 3975) to refund internal-revenue taxes paid by owners of private dies.

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

Mr. MORGAN. Is there any report accompanying the bill?

Mr. LODGE. Yes; there is a report from the Committee on Claims. I have the report here.

Mr. ALLISON. How were the amounts ascertained?

Mr. LODGE. They were ascertained from the Treasury Department. A similar bill has passed the Senate twice.

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

OMNIBUS STATEHOOD BILL.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A 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.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole. As submitted by the Committee on Territories, there is a proposition to strike out all after the enacting clause of the bill and to insert a substitute. The Chair wishes to know whether it is the desire of the Senate that the language proposed to be stricken out shall be read.

Mr. LODGE. That is the bill, is it not?

The PRESIDENT pro tempore. It is a House bill, and the committee reports to strike out the text of the bill as passed by the House.

Mr. LODGE. I think the bill ought to be read for amendment in the usual way.

Mr. NELSON. I desire to ask the Senator from Pennsylvania [Mr. QUAY] to allow the bill to be laid aside for a few minutes. I expect the chairman of the committee in a few moments with his report. I only ask to have the bill temporarily laid aside for a few minutes in order that he can present his report on the bill. No report has been made.

The PRESIDENT pro tempore. The Senator from Minnesota asks unanimous consent that the bill be laid aside until the chairman of the committee presents his report.

Mr. QUAY. We have been waiting for six months for this report, and I suppose it does not make much difference whether we wait a few moments longer or not. But I suggest to the Senator from Minnesota that the formal reading of the bill be proceeded with; that is, merely reading the text of the bill as passed by the House, which has been stricken out by the majority of the Committee on Territories.

Mr. LODGE. And the substitute proposed by the committee.

Mr. QUAY. And the substitute. It is nothing but the formal reading, and we may as well go on with it.

Mr. NELSON. Let the reading of the House bill proceed. I have no objection to that.

The PRESIDENT pro tempore. The Secretary will read the bill.

The Secretary read the bill.

The PRESIDENT pro tempore. The amendment reported by the Committee on Territories will be read.

The Secretary proceeded to read the amendment, and read to the end of the second paragraph of section 3.

Mr. BEVERIDGE. At this juncture, in view of the hour, I ask that the reading of the remainder of the amendment be temporarily suspended while the committee presents to the Senate its report in support of the amendment which the committee reports back to the Senate.

Mr. QUAY. I feel it to be my duty to object to that.

Mr. BEVERIDGE. Very well.

Mr. QUAY. I think in a very few moments the Secretary will complete the reading of the substitute, and then we can receive the report.

The Secretary resumed and concluded the reading of the amendment reported by the Committee on Territories, which was to strike out all after the enacting clause and insert:

That the inhabitants of all that part of the area of the United States now constituting the Territory of Oklahoma and the Indian Territory as at present described may adopt a constitution and become the State of Oklahoma as hereinafter provided: *Provided*, That nothing contained in the said constitution shall be construed to limit or impair the rights of person or property pertaining to the Indians of said Territories so long as such rights shall remain unextinguished, or to limit or affect the authority of the Government of the United States to make any law or regulation respecting such Indians, their lands, property, or other rights which it would have been competent to make if this act had never passed.

SEC. 2. That all male persons over the age of 21 years who are citizens of the United States, or who have declared their intention to become citizens of the United States as required by law or who are members of any Indian nation or tribe in said Indian Territory and who have resided within the limits of said proposed State for at least six months, are hereby authorized to vote for and choose delegates to form a constitutional convention for said proposed State; and all persons qualified to vote for said delegates shall be eligible to serve as delegates; and the delegates to form such convention shall be 120 in number, 60 of whom shall be elected by the people of the Territory of Oklahoma and 60 by the people of Indian Territory. The 60 delegates to be elected by the people of the Territory of Oklahoma shall be apportioned among the several counties of that Territory as near as may be to the population in each of said counties, and such apportionment shall be made by the governor, the chief justice, and the secretary of said Territory; and the delegates to be elected by the people of Indian Territory, as aforesaid, shall be apportioned among the several districts of said Territory in proportion to the population as near as may be by the judges of the United States courts in said Territory; and the governor of said Oklahoma Territory, together with the chief justice or senior judge of the United States courts in Indian Territory, shall by proclamation order an election of the delegates aforesaid in said proposed State at a time designated by them within sixty days after the approval of this act, which proclamation shall be issued at least thirty days prior to the time of holding said election of delegates. That the judges of the United States courts in Indian Territory shall for the purposes of said election establish and define the necessary election precincts and appoint three judges of election for each precinct, which judges may appoint the necessary clerk or clerks; that the said judges of election, so appointed, shall supervise the election in their respective precincts, and canvass and make due return of the vote cast to the judges of the United States courts in said Indian Territory, who shall constitute the ultimate and final canvassing board of said election and whose certificate of election shall be prima facie evidence as to the election of delegates; and the election for delegates in the Territory of Oklahoma shall be conducted, the returns made, the result ascertained, and the certificates of all persons elected to such convention issued in the same manner as is prescribed by the laws of said Territory regulating election for Delegate to Congress.

SEC. 3. That the delegates to the convention thus elected shall meet at the seat of government of said Oklahoma Territory on the fifth Tuesday after their election, excluding the day of election in case such day shall be Tuesday, and, after organization, shall declare, on behalf of the people of said proposed State, that they adopt the Constitution of the United States; whereupon the said convention shall be, and is hereby, authorized to form a constitution and State goverement for said proposed State. The constitution shall be republican in form and make no distinction in civil or political rights on account of race or color, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. And said convention shall provide, by ordinance irrevocable without the consent of the United States and the people of said State:

First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship: *Provided*, That polygamous or plural marriages are forever prohibited.

Second. That the people inhabiting said proposed State do agree and declare that they forever disclaim all right and title in or to any unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian tribe or nation; and that until the title to any such public land shall have been extinguished by the United States the same shall be and remain subject to the disposal and control of the United States. And said Indian land shall remain under the jurisdiction and control of the Congress of the United States, as at present; that land belonging to citizens of the United States residing without the limits of said State shall never be taxed at a higher rate than the lands belonging to the residents thereof; that no taxes shall be imposed by the State on lands or property belonging to or which may hereafter be purchased by the United States or reserved for its use. But nothing herein, or in the ordinances herein provided for, shall preclude the said State from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States, or from any person, a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress or treaty containing a provision exempting the land thus granted from taxation; but such ordinance shall provide that all such lands shall be exempt from taxation by said State so long and to such extent as such act of Congress or treaty may prescribe.

Third. That the debts and liabilities of said Territory of Oklahoma shall be assumed and paid by said State.

Fourth. That provision shall be made for the establishment and maintenance of a system of public schools, which shall be open to all the children of said State and free from sectarian control; and said schools shall always be conducted in English: *Provided*, That this act shall not preclude the teaching of other languages in said public schools.

SEC. 4. That in case a constitution and State government shall be formed in compliance with the provisions of this act the convention forming the same shall provide by ordinance for submitting said constitution to the people

of said proposed State for its ratification or rejection at an election to be held at a time fixed in said ordinance, at which election the qualified voters for said proposed State shall vote directly for or against the proposed constitution, and for or against any provisions separately submitted. The returns of said election shall be made to the secretary of the Territory of Oklahoma, who, with the chief justice thereof and the chief justice or senior judge of Indian Territory, shall canvass the same; and if a majority of the legal votes cast on that question shall be for the constitution the governor of Oklahoma Territory and the chief justice or senior judge of Indian Territory shall certify the result to the President of the United States, together with the statement of the votes cast thereon, and upon separate articles or propositions, and a copy of said constitution, articles, propositions, and ordinances. And if the constitution and government of said proposed State are republican in form, and if the provisions in this act have been complied with in the formation thereof, it shall be the duty of the President of the United States, within twenty days from the receipt of the certificate of the result of said election and the statement of the votes cast thereon and a copy of said constitution, articles, propositions, and ordinances from said commission, to issue his proclamation announcing the result of said election; and thereupon the proposed State of Oklahoma shall be deemed admitted by Congress into the Union, under and by virtue of this act, on an equal footing with the original States from and after the date of said proclamation.

The original of said constitution, articles, propositions, and ordinances, and the election returns, and a copy of the statement of the votes cast at said election shall be forwarded and turned over by the secretary of the Territory of Oklahoma to the State authorities of said State.

SEC. 5. That the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for defraying the expenses of said election and convention, and for the payment of the members thereof under the same rules and regulations and at the same rates as are now provided by law for the payment of the Territorial legislature of the Territory of Oklahoma.

SEC. 6. That until the next general census, or until otherwise provided by law, the said State of Oklahoma shall be entitled to four Representatives in the House of Representatives of the United States, And the said Representatives to the Fifty-eighth Congress, together with the governor and other officers provided for in said constitution, may be elected on the same day of the election for the ratification or rejection of the constitution; and until said officers are elected and qualified under the provisions of such constitution, and the said State is admitted into the Union, the Territorial officers of Oklahoma Territory shall continue to discharge the duties of their respective offices in said Territory.

SEC. 7. That upon the admission of the State into the Union sections Nos. 16 and 36 in every township in Oklahoma Territory, and other lands, equivalent to sections 16 and 36, in every township in Indian Territory, shall be granted from the public domain in Oklahoma Territory, in lieu of sections 16 and 36 in every township in Indian Territory, except sections 16 and 36 in either Territory, or parts thereof, that have been reserved, sold, or otherwise disposed of by or under the authority of any act of Congress: *Provided*, That said indemnity lands, in lieu of sections 16 and 36 of the townships in the Indian Territory, shall be selected in such manner as the legislature may provide, with the approval of the Secretary of the Interior, and shall be granted for the support of the common schools of said proposed State of Oklahoma: *Provided further*, That sections 16 and 36 embraced in permanent reservations for national purposes shall not at any time be subject to the grant nor to the indemnity provisions of this act; nor shall any lands embraced in Indian, military, or other reservations of any character be subject to the grants or to the indemnity provisions of this act until the reservations shall have been extinguished and such lands be restored to and become a part of the public domain.

SEC. 8. That section 13, reserved by the President of the United States by proclamation issued August 19, 1893, opening to settlement the land known as the Cherokee Outlet, the Tonkawa Indian Reservation, and the Pawnee Indian Reservation, and by any act or acts of Congress since said date, and in all other lands to be opened to settlement in the Territory of Oklahoma or the State to be formed hereunder, is hereby reserved and granted to said State for the equal use and benefit of the University of Oklahoma, the normal schools, and the agricultural and mechanical college of said State, one-third to each, the same to be disposed of as the legislature of said State may prescribe: *Provided*, That the said lands so reserved or the proceeds of the sale thereof shall be safely kept or invested and held by said State, and the income thereof, interest, rentals, or otherwise, only shall be used exclusively for the benefit of said educational institutions. Such educational institutions shall remain under the exclusive control of said State, and no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes or the income or rentals thereof shall be used for the support of any religious or sectarian school, college, or university.

That section 33, heretofore reserved under said proclamation and acts for charitable and penal institutions and public buildings, shall be apportioned and disposed of as the legislature of the said State may prescribe.

SEC. 9. That said sections 16 and 36, and lands taken in lieu thereof, herein granted for the support of the common schools, shall be disposed of only at public sale, after due appraisal and at not less than $10 per acre, preference right to purchase being given to the lessee at the time of such sale, the proceeds to constitute a permanent school fund, the interest of which only shall be expended in the support of such schools. But said lands may, under such regulations as the legislature may prescribe, be leased for periods not to exceed five years; and such lands shall not be subject to homestead entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only.

SEC. 10. That said sections 13 and 33 aforesaid when sold shall be disposed of at public sale as the legislature of said State may prescribe, but only after due appraisal and at not less than $10 per acre, preference right to purchase being given to the lessee at the time of such sale; but the same may be leased for periods of not more than five years, under such rules and regulations as the legislature shall prescribe, and shall not be subject to homestead entry or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for designated purposes only, and until such time as the legislature shall prescribe the same shall be leased under existing rules.

SEC. 11. That 10 per cent of the proceeds of the sales of public lands lying within said State which shall be sold by the United States shall be paid to the said State, to be used as a permanent fund, the interest of which only shall be expended for the support of the common schools within said State.

SEC. 12. That in lieu of the grant of land for purposes of internal improvement made to new States by the eighth section of the act of September 4, 1841, which section is hereby repealed as to said State, and in lieu of any claim or demand of the State of Oklahoma under the act of September 28, 1850, and section 2479 of the Revised Statutes, making a grant of swamp and overflowed lands, which grant it is hereby declared is not extended to the State of Oklahoma, the following grant of land is hereby made to said State for the purposes indicated, namely:

For the benefit of the Oklahoma University, 200,000 acres; for the benefit of the Agricultural and Mechanical College, 250,000 acres; for the benefit of the Colored Agricultural and Normal University, 100,000 acres; for the benefit of normal schools, 250,000 acres, and 650,000 acres to be disposed of as the legislature may provide, said lands to be selected in such manner as the legislature may provide, with the approval of the Secretary of the Interior.

SEC. 13. That said State, when admitted as aforesaid, shall constitute two judicial districts, to be known as the eastern district of Oklahoma and the western district of Oklahoma. The said Indian Territory shall constitute the eastern district and the said Oklahoma Territory shall constitute the western district. The circuit and district courts for the eastern district shall be held at Muscogee, and the circuit and district courts for the western district shall be held at Oklahoma City for the time being. And the said districts shall, for judicial purposes, until otherwise provided, be attached to the eighth judicial circuit. There shall be appointed for each of said districts one district judge, one United States attorney, and one United States marshal. The judges of said districts shall each receive a yearly salary of $5,000, payable in four equal installments on the 1st days of January, April, July, and October of each year, and shall reside in their districts. There shall be appointed a clerk for each of said districts, who shall keep their offices in the cities where court is held. The regular terms of said courts shall be held at the places designated in this act on the first Monday in January and the first Monday in June in each year, and only one grand jury and one petit jury shall be summoned in each of said circuit and district courts. The circuit and districts courts for each of said districts, and the judges thereof, respectively, shall possess the same powers and jurisdiction and perform the same duties required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations. The marshal, district attorney, and clerk of each of the circuit and district courts of said districts, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully required to be performed by similar officers in other districts of the United States.

SEC. 14. That all cases of appeals or writs of error heretofore prosecuted and now pending in the Supreme Court of the United States or the circuit court of appeals for the eighth circuit upon any record of the supreme courts of said Territories, or that may hereafter lawfully be prosecuted upon any record from either of said courts, may be heard and determined by said Supreme Court of the United States and the said circuit court of appeals. And the mandate of execution or other proceeding shall be directed by the Supreme Court of the United States, or said circuit court of appeals, to the circuit or district courts hereby established within the said State succeeding the Territories from which such record is or may be pending, or to the supreme court of said State, or other State court therein established, as the nature of the case may require.

SEC. 15. That the said circuit and district courts and the courts of said State shall, respectively, be the successors of the courts of Oklahoma and Indian Territories as to all such cases arising within the limits of the Territories described in the first section of this act, with full power to proceed with the same and award mesne or final process therein; and that from all judgments and decrees of the supreme courts of said Territories or the United States courts for said Territories in any case arising within the limits of said State prior to admission, the parties to such judgments or decrees shall have the same right to prosecute appeals and writs of error to the Supreme Court of the United States or to the circuit court of appeals for the eighth circuit as they shall have had by law prior to the admission of said State into the Union.

SEC. 16. That in respect to all cases, proceedings, and matters now pending in the supreme or district courts of said Territories at the time of admission as a State and arising within the limits of such State whereof the circuit or district courts by this act established might have had jurisdiction under the laws of the United States had such courts existed at the time of the commencement of such cases, the said circuit and district courts each, respectively, shall be the successors of said supreme and district courts of said Territories, and in respect to all other cases and matters pending in the supreme or district courts of said Territories or in the United States courts for said Territories at the time of the admission of such State arising within the limits of said proposed State, the courts of said State shall, respectively, be the successors of said supreme and district Territorial courts and the United States courts in said Territories. And all the files, records, indictments, and proceedings relating to any such cases shall be transferred to such circuit, district, and State courts, respectively, and the same shall be proceeded with there in a due course of law; but no writ, action, indictment, cause, or proceeding now pending, or that prior to the admission of said State shall be pending, in any Territorial court of said Territories or the United States courts for said Territories shall abate by the admission of said State into the Union; but the same shall be transferred and proceeded with in the proper United States, circuit, district, or State court, as the case may be: *Provided, however*, That in all civil actions, causes, and proceedings in which the United States is not a party transfer shall not be made to the circuit and district courts of the United States, except it be a case which under existing laws might be transferred from a State court to the courts of the United States, and upon written request of one of the parties to such action or proceeding filed in the proper court as now by law required, and in the absence of such request such cases shall be proceed with in the proper State court.

SEC. 17. That the constitutional convention may by ordinance provide for the election of officers for a full State government, including members of the legislature and four Representatives to Congress, and shall designate, define, and divide the Osage and Kaw Indian reservations and the area now constituting the Indian Territory into counties not to exceed in number 24, and name and designate the county seats thereof, and shall provide rules and regulations and define the manner of conducting the first election for officers in said counties, and shall designate and define four Congressional districts in said State for the election of Representatives. Such State government shall remain in abeyance until the State shall be admitted into the Union and the election for State officers held as provided for in this act. The State legislature, when organized, shall elect two Senators of the United States in the manner now prescribed by the laws of the United States, and the governor and secretary of said State shall certify the election of the Senators and Representatives in the manner required by law. And said Senators and Representatives shall be entitled to be admitted to seats in Congress and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States; and the officers of the State government formed in pursuance of said constitution as provided by said constitutional convention shall proceed to exercise all the functions of such State officers; and all laws of said Territories in force therein at the time of their admission into the Union shall be in force in said State, except as modified or changed by this act or by the constitution of the State, and the laws of the United States not locally inapplicable shall have the same force and effect within said State as elsewhere within the United States.

Mr. BACON. Mr. President, I ask leave at this time to present an amendment which I will subsequently offer, in order that the same may now be read and ordered to be printed.

The PRESIDENT pro tempore. The Senator from Georgia offers an amendment and asks that it be read. If there be no objection it will be read.

The Secretary read as follows:

Amendment intended to be proposed by Mr. BACON to the bill (H. R. 12543) entitled "An act 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."

Amend the amendment proposed by the committee on page 46, section 1, line 6, as follows: Strike out "Oklahoma" and insert "Jefferson" in lieu thereof.

Amend further said amendment proposed by the committee wherever the words "State of Oklahoma" occur by striking out "Oklahoma" and inserting "Jefferson" in lieu thereof.

Amend further the amendment proposed by the committee on page 57, in section 13, line 11, by striking out the word "Oklahoma" in each place where the same occurs and inserting the word "Jefferson" in lieu thereof.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

Mr. BEVERIDGE. Mr. President——

Mr. QUAY. Will the Senator from Indiana yield to me, that I may make a parliamentary inquiry of the Chair?

Mr. BEVERIDGE. Certainly.

Mr. QUAY. Mr. President, I desire to understand distinctly the parliamentary position of the bill before the Senate. As I understand it, the question pending now is upon the adoption of the amendment of the committee.

The PRESIDENT pro tempore. The understanding of the Senator from Pennsylvania is correct.

Mr. QUAY. I will now yield to the Senator from Indiana. I may have something to say after he presents his report.

Mr. BEVERIDGE. I send to the desk and ask to have read two telegrams.

The PRESIDENT pro tempore. The Senator from Indiana sends to the desk two telegrams which he asks may be read. Without objection, the Secretary will read them.

Mr. LODGE. Before the telegrams are read, in regard to what the Senator from Pennsylvania stated, I suppose it is understood that both the substitute and the original bill are open to amendment.

The PRESIDENT pro tempore. Undoubtedly, amendments offered to the original bill taking precedence of those offered to the substitute. The Secretary will read the telegrams.

The Secretary read as follows:

ARDMORE, IND. T., *December 9, 1902.*

Senator BEVERIDGE,
Portland, Washington, D. C.:

At mass meeting held here resolutions sent you from Ada favoring single statehood with Oklahoma were unanimously indorsed.

SIDNEY SUGGS,
President Chamber of Commerce.

MUSKOGEE, IND. T., *December 10, 1902.*

Senator ALBERT J. BEVERIDGE,
Chairman Committee on Territories,
United States Senate, Washington, D. C.:

At an enthusiastic meeting of the citizens of Muskogee, held to-night in rooms of Chamber of Commerce, the following resolutions were unanimously adopted and a copy ordered wired to you:

"*Resolved by this nonpartisan meeting of citizens of Muskogee, Ind. T.*, That we hereby indorse the Oklahoma statehood bill, now pending in the Senate, H. R. 12543, as reported to the Senate by Senator NELSON on December 3, 1902. We believe this bill is the most equitable measure to the people of all classes in the Indian Territory ever offered in Congress. This bill will afford relief badly needed here and give confidence to outsiders contemplating residence in this country, and above all it will speedily give public schools for the education of all children, whether Indians or not."

Hon. A. Grant Evans was elected delegate, and leaves to-morrow to represent our wishes in Washington.

THOMAS P. SMITH, *President.*
CLARENCE B. DOUGLASS, *Secretary.*

Mr. BEVERIDGE. Mr. President, from the Committee on Territories I present the following report.

The PRESIDENT pro tempore. If there be no objection, the report will be received at this time. The Senator from Indiana, on behalf of the Committee on Territories, submits a report, which will be read.

The Secretary proceeded to read the report.

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 a bill (H. R. 15794) to amend section 20 of an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890; in which it requested the concurrence of the Senate.

OMNIBUS STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the 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.

The Secretary resumed the reading of the report of the Committee on Territories.

Mr. ALDRICH. I ask unanimous consent that the reading of the report may be further interrupted to allow a House bill to be laid before the Senate.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Rhode Island?

Mr .QUAY. I will object unless it is understood that there is to be no discussion which will interrupt the reading of the report. I desire, in accordance with the unanimous-consent understanding of the Senate, to proceed as rapidly as possible with the consideration of the statehood bill.

Mr. ALDRICH. I think there will be no discussion of the House bill, which I desire to have put on its passage.

Mr. QUAY. If the Senator from Indiana [Mr. BEVERIDGE] will agree to have his report printed in the RECORD without further reading, I shall have no objection.

The PRESIDENT pro tempore. The Chair will exercise the right to lay before the Senate the communication from the House of Representatives.

Mr. ALDRICH. All right. I ask that the bill may be read.

MERCHANDISE IN BONDED WAREHOUSES.

The PRESIDENT pro tempore laid before the Senate the bill (H. R. 15794) to amend section 20 of an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890; which was read the first time by its title.

Mr. ALDRICH. I ask that the bill may be read at length.

Mr. QUAY. Now, Mr. President, I object, if the bill is to provoke any discussion.

Mr. ALDRICH. It will not provoke any discussion, I am sure, and it is a bill which must be passed immediately, in the public interest.

Mr. QUAY. If it does provoke any discussion, I will withdraw my consent; that is all. I do not desire to interfere with the passage of the bill.

The PRESIDENT pro tempore. The unfinished business will then be temporarily laid aside. Does the Senator from Rhode Island ask for the consideration of the bill?

Mr. ALDRICH. I shall, after it has been read.

The PRESIDENT pro tempore. The bill will be read.

The bill was read the second time at length, as follows:

Be it enacted, etc., That section 20 of an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890, be, and the same is hereby, amended so as to read as follows:

"SEC. 20. That any merchandise deposited in any public or private bonded warehouse may be withdrawn for consumption within three years from the date of original importation on payment of the duties and charges to which it may be subject by law at the time of such withdrawal: *Provided*, That the same rate of duty shall be collected thereon as may be imposed by law upon like articles of merchandise imported at the time of the withdrawal: *And provided further*, That nothing herein shall affect or impair existing provisions of law in regard to the disposal of perishable or explosive articles."

Mr. ALDRICH. I have consulted with the members of the Finance Committee who are present in the city and they all agree that this bill should be passed and passed promptly. I therefore ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The Senator from Rhode Island asks unanimous consent for the present consideration of the bill which has been read. Is there objection?

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

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

THE COFFEE INDUSTRY.

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 Agriculture and Forestry, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, with accompanying papers, relative to the proceedings of the International Congress for the Study of the Production and Consumption of Coffee, which, in pursuance of a resolution adopted by the Second International Conference of American States, was in session at the city of New York from October 1 to October 31, 1902, investigating the causes which are producing the crisis through which that industry is passing.

THEODORE ROOSEVELT.

WHITE HOUSE, *December 10, 1902.*

OMNIBUS STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the 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.

The PRESIDENT pro tempore. The Secretary will resume the reading of the report.

The Secretary resumed and concluded the report this day submitted from the Committee on Territories.

[Senate Report No. 2206, Fifty-seventh Congress, first session.]

The Committee on Territories, to whom was referred House bill 12543 admitting the Territories of New Mexico, Arizona, and Oklahoma as States of the Union, reported back said bill on the 3d instant with an amendment in the nature of a substitute, striking out all after the enacting clause and inserting instead a bill for the admission of Oklahoma and Indian Territory as a single State.

In support of that action the committee present to the Senate the following reasons:

QUALIFICATIONS FOR STATEHOOD.

The Constitution provides that "new States may be admitted by Congress into this Union." Constitution, Art. IV, sec. 3.

This gives Congress discretionary power as to what qualifications shall be required for the admission of new States.

But it is apparent that some qualification must be required. The admission of a new State involves—

First. The interests of the people of the proposed new State; and

Second. The interests of the remainder of the Republic.

The second consideration is of at least equal weight with the first, since the new State has equal voting power in the upper branch of Congress with all the other States, and therefore the welfare of the Nation is permanently affected. If the admission of a new State is considered the formation of a contract between the Nation and the new State, the least that can be said is that the Nation is as much entitled to consideration as the new State. If the admission of a new State means its absorption into the body and being of the active and political Nation, the consideration becomes all the stronger. Therefore the qualifications of the community asking for statehood are of vital concern. These qualifications involve—

First. The number of people asking for admission;

Second. The condition of those people as to educational, moral, and other elements of citizenship;

Third. The extent of territory occupied by them;

Fourth. The extent to which they have developed the resources of that territory; and

Finally. The extent and character of all natural resources, both developed and undeveloped.

The people must be sufficient in number; they must be on an equality with the rest of the people of the Nation in all that constitutes effective citizenship; they must have developed the resources of the land they occupy, and have further resources susceptible of like development to bring their proposed new State up to the average of the rest of the nation.

These requirements grow out of the nature of our form of Government.

Upon all of these qualifications Congress is, of course, the judge. If Congress saw fit it might admit 50,000 people covering 500,000 square miles of territory as a State. Conversely, Congress might reject the application of 5,000,000 people within a limited area. There is no limit on its constitutional power.

RULE AS TO POPULATION.

But while the preparedness of a community asking statehood is left to the good sense of Congress, we are not without an established rule. When the Constitution was adopted no such development as we have experienced was contemplated, but still the Republic was then in possession of the Northwest Territory and the formation of States out of that Territory was contemplated.

The last work performed by the Continental Congress relates to this, and, as Daniel Webster declared, is second in the importance, value, and wisdom of its provisions only to the Constitution itself. This was the famous ordinance of 1787 for the government of the Northwest Territory.

This ordinance provides for the future division of said Territory into not more than five nor less than three States, and it fixed the boundaries of three of them, namely, Ohio, Indiana, and Illinois. The fifth article of that ordinance provides that—

"Whenever any of said States shall have 60,000 free inhabitants therein such State shall be admitted, by its Delegates, into the Congress of the United States on an equal footing with the original States in all respects whatever, and shall be at liberty to form a permanent constitution and State government."

It is thus seen that the fathers, even in the eighteenth century, provided:

First. For very large States as to area and resources (for it was then well known that the Northwest Territory was rich in agricultural resources and the natural home of a mighty population); and

Second. That each of these States must have a population which, in comparison with the population of the rest of the Republic at that time, was very heavy indeed.

This rule was referred to by President Washington in his message transmitting to Congress the constitution of Tennessee, and President Washington added that:

"As proofs of the several requisites to entitle all the Territories south of the Ohio River to be admitted as a State into the Union, Governor Blount has transmitted a return of the enumeration of its inhabitants," etc.

"SIXTY-THOUSAND RULE" BASIS FOR SLIDING SCALE.

This number, however, was not intended to be a permanent requisite, but a standard referring to the population of the rest of the nation at the time. By comparing 60,000 (the number of people required for statehood in 1787) with the population of the nation at that time we find the ratio which statesmen of that day deemed essential as between communities applying for statehood and the nation itself. At that time the population of the United States was less than 4,000,000. If 60,000 were required as the first requisite for statehood when the population of the nation was less than 4,000,000, the same rule would require a population at the present time of over 1,153,000; and every reason supporting the rule of 60,000 established by the fathers' ordinance of 1787 requires as many more than 60,000 now as the population of the nation itself at present is larger than it was one hundred and twenty years ago.

In fixing the boundaries of three of the States of the Northwest Territory the authors of that ordinance also established a precedent in favor—

First, of large areas in any future State and against small areas; and

Second, in favor of natural and scientific boundaries and against accidental and eccentric boundaries.

Could the vast development west of the Mississippi River have been foreseen at that time, it is plain from the precedent established in fixing the boundaries of the States of the Northwest Territory that the fathers would have indicated yet much more comprehensive boundaries, for if States as large as Illinois, Indiana, and Ohio were the least which the nation required of any communities coming into it at a time when the nation was confined to the thirteen original States, it is plain that still larger areas would be required when the nation has grown as it has grown during the successive periods of its history.

"UNIT OF REPRESENTATION" RULE.

This rule was observed down to the admission of Michigan and was referred to by President Jackson in his message of December 9, 1835. That the rule of 60,000 was not considered permanent, because too small, is shown by the fact that in the matter of the admission of Kansas the new rule was introduced that the population of the new State shall at least equal the unit of representation in the House of Representatives. This rule has not been observed and was neither scientific nor based upon the principle of a popular government for the nation.

For, despite the fact that the different sizes of the 13 colonies and the insistence by ambitious men from the smaller States for an equal representation in the Senate with the larger ones compelled the anomalous compromise by which small States secured as large a vote in the Senate as the large ones, nevertheless the general theory, of course, was that there should be a government by population and not by area. It was intended that the Senate should never be a large body, but yet that, remaining a small body, it should still stand for a quantity of people and not a quantity of land. For it was universally agreed that the Senate should always remain as small as possible numerically, the reasons for its existence and the elements of its usefulness in our scheme of government demanding this.

ARIZONA FAILS ON EITHER RULE; NEW MEXICO JUST WITHIN THE LATTER RULE AND NO MORE.

But measured even by the rule adopted in the case of Kansas, unscientific as it is and negativing as it does the very purpose and reasons of the organization of the Senate, Arizona is not (and New Mexico is only just within the rule) at present entitled to admission into the Union. For the unit of representation according to the census of 1900 is 194,182; and Arizona by the census of 1900 has 122,931, and New Mexico 195,310.

Measured by the statesmanlike rule laid down in the ordinance of 1787 as applied to existing conditions, both Arizona and New Mexico fall far short of the required population, while Oklahoma and the Indian Territory about measure up to it, but no more, for the population of Arizona by the census of 1900 is 122,931, that of New Mexico is 195,310, while that of Oklahoma is 398,331, and the Indian Territory 392,060, or together 790,391, and it requires only a personal inspection of those two Territories to demonstrate that since the census of 1900 was taken tens of thousands of immigrants have arrived there and established homes.

NEW RULE SUGGESTED.

But if neither of the above guides be observed in forming our judgment as to the number of people required to make a new State and the whole subject be submitted anew to the good sense of Congress, the committee are quite as emphatic in their opinion that neither New Mexico nor Arizona are at the present moment entitled to statehood. For the Republic is now a nation of nearly 80,000,000 people; every policy which affects the national well-being of these 80,000,000 is within the power of each State equally with every other State, because every measure must pass the Senate as well as the House before becoming a law; and matters of vital national concern are determined by the Senate alone, in conjunction with the Executive Department. While, therefore, it is not contended that any new State should be as large in population as any existing State, it is contended that it should be large enough to bear some fair proportion to the population of the rest of the Republic.

Indeed, it would have been well and would now be well if the rule could be adopted that any new State should have a population equal to the average population of the rest of the States. This rule would require a population for any proposed new State, at the present time, of 1,650,000, and, as has been stated, New Mexico's population is 195,310 and that of Arizona is 122,931.

OTHER QUALIFICATIONS.

But not only are numbers of people requisite. The advancement of that people, their state of life, their familiarity and sympathy with our institutions, their educational condition, and all of the elements that go to make up good citizenship are to be equally considered. So, as we have seen, are the resources of their Territory and the present development of those resources.

What, then, of these qualifications as applied to the Territories under consideration? Acting under the power given by the resolution adopted by the Senate at the close of the last session, a subcommittee of the Committee on Territories visited all of them and diligently examined on the ground these various matters.

NEW MEXICO.

CENSUS SUBSTANTIALLY ACCURATE.

As to New Mexico, the committee believes that the census of 1900 is substantially accurate. In view of the attempt to impeach the census by those favoring the admission of New Mexico, particular attention was given to this subject. (Testimony of witnesses Pablo Ulibarri, Las Vegas; Barbara Perea y Resarri, Santa Fe; Joseph P. Conklin, Santa Fe.)

It may be that a few thousand people have entered the Territory since the census was taken, but not in sufficient numbers to affect appreciably the total given.

ANALYSIS OF NEW MEXICAN POPULATION.

Of these the great majority are native New Mexicans of Spanish (and mixed Spanish and Indian) descent, and of these practically all speak Spanish in the affairs of daily life and the majority speak nothing but Spanish. (Testimony of census enumerators, justices of the peace, and census for 1900.)

COURTS CONDUCTED THROUGH INTERPRETERS.

All courts are conducted through the medium of an interpreter, and it is impossible to conduct the machinery of justice without this official. (Testimony of Judge W. J. Mills, Nepomuceno Segura, William E. Gortner, Judge McFie, Judge Baker, Judge McMillan, Judge Parker, Jose D. Sena.)

The interpreter interprets the testimony of witnesses to the jury, the argument of counsel to the jury, and the charge of the court to the jury. (Testimony of witnesses above.)

Occasionally the interpreter must be sent by the judge to the jury room in order to enable the jury to reach a verdict, since it sometimes happens that some of the members of the jury are English speaking, some Spanish speaking, and no member of the jury can speak both languages. (Testimony of Nepomuceno Segura, Judge McFie, Judge Parker, Judge McMillan, Jose D. Sena, Nestor Montoyo.)

In the majority of cases it is true that some member of the jury is able to speak both languages and can then act as interpreter for the others. (Testimony of witnesses above.)

JUSTICES OF THE PEACE, SPANISH.

Coming to the "courts of the people"—justices of the peace—practically all of them speak Spanish and the proceedings of their courts are conducted in Spanish. The dockets of nearly all justices of the peace are kept almost exclusively in Spanish. The statutes of the Territory in the offices of practically all justices of the peace are printed in Spanish. (Testimony of Jesus Maria Tefoya, Felipe Baca y Garcia, Francisco Anaya, Chas. M. Conklin, Jose Maria Garcia, Juvencio Quintana, Leonardo Duran, Seferino Crollott, and Manuel Lopez.)

Practically all subpœnas, summonses, and other processes from justice of the peace courts are in Spanish. The same is true in criminal cases in the Federal and Territorial courts. (Testimony of above.)

POLITICAL CONVENTIONS AND SPEECHES BY INTERPRETER.

In political campaigns almost all political speeches are made either in Spanish or in English through an interpreter, and interpreters are used

in practically all (it may even be said in all) political conventions. (Testimony of C. M. Foraker, H. S. Wooster, Felipe Baca y Garcia.)

This is true even in the "American" town of Albuquerque. (Testimony of C. M. Foraker.)

An interpreter was used in the last Republican Territorial convention, which nominated the present Delegate to Congress, and nominating speeches were made through that medium. (Testimony of Jose D. Sena.)

An interpreter is used in the legislature, and both council (senate) and house have official interpreters. (Testimony of Jose D. Sena.)

SPANISH AND ENGLISH TAUGHT IN SCHOOLS.

Until recently (historically speaking) no English was taught in the common schools. At present both Spanish and English are taught in most of the schools. (Testimony of Miss Francesca Zaña, Enrique Armijo, J. Francisco Chaves, Rafael Gallegos.)

Spanish is taught through the second reader and no further, because a person who has learned Spanish sufficiently to go through Manella's Second Spanish Reader can speak and write that language fluently, and no further instruction for practical purposes is necessary. (Testimony of Enrique Armijo.)

In some schools, as in those at Santa Fe, no Spanish is taught. (Testimony of J. Francisco Chaves.)

IN SOME SCHOOLS SPANISH IS TAUGHT EXCLUSIVELY.

In some schools Spanish is taught exclusively and history, arithmetic, and geography are translated from American text into Spanish. (Testimony of J. Francisco Chaves, superintendent public instruction for New Mexico.)

In some high schools, such as the high school at East Las Vegas, the "American" town, as distinguished from Las Vegas proper, the so-called "Mexican" town, Spanish is taught only in the last two years of the course, *and the reason it is taught in these higher grades is because the graduates must understand that language for the active affairs of daily life.* (Testimony of Maggie J. Bucher.)

CHILDREN TEND TO RELAPSE INTO SPANISH.

Of all schools (save probably the high schools at Albuquerque and East Las Vegas and the purely "American" towns of Carlsbad, Roswell, and Rowan), the children at play during the recess or going home from school speak Spanish instead of English. (Personal observation of subcommittee and testimony of Francesca Zana, Georgia Murray, Enrique Armijo.)

When the children finish their school career, or leave school for good, their tendency is to relapse into the Spanish, that being the language in their homes and in the affairs of their daily life. (Testimony of H. S. Wooster and Georgia Murray.)

Some witnesses testified to the contrary; but the observations of the committee do not confirm this.

In the elections it is necessary to print ballots in Spanish as well as in English. (Testimony of H. S. Wooster and Pablo Ulibarri.)

There are towns (some even when surrounded by heavily predominating American conditions and influences, such as at Las Vegas) where the signs at grocery stores, meat markets, and all the mercantile establishments are printed exclusively in Spanish. (Testimony of Enrique E. Salasar.)

The above are the conditions even in the larger towns; and this is intensified, of course, in the little country settlements, where the people are usually bunched together, their occupation being principally that of herding sheep and goats and with little or practically no communication with the outer world. (Testimony of H. S. Wooster and Rafael Gallegos.)

A portion of the population, even including justices of the peace, have little understanding of our institutions. (Testimony of Felipe Baca y Garcia and Leonardo Duran.)

ILLITERACY.

The remainder of the 195,310 people in New Mexico are called in that Territory "Americans," as contradistinguished from the class above spoken of, who are there termed "Mexicans." But the "Americans" are made up from every other nationality except Mexicans. Germans, Italians, French, and all other nationalities are called "Americans," and yet of the entire population of New Mexico 33.2 per cent are illiterates—that is, that *portion can neither read nor write Spanish, English, or any other language.* (Census of 1900.)

If the test of illiteracy were confined to the English language only, the committee is of the opinion that the percentage of illiterates would be much more than doubled.

JURYMEN SOMETIMES SIGN BY THEIR MARK.

Even members of grand and petit juries sometimes sign their names by their marks; and the testimony shows instances where 19 out of 21 jurors signed by their mark, and another instance of 21 out of 24 who signed by their mark. (Testimony of C. M. Foraker.)

What the illiteracy of the people of New Mexico (also Arizona) means is shown by comparisons with Oklahoma and the Indian Territory, as set out in the following statement:

PERCENTAGE OF ILLITERATES.

Percentage of illiterates of the aggregate population, 1900: Arizona, 29 per cent of a total population of 123,931; Indian Territory, 19 per cent of a total population of 392,060; New Mexico, 33.2 per cent of a total population of 195,310; Oklahoma, 5.5 per cent of a total population of 398,331.

From all the foregoing the Senate will understand why the subcommittee was compelled to use an official interpreter, whose services were never employed when it was at all possible fairly to understand the witness in English. A great many of the witnesses taken without the interpreter spoke very broken English, and were occasionally helped out by the interpreter. Many could give testimony only through the interpreter. It was also frequently impossible to subpœna witnesses except by the aid of the committee's official interpreter.

A FAIR START EDUCATIONALLY.

As to educational progress, and especially advance in the speaking of English, the committee, after having made every possible allowance, are of the opinion that the very most that can be said is that New Mexico is beginning to get a fair start and no more. In saying this the committee have in mind the excellent schools, and particularly the high schools, of East Las Vegas and Albuquerque, for which too much can not be said, and also the devoted work of Superintendent Wood, of Santa Fe, and the corps of teachers under him.

UNIVERSITY OF NEW MEXICO.

The Territory has at Albuquerque university buildings worthy of high praise. The university is presided over by a competent president, under whom is a corps of efficient instructors. The university is attended by 110 students, of whom a large percentage are from the town of Albuquerque itself. This institution is, of course, growing in power and influence and in time will make itself felt for the good of the Southwest.

THE FUTURE OF THE "MEXICAN" ELEMENT.

Nothing is said against the patriotism or the native intelligence of the great mass of people who constitute the so-called "Mexican" population of New Mexico. They have many excellent qualities. The "Mexican" class, as a body, have also many characteristics not familiar to the mass of the American people, and, to the hypercritical, not perhaps admirable, though this is a question of point of view. There are of course among them men and women of high education, culture, and all the best qualities of good citizenship.

On the whole, the committee feel that in the course of time, when education, now only practically beginning, shall have accomplished its work; when the mass of the people or even a majority of them shall in the usages and employment of their daily life have become identical in language and customs with the great body of the American people: when the immigration of English-speaking people who have been citizens of other States does its modifying work with the "Mexican" element—when all these things have come to pass, the committee hopes and believes that this mass of people, unlike us in race, language, and social customs, will finally come to form a creditable portion of American citizenship. And when that time arrives no one, least of all the members of the committee who have studied the situation on the ground, will object to statehood for this people so far as this particular consideration is concerned.

THE "AMERICAN" ELEMENT.

As to the remaining, or "Americans," some of them are not as good citizens as the Mexican element. (Testimony of Judge Mills.) Such are the "riffraff," to use the expression of United States Judge Mills (testimony, p. 1), who first follow the introduction of railroads, and certain other elements always seen on any country's extending frontier, but these are, of course, disappearing. The majority of "Americans," however, are good material for citizenship, and of a large number of them absolutely too much can not be said.

In the "American" town of East Las Vegas, and in the "American" town of Albuquerque, there are men and women of culture, refinement, ability, energy, and all the best qualities of human character, unexcelled by the most favored section, either in country or city, of this or any other land. This is true of the "American" element of Sante Fe, of the little town of Carlsbad (population from 800 to 1,000), of the flourishing town of Roswell (population, 2,500), both on the Pecos River, and, as the committee are informed, of Alamogordo and Deming, and perhaps one or two other points.

DWELLINGS OF THE PEOPLE.

Aside from these towns, practically all development is Mexican. For example, the Mexican population universally live in adobe or mud houses, just as they did a hundred years ago. Even in the capital city of Santa Fe practically all the residences and most of the schools are in these earth structures. These houses are built of mud (sometimes plastered), of bricks of sod (this is not the true adobe house, however). These to-day resemble to a striking extent the common and usual homes of the Chinese people, both in city and country.

It is said that these adobe habitations are surprisingly comfortable and well adapted to the country; but it is a striking fact that wherever Americans have taken up their abode they seldom are content with that condition, and therefore in the American towns and "American" section of any towns homes and business buildings of wood, brick, and stone quite as beautiful and commodious as that of any portion of the United States are always to be found.

Such, briefly, is the extent and condition of the population of New Mexico.

What now of their occupations, natural resources, and the developments thereof?

There are practically only three occupations for the people as a whole—agriculture, stock raising, and mining.

INDUSTRIES, AGRICULTURE.

Agriculture is conducted exclusively by the aid of irrigation (the so-called dry farming is so inconsiderable as not to be an appreciable quantity). The irrigation, of course, can only be along the water courses. Of these there are three—the San Juan on the northwestern side of the Territory, where a little irrigation has developed, the Rio Grande on the western side of the Territory, and the Pecos on the eastern side of the Territory.

IRRIGATION ON RIO GRANDE.

The irrigation on the Rio Grande is precarious because of the small quantity of water in that stream, for from one to six months each year it is practically dry from Albuquerque to below El Paso, Tex. (Testimony of Professor Newell and others.)

At El Paso, Tex., the committee found people going across the dry bed of the stream by paths which had already become dusty. At Las Cruces the irrigation ditches observed by the committee had no water in them. Until the storage system is established, irrigation along the Rio Grande is not only uncertain but very limited. (Testimony of Professor Newell and others.)

In recognition of this, the Interior Department, through its representative at the Agricultural College at Las Cruces, has begun the experiment of sinking wells. Whether this experiment will prove successful is problematical. (Testimony of John J. Vernon.)

IRRIGATION ON THE PECOS.

At Carlsbad, which is a thoroughly "American" town, there are 12,500 acres under irrigation. The water is derived from the Pecos by means of dams. At Roswell, also a thoroughly "American" town, some distance north of Carlsbad, there is a considerably larger portion under successful irrigation. The water for this is derived from the Pecos River and from wells, several of which are in successful operation at that place. (Testimony of Professor Newell; also Francis Gallitin Tracy.)

The permanent success of irrigation from the waters of the Pecos is affected by the gypsum with which the water is charged. This is, for the first year or two, a fertilizer, but thereafter cakes the soil and is harmful to agriculture. The soil of the ranches is frequently injured—"ruined," some say—by it. (Testimony of Professor Newell.)

FURTHER IRRIGATION A PROBLEM OF THE FUTURE.

The above is the extent of agriculture by irrigation in New Mexico as at present developed. It is hoped that a system for the impounding of waters, not only of the flood waters in streams, but also of the water from rains, will enable the people to more largely indulge in successful agriculture. This, however, is declared by scientists who have given the subject special and practical study to be a question of a generation, or even more. (Testimony of Professor Newell.)

Agriculture by irrigation is very largely an adjunct to stock raising, although fruits and the cereals are also successfully grown by means of it.

STOCK RAISING—ITS LIMIT.

The second industry and first in point of importance is herding and stock raising. For cattle this is successful for a space of 5 miles on either side of a stream, or on what are called "water holes," in the foothills. (Testimony of Martinez Amador and others.)

The capacity of the Territory for stock raising can therefore be determined with comparative accuracy. For horses a still wider range is possible, while sheep thrive where neither horses nor cattle can prosper. But when sheep are introduced into a region it seriously interferes with the grazing of cattle, for the reason that the sheep closely crop all edible herbage, leaving nothing for the cattle to subsist upon.

The extent and value of the agriculture and live stock of New Mexico at present are shown by the following table, prepared by the Statistician of the Agricultural Department:

Acreage, production, and value of farm products in 1901, and number and value of live stock in 1900, Twelfth Census.

	Acres.	Quantity.	Value.
		Bushels.	
Wheat	44,295	952,342	$685,686
Corn	36,544	1,154,790	889,188
Oats	16,749	529,268	317,561
Barley	1,108	35,124	22,831
Rye			
Buckwheat			
Potatoes	1,177	58,850	69,443
		Tons.	
Hay	79,205	182,964	1,891,848
		Bales.	
Cotton			
		Number.	
Horses		131,153	2,220,469
Mules		5,311	183,132
Milch cows		519,640	10,364,072
Other cattle		472,219	7,613,859
Sheep		4,899,487	10,643,514
Swine		20,426	81,644

The comparative value of the above is illustrated in the following table:

Acreage, quantity, and value of wheat and corn in 1901.

WHEAT.

	Acreage.	Quantity.	Value.
Oklahoma	1,253,583	20,558,761	$12,952,019
Illinois	1,707,503	30,052,053	20,735,917
Minnesota	6,209,506	80,102,627	48,061,576
Kansas	5,355,638	99,079,304	58,456,789
North Dakota	4,527,532	59,310,669	32,027,761
Washington	1,185,793	34,518,968	16,213,915

CORN.

Oklahoma	1,414,262	10,324,113	$7,846,326
Illinois	9,253,538	198,025,713	112,874,656
Minnesota	1,361,120	35,797,456	16,108,855
Kansas	7,885,389	61,506,034	38,748,801
North Dakota	67,236	1,519,534	698,986
Washington	9,818	171,815	99,653

RAINFALL.

The want of water in the streams and the desert-like dryness of the territory away from the streams is caused by the aridity of this region. The average rainfall in the region of Carlsbad is 13.16 inches in the course of an entire year; in the region of Mesilla Park, 9.24 inches; in the region of Roswell, 15.92 inches; in the region of Socorro, 9.15 inches; in the region of Santa Fe, 14.25 inches. The average annual rainfall for the Territory is 10 to 15 inches. What this shortage of water and rainfall means appears from a few comparisons here given:

Average annual precipitation for thirty-two years—1870-1901.

	Inches.
Arizona	10 to 15
New Mexico	10 to 15
Oklahoma	25 to 30
Indian Territory	35 to 40
Indiana	40
Ohio	40
New York	35 to 40
Illinois	35 to 40
Pennsylvania	40
Iowa	30 to 35

CHARACTER AND RESULTS OF ARID-REGION RAINFALL.

Even this does not indicate the true situation; for, whereas the rains in non-arid regions are usually gentle and continuous, so that the ground may take up the rain as it falls, in the arid regions it is heavy and precipitous, running off of the ground or being evaporated almost immediately and leaving the soil within a few hours as dry as before the shower. (Report Governor of New Mexico.)

The ineffectiveness of such insufficient rainfall as occurs in New Mexico and Arizona is further set out in the following letter from F. H. Newell, hydrographer of the United States Geological Survey:

"DEPARTMENT OF THE INTERIOR,
"UNITED STATES GEOLOGICAL SURVEY,
"*Washington, D. C., December 6, 1902.*

"Hon. ALBERT J. BEVERIDGE.

"DEAR SIR: In reply to your inquiry regarding the rainfall in arid and semi-arid regions and the effect of this in the formation of rivers, I should first explain that the data concerning the amount and time of the occurrence of rain are collected by the Weather Bureau and are obtained from their publications. The study of these figures in connection with those of the flow of various streams has brought out several facts of interest, particularly that the quantity of water available for storage and for irrigation is not directly dependent upon the quantity of rain which falls during the year. The slope of the ground and the rate at which the rain falls each have often a very large influence on the behavior of the rivers.

"To illustrate this two extreme cases may be taken. In the first a rain falling upon a nearly level surface, such as the plains of western Kansas or the 'Panhandle' of Texas, may be entirely soaked into the ground or stand in pools on the surface and be completely evaporated; thus, over hundreds of square miles there are no water courses, the prairie sod being too tough to permit young streams to be formed. Here is a region of moderate rainfall from which there is no run-off. On the other extreme, take a high granite peak. The rains falling upon this at once flow down the smooth sides and a very trifling amount is evaporated or absorbed by the rocks, practically all of the rainfall being available for water storage.

"As an example of the way in which rain falls, on one extreme we can take the gentle, long-continued shower in which several inches of rain falls, but descends at about the rate at which the earth can receive it, and thus upon even the rolling hills all of the water goes into the ground to be subsequently evaporated or transmitted to springs at a lower altitude.

"The same amount of rain falling on the same region in a sudden cloudburst or heavy downpour does not have time to soak into the ground, and hence a flood occurs from a rainfall of the same quantity as that above noted, and which does not appreciably swell the streams.

"It is characteristic of arid regions that the rain which falls is usually torrential. For months or even years there may be scarcely appreciable precipitation and then comes a sharp shower of two or three inches of rain. The dry soil is deluged so quickly that the surface is packed and little of the rain sinks in, the greater part instantly flowing off into stream channels and coming down as a destructive flood, valueless for irrigation and dangerous to curb in the ordinary storage reservoir.

"A statement of annual rainfall does not bring out this fact of the erratic distribution of rain in the arid regions, of which, say, 10 inches may fall during the year; the greater part may be in one or two showers at short intervals and cause temporary floods. This renders it essential to guard carefully against conclusions drawn from a single statement of the total annual rainfall in any locality, particularly if this has to do with the probable amount of water available for use. There are regions which have the same annual rainfall, one of which has no streams, and the ground is covered with valuable nutritious grasses; the other is a nearly barren desert, intersected with stream channels, the size of whose boulders indicate that at long intervals powerful floods plow their way through the desolate waste.

"Very truly, yours,

"F. H. NEWELL, *Hydrographer.*"

MINING.

The third occupation is mining. This is not yet largely developed, though a number of mines are under more or less active operation. Great "claims" are made, however, as to vast deposits of coal, iron, copper, gold and other ore, and these "claims" are supported by more or less "indications." The existence of ore deposits in the quantities claimed is not yet an established fact. The committee hopes and is inclined to believe that these "claims" will probably be at least partly verified at some future time. But no railroads have been run into the region where it is asserted these vast deposits exist, and this fact affords a striking contrast to the condition in Indian Territory, where the absence of even a territorial form of government has not prevented railroads from penetrating to the mining regions which are already in extensive operation.

MINING OUTPUT.

The mining output of the Territory, as given by the census, is as follows:

Products.		1899.	1900.	1901.
Portland cement	barrels	1,500		
Clay products				
Coal	short tons	1,050,714	1,299,299	1,086,546
Coke	do	44,134	44,774	41,643
Copper	pounds	3,935,441	4,169,400	
Lead	short tons	4,856		1,124
Marble				
Mineral waters	gallons		29,000	73,500
Sandstone				
Gold	fine ounces	28,256	40,292	33,302
Silver	do	503,300	434,300	563,400

The comparative value of the above table is illustrated when it is borne in mind that at the same time Colorado, Montana, and California produced the following:

GOLD, FINE OUNCES.

State.	1899.	1900.	1901.
California	735,194	765,109	817,121
Colorado	1,256,920	1,394,622	1,339,673
Montana	230,270	227,266	229,495

SILVER, FINE OUNCES.

California	824,300	941,400	925,600
Colorado	22,262,900	20,483,900	18,437,800
Montana	16,096,000	14,195,400	13,131,700

Such, then, is New Mexico as to the people, their character, condition, and educational progress, and such is the Territory in its resources and the occupation of its inhabitants.

ARIZONA.

Arizona has a population of 122,931 (census 1900). Of these the considerable majority are Americans, as distinguished from the native or "Mexican" population, although more than 25,000 (26,863) are "Mexicans." Schools are conducted in English with few or practically no exceptions, and while interpreters are used in the courts, it is to a limited extent compared with New Mexico. (Testimony of Judge —— at Tucson.)

CENSUS SUBSTANTIALLY CORRECT.

The census has been earnestly attacked by those asking for the immediate admission of Arizona upon two grounds—first, that the enumerators did not count the prospectors in the mountains, and, second, that it is so exceedingly hot in summer in the region of Phoenix and Tucson that those who can afford

it leave during the heated season for the California seashore or other summer resorts.

Careful inquiry convinces the committee that such omissions were not serious and that the census is substantially correct. As to the "prospectors," they, of course, are not a permanent class of citizens, and it would be impossible to consider them even if they could be found. As to those who leave Phoenix and Tucson and other portions of the Territory during the excessive heat of summer, the committee was unable to find an estimate by enumerators of more than 104 such omissions. Conceding that a thousand were sufficiently well-to-do to enjoy this luxury, the results of the census would not be substantially disturbed. Even if 5,000 went away during the summer and were omitted by the enumerators, still the general total of the census would not be seriously affected for the purpose of this discussion.

EDUCATIONAL PROGRESS—CHARACTER OF THE PEOPLE.

As to the educational progress of the people of the Territory, taken as a whole, it may be considered fair. Of course, in towns like Prescott (population, 3,559) or Phoenix (population, 5,554) or Tucson (population, 7,531) the schools are altogether admirable. School buildings in these three towns compare favorably with much larger towns even in the best portions of the entire country. It is also true that nowhere in the Republic are to be found men and women of higher quality in all that makes good citizenship than the people in these localities.

Many of them, as in New Mexico, have been drawn to these towns because of their illness and the healthful condition of these regions; for it is well known that no place in the world is better for certain kinds of ailment, particularly consumption, than the high altitude, dry air and perpetual sunshine of Arizona and New Mexico. Many of the best citizens of these Territories went there on this account, recovered their health in full measure and are among the most enterprising and valuable of the population of the Territories. They are almost without exception men and women of superior education and culture and bring with them the best customs and traditions of the American people. Others have been attracted to the valley which surrounds Phoenix because of the exceeding beauty of the spot. Still others, mostly the young, earnest, and adventurous spirits, have gone to certain of the towns of these Territories hoping to find there advantages and circumstances of fortune not obtained with equal ease in the more densely settled portions of the country.

But while these elements are important and invaluable to the Territory, and while their influence is altogether for good and will steadily grow, it can not be truthfully said that at the present time they are in sufficient number to dominate the mass of the inhabitants of the Territory. This is proved by the fact that saloons and gambling establishments are, by the statutes of the Territory, permitted openly to run at night and by day, on Sunday as well as week days, and attempts to repeal this law have been futile. (Testimony.)

But even were all the people of the Territory of the admirable class above described, they still would be far too few to justify statehood.

ILLITERACY.

Twenty-nine out of every 100 can not read or write any language whatever. Schools in the Territory outside of the towns mentioned, and perhaps three or four others, while active, have not yet accomplished great results. This is proved by the fact that of the entire population of Arizona 29 per cent can neither read nor write any language. Twenty-nine per cent of illiteracy in a population of 122,000, substantially all of whom are Caucasians, is a condition whose seriousness is appreciated by no one more than by the progressive people of that Territory themselves. In addition to the immigrants from the other States of the Union for reasons of health, pleasure, or profit, there is a considerable and constant immigration from Mexico. This is illustrated by the fact that of the whole population of the Territory 12,000, who can speak no English, are of Old Mexican parentage, and out of the entire population 28,911, or 23.52 per cent, speak no English whatever.

UNIVERSITY OF ARIZONA.

At Tucson, Arizona has a Territorial university worthy of praise. Its buildings are excellent, its president and instructors efficient, and its attendance, while small, is nevertheless encouraging. As is the case with the University of New Mexico, it is a promising mark of development.

As in New Mexico, the occupations of the people of Arizona are confined to agriculture, grazing, and mining.

INDUSTRIES: AGRICULTURE.

As in New Mexico also, the agriculture is absolutely dependent upon irrigation. The chief regions where irrigation is employed are in the valley of the Salt River, near Phoenix, and the valley of the Gila and a portion of land near Yuma, in the valley of the Colorado. Of these, the region around Phoenix is the most extensive and by far the most perfect. Here an elaborate system of canals has been constructed and agriculture is carried to the highest point yet developed in the Southwest; and yet agriculture has here reached its limit (until the storage or impounding system is successfully established) simply from lack of water in the river.

The volume of water in this stream is not only insufficient but uncertain. Two or three years of scanty rainfall or of snowfall in the mountains shrinks the available water to a compass greatly insufficient for the lands already served by the system of canals. Many ranches are at present unproductive, and, some of the less hopeful think, actually ruined by this absence of water. For example, Mr. Fowler, of Phoenix, was this year able actually to irrigate only 40 acres of a ranch of nearly 400 acres, and he was able to do this only by paying for water for 160 acres. (Statement of Mr. Fowler.)

This illustration, given by one of the most effective advocates for statehood for Arizona who appeared before the subcommittee, is a fair illustration of actual conditions.

The total amount of land actually under cultivation by irrigation in the whole Territory for the present year is in the neighborhood of 185,000 acres. (Testimony of Dwight B. Heard, F. H. Newell, and others.)

The whole area under irrigation canals, were there water enough to serve the canals already constructed, is 0.25 per cent of the entire area of the Territory, which is 72,268,800 acres. (Testimony of Professor Newell.) Aside from the portions now under irrigation little remains for like treatment "except in the contingency of very extensive storage in the future." (Testimony of Professor Newell.)

RESULTS OF SUCCESSFUL IRRIGATION.

For this limited and precarious condition of agriculture there is no remedy except the impounding of waters, which is problematical and a matter for the future. Should the great scheme for the impounding of flood waters as well as of rainfall be a success, great future possibilities exist in both the Territories of Arizona and New Mexico, for the soil in the river valleys, when under irrigation, is surprisingly productive, all kinds of semi-tropical fruits thriving luxuriantly, the cereals being produced in great abundance, and alfalfa, which is a superior fodder for cattle, being produced to the extent of six and even eight cuttings a year. All this, however, is absolutely and utterly dependent upon the artificial application of water by irrigation. (Testimony of Mr. Fowler, Mr. Heard, and others.)

RAINFALL IN ARIZONA.

That no relief can be expected by rainfall is admitted. (Testimony of Mr. Fowler, Mr. Heard and others.)

This also is shown by the precipitation throughout the Territory, which is:

	Inches a year.
Fort Mohave	5.99
Gila Bend	5.86
Phoenix	7.22
Tucson	12.11
Yuma	2.97

In the neighborhood of the mountains, of course, it is heavier, being:

	Inches a year.
Bisbee	17.06
Fort Apache	20.94
Flagstaff	22.24
Fort Defiance	13.12
Prescott	15.62

These mountain precipitations are no substantial aid to agriculture except in affording water for the streams.

The same observations as to the nature of this rainfall that have been made as to New Mexico are even more true as to Arizona. (Letter of Professor Newell, above.)

STOCK RAISING.

In Arizona, as in New Mexico, grazing leads agriculture, to which, indeed, agriculture is chiefly an adjunct. But the same grazing limit of distance from water courses or "water holes" (5 miles on either side for cattle and a greater distance for horses and sheep) applies alike to the two Territories.

The extent and value of the agriculture and live stock of Arizona at present are shown by the following table, prepared by the statistician of the Agricultural Department:

Acreage, production, and value of farm products in 1901, and number of live stock in 1900, Twelfth Census.

	Acres.	Bushels.	Value.
Wheat	26,047	567,825	$482,651
Corn	9,871	177,678	159,910
Oats	1,780	62,300	37,380
Barley	13,280	381,136	259,172
Rye			
Buckwheat			
Potatoes			
		Tons.	
Hay	70,938	202,173	1,855,948

	Number.	Value.
Horses	125,063	$1,701,905
Mules	4,077	123,539
Milch cows	375,684	6,479,657
Other cattle	366,951	4,887,809
Sheep	924,761	1,901,764
Swine	18,103	80,587

The comparative value of the above is illustrated when we reflect that Minnesota produced at the same time 80,102,627 bushels of wheat and 35,797,456 bushels of corn, and Michigan 13,702,939 bushels of wheat and 45,536,550 bushels of corn.

The assessed valuation of property last year in Arizona was $38,853,831. Compare this assessed valuation with the valuation of property in Oklahoma for the same year, which was $60,464,696; or with Rhode Island, whose assessed valuation for 1901 was $413,209,603.

ARIZONA FORESTS.

Like New Mexico, Arizona has an extensive and valuable forest belt, and the same observations heretofore made concerning the forests of New Mexico apply equally to those of Arizona and need not be again repeated.

MINING.

But the great occupation of the people of Arizona is mining, and the great resources of Arizona are its mineral deposits. In this much development has already occurred; and it is asserted that immense bodies of ore, notably copper and gold, exist in various portions of the Territory. (Testimony of Judge Sloan and others.)

As is the case in all mining communities, verification of these claims is uncertain and a matter for the future. All that can be taken into account is the present development. Of this the chief is the mining of copper, in the production of which Arizona stands third, Michigan and Montana alone being ahead of it. Of the copper mines, the Verde mines, belonging to Senator Clark, of Montana; the Copper Queen, belonging to Phelps, Dodge & Co., of New York; the mines of the Shannon Copper Company; the Black Warrior Company's mines, and the properties of a great Scotch corporation are the principal. Of the gold mines, the Pierce mine, the Congress mine, and the Commonwealth mine are probably among the most remarkable.

The actual output at present is shown by the following table:

	1899.	1900.	1901
Clay products	$101,954.00	$112,737.00	
Raw clay		2,000.00	
Copper	a 15,966,583.20	a 14,198,131.68	
Gypsum			
Lead			
Marble		5,000.00	$300.00
Limestone	960.00	165.00	300.00
Sandstone	4,168.00	64,000.00	202,500.00
Gold	2,566,100.00	4,193,400.00	4,083,000.00
Silver		1,857,210.00	1,687,440.00
Total	a 18,693,765.20	a 20,432,643.68	6,066,526.00

a Estimated at 12 cents per pound.

The comparative value of the above table is illustrated when it is borne in mind that at the same time Colorado, Montana, and California produced the following:

GOLD.

	1899.	1900.	1901.
California	$15,197,800	$15,816,200	$16,891,400
Colorado	25,982,800	28,829,400	27,693,500
Montana	4,760,100	4,698,000	4,744,100

SILVER.

	1899.[a]	1900.	1901.
California	$1,065,762	$583,668	$555,360
Colorado	29,301,527	12,700,018	11,062,680
Montana	20,810,990	8,801,148	7,879,020

[a] Coining value; all other estimates at commercial value.

UNCERTAIN FUTURE OF MINING CAMPS—HISTORY OF TOMBSTONE.

The greatest mining center of the Territory is Bisbee, near the Mexican line. Cochise County, in which this town, or "mining camp," as the mining town is universally termed, is located, has 9,251 population, although many more are "claimed." (Bisbee not being incorporated in 1900, its separate census was not taken.) The committee does not think that the purely mining population, at least of so limited extent as that of Arizona, is sufficient basis for a State.

The fortunes of this kind of population are as uncertain as the extent of the ore deposit they seek—one day thriving, prosperous, full of enterprise and hope, the next day the "city" deserted by a dejected population. "Boomers," speculators, and even mine owners will assert with enthusiasm that the ore deposits are sufficient for a century and even for centuries, and this may be true; but the reliability of such claims when considered in so grave a matter as the basis for population for statehood is illustrated by the melancholy history of Tombstone, Ariz. This place only a few years ago was a city of thousands of inhabitants, prosperous with the sudden richness of its mines. To-day its mines are not in operation, and but 646 people remain. Efforts are now being made to operate the mines again.

All who have noted the exciting career of purely mining towns, and especially those who have been through numbers of abandoned "cities," which only a year before were filled with a people intoxicated with the peculiar enthusiasm of the "mining camp," will appreciate the comparative certainty and uncertainty of that industry.

RAILROAD DEVELOPMENT.

The railroad development in Arizona, which is considerable, has been due almost entirely to the mining development, and even more lines, short, it is true, but not to be overlooked, are in construction or contemplation.

MINING POPULATION TRANSIENT; STATEHOOD FOREVER.

But should it be conceded that the mines now being worked will last for a century and that others even richer will be opened, that circumstance is not sufficient basis for a population for the purposes of statehood, for statehood is not a thing of to-day or to-morrow. It is not a thing for a century to come. It is a thing for all centuries and all time to come. And after a State is admitted, if for any reason its population decreases even to a hundred or to fifty, or indeed, to use an extravagant example, to the three necessary to represent it as Senators and Congressman in the National Legislature, there are no means at present known to our Constitution to remedy that serious condition. That decreasing population is not an imaginary contingency will occur to anyone who will reflect that not all States which in the past have been admitted to the Union have grown in population, but, on the contrary, actual decrease has occurred. People go where they may thrive and prosper, and they leave when those reasons fail. The absence of statehood will not prevent them coming. The presence of statehood will not induce them to come. Its existence will not cause them to remain.

TERRITORIAL GOVERNMENT DOES NOT RETARD LEGITIMATE AND PERMANENT DEVELOPMENT.

This suggests the consideration most seriously urged for New Mexico and Arizona that their development is retarded by the absence of statehood and will be increased by its bestowal. But Oklahoma has not needed statehood for its development. The people have poured into that Territory by the hundred thousands, built excellent homes, developed splendid farms, and erected busy, substantial, and permanent cities.

The Indian Territory even with no form of government at all has nevertheless attracted hundreds of thousands of American citizens from the other States of the Union, who have opened its mines, worked its fields, and built up towns which astonish the observer and confound even the most confident believer in the energy of the American people when the untoward conditions of the Indian Territory are considered.

Statehood was not required for this extraordinary development. Even the absence of Territorial form of government did not prevent it. It was caused by the natural conditions under which the people prosper. Soil, climate, rainfall, abundant water courses, timber, mines of coal, marble, and ore—these were the sufficient inducement for immigration, and these and these alone are the only basis for permanent population.

OKLAHOMA'S ARGUMENT AGAINST IMMEDIATE STATEHOOD.

Statehood has not been required by Oklahoma and Indian Territory to induce the building of railroads. Opportunities for profitable traffic did that, and no other honest cause can exist for such development. There are large numbers of citizens of substance, character, and intelligence in Oklahoma who now protest against statehood upon the ground of the exceeding present prosperity of the people of both country and city, and who declare that if statehood is granted at present the people now free from debt, and kept so by the 4 per cent limitation beyond which a Territory may not go, will be induced by railroad promoters to vote bonds in aid of their enterprises, thus burdening the coming generation with a heavy debt, as was the case in some other new States. And it is contended that if the people are permitted to remain for a few years longer in their present happy condition they will secure all the railroads needed, built by capital invested by the owners of the lines instead of money taken from the pockets of the people. (Testimony of A. H. Classen and others.)

IF "CLAIMS" OF DEVELOPMENT TRUE, TERRITORIAL GOVERNMENT HAS NOT PREVENTED DEVELOPMENT.

That Territorial government does not prevent immigration and development and is not needed to induce it is proved by the immigration in the last decade into the Territories of Arizona and New Mexico, which is equal to that of Idaho and other States, notwithstanding the fact that they are States, while Arizona and New Mexico are Territories. If it be said that a sudden torrent of population came down on these States immediately upon admission, the answer is that a great flood of population even more permanent poured over the prairies of Dakota before statehood, and that the same human deluge inundated the rolling farm land of Oklahoma. The further answer is that even if there was a sudden accession of population in certain States immediately after their admission, it is certain that the same population, if it is permanent, would have also come, not less healthfully because more slowly, if natural conditions actually justified it.

The contention that Territorial government retards immigration and development is further negatived by the "claims" of those who urge statehood for Arizona and New Mexco, for if these claims be true it can not also be true that the absence of statehood has retarded population, investment, or development, since those claims are very generous indeed.

STATEHOOD A REWARD OF, NOT AN INDUCEMENT FOR, DEVELOPMENT.

The argument that statehood should be conferred to aid development betrays a profound and fundamental misconception of the nature of a State and its relations to the nation, for statehood should come as the reward of development and not as its inducement. Development and population should precede statehood, and not the reverse. Statehood should be granted as a great prize well earned, not as an instrument of the speculator, the "boomer," or the politically ambitious, for, be it remembered, not only are the interests of the proposed State concerned, but the destinies of the entire nation are involved.

THE ARGUMENT OF SELF-GOVERNMENT.

This compels consideration of a much-used argument that the people of a Territory are deprived of self-government and are entitled as of right to this great privilege. This argument is refuted by the fact that the people of Territories enjoy all of the substance of self-government that the people of the States enjoy, save only the power of creating unlimited debt. They may not burden themselves and their children without the consent of Congress beyond the fixed limit of 4 per cent. It is easy to see how persons interested in enterprises which they hope for aid from the people's pockets might want this restriction removed; but it is not easy to see what advantage it will be to the people themselves to have it removed.

THE PEOPLE HAVE "SELF-GOVERNMENT;" THE JUDICIARY.

In other respects the people are self-governing; they have their own legislature, which they themselves elect. This legislature passes all, or practically all, laws which a State legislature may pass. Their taxes are fixed and levied by themselves. Their schools are established and maintained by themselves. Their crimes and rights are determined, punished, and enforced by themselves. Their governors are appointed by the President of the United States, but under the practice now established this governor is always one of themselves; and no Administration would at this day in the Republic's history keep in office a governor seriously distasteful to the majority of the people.

The judges also are appointed by the President, but the character and ability of the judges in the Territories, with few exceptions, are now equal to those of the judiciary of the rest of the country, State or national. The general opinion on this subject is that the present judiciary of these Territories is singularly high in point of excellence and satisfactory to the litigants and the people. (Testimony of Messrs. Fowler, Kibbey, Childers, Clawson.)

The committee does not believe that so excellent a judiciary would be secured by a popular vote at the present time in the Territories of New Mexico and Arizona as that which at present distinguishes its bench. And this will be the case for many years to come.

IF THE TERRITORIAL FEDERAL JUDICIARY IS DENIAL OF SELF-GOVERNMENT THE SUPREME AND FEDERAL COURTS ARE SUCH A DENIAL ALSO.

If the appointment of judges is a deprivation of self-government, then the Supreme Court of the United States and the entire Federal judiciary of the United States is much more such a deprivation, for they are appointed for life, whereas Territorial judges are appointed for four years. The decided and growing sentiment in favor of a permanent judiciary in the States similar to the Federal judiciary does not indicate that appointment of judges is considered by the people a necessary element of self-government. It is a question of serious importance among the most thoughtful whether the elective judiciary, holding office for short terms, subject to the vicissitudes of party fortunes, and more or less under obligation to professional politicians, is as good for the people as a permanent judiciary above the seductions of favor or the menace of fear.

REPRESENTATION IN HOUSE AND SENATE ALL THAT IS SOUGHT.

So that upon the question of self-government the whole matter is narrowed down to a voting representation in Congress, and this affects the people of the Territory only as it has to do with the shaping of the various policies of the entire nation; and thus this argument is reduced to the crux of the whole matter, to wit, the requisites entitling a body of territory to a participation in the formation of great national policies.

So that we come back again to a discussion of the number of people thus required, of their preparedness, and of the considerations already discussed.

The committee does not think that any of the requisites for such absorption into the national body, affecting the whole future history of the other 76,000,000 of people constituting the nation, exist in the case of either Arizona or New Mexico. Some comparisons will strikingly show this so far as the number of people are concerned and will demonstrate the wisdom of the rule established by the ordinance of 1787, when applied in its relative proportions to the conditions of the country to-day. We have seen that if the proportion which the fathers fixed for future States were applied to the population of the Republic to-day in the question of admission of Territories applying for statehood, a population of over 1,153,000 would be required.

COMPARISONS.

And we have seen that Arizona has 122,931, or 1.1 to the square mile; and New Mexico has 195,310 people, or 1.6 to the square mile.

Consider now that the population of New Mexico is less than that of Jersey City, N. J.; less than Louisville, Ky.; less than Memphis, Tenn.

Consider that New Orleans alone has over 90,000 more people than the entire Territory of New Mexico; Detroit has 90,000 more people; so has Milwaukee; and Washington has over 80,000 more people.

Newark, N. J., could replace every man, woman, and child in New Mexico and still have 50,000 left.

COMPARISONS WITH LARGER CITIES.

And yet the above-named cities are not considered large. Compare the population of the Territories with the next classes of cities. Cleveland, Ohio, has almost twice as many people as New Mexico. Buffalo, N. Y., has 150,000 more people than New Mexico and over 25,000 more than New Mexico and Arizona put together.

San Francisco alone has over 140,000 more people than New Mexico and over 20,000 more than New Mexico and Arizona put together.

Cincinnati, Ohio, has more people than New Mexico and Arizona put together, and so has Pittsburg, Pa.

COMPARISONS WITH STILL LARGER CITIES.

To go to a still more populous class of cities, St. Louis has over 380,000 more people than New Mexico and more than 250,000 more than New Mexico and Arizona put together.

Boston has over 360,000 more people than New Mexico and nearly 240,000 more than New Mexico and Arizona combined.

COMPARED WITH NEW YORK AND CHICAGO.

When we compare the population of these two Territories with the great cities the contrast becomes startling. New York is hundreds of thousands more than ten times as large as both New Mexico and Arizona put together.

Chicago is over a hundred thousand more than five times as large as New Mexico and Arizona put together. The population of Chicago alone would make eight States as large as New Mexico and have enough left to make one larger than Arizona.

PHILADELPHIA AND PENNSYLVANIA COMPARISONS.

Philadelphia alone would make six States as large as New Mexico. So that if we do not utterly abandon the idea of government by population instead of a government of square miles, a citizen of New Mexico would have six times the voting power in the Senate of the United States that the citizen of Pennsylvania would, *even were Pennsylvania confined entirely to the limits of Philadelphia alone*.

Philadelphia would make more than ten States as large as Arizona, so that the citizen of Arizona would have in the Senate of the United States nearly eleven times the voting power of the citizens of Pennsylvania *were Pennsylvania confined to the limits of Philadelphia alone*, and Philadelphia would make four States as large as New Mexico and Arizona put together.

COMPARISONS WITH WARDS OF OUR GREAT CITIES.

Indeed, we need not go to the cities. We can even go to their wards. One ward alone in New York has a population only 1,600 less than the whole Territory of Arizona, and there are large numbers of wards in New York and Chicago any three of which are more populous than all of New Mexico.

COMPARISONS WITH MINOR CITIES.

The contrast becomes more vivid when we take the minor cities of the Republic. For example:

Providence, R. I., has over 50,000 more people than all of Arizona and nearly 20,000 less than all of New Mexico.

Indianapolis has 45,000 more people than all of Arizona and only 25,000 less than all New Mexico.

Each of the following cities have more population than Arizona: Allegheny, Pa.; Rochester, N. Y.; Toledo, Ohio; Denver, Colo.; Kansas City, Mo.; St. Paul, Minn.; Columbus, Ohio.

The entire Territory of Arizona is less than 5,000 more than Worcester, Mass.

SYRACUSE, N. Y., NEARLY EQUAL TO ARIZONA.

Syracuse, N. Y., has only about 15,000 less than Arizona.

Fall River, Mass., has within 20,000 as many people as Arizona.

St. Joseph, Mo., Los Angeles, Cal., Memphis, Tenn., Scranton, Pa., each have within 22,000 as many people as Arizona.

Scranton, Pa., and St. Joseph, Mo., combined, are larger than the entire Territory of New Mexico.

The city of New York is more than fifteen times as large as the entire Territory of New Mexico, over twenty-five times as large as Arizona, over ten times as large as New Mexico and Arizona put together.

STATE COMPARISONS.

The State of Indiana would make ten States as populous as New Mexico and have enough left to make two as populous as Arizona, and still have enough left to double the population of Phoenix and Tucson, the principal towns in that Territory.

Were population alone considered a requisite for representation in the Senate of the United States, if Arizona should have two Senators, Ohio should have more than thirty, Illinois nearly forty, and Pennsylvania fifty.

COMPARISON WITH SMALLER CITIES.

The disparity of voting power is still more startling when we consider that Evansville, South Bend, and Fort Wayne, Ind., have a much greater population than all of Arizona; and if you add to these Lafayette, Marion, Richmond, Muncie, and Terre Haute you have over 40,000 more people in these towns than in the entire Territory of New Mexico.

And there are numbers of towns in the State of Indiana any twenty of which outvote the entire Territory of New Mexico.

Kansas has four cities which combined have more people than the entire population of the Territory of Arizona, namely, Topeka, Wichita, Leavenworth, and Kansas City.

Maine has six towns which put together have considerably more than Arizona, namely, Auburn, Augusta, Bangor, Biddeford, Lewiston, and Portland.

Texas is covered with towns many groups of which outvote either New Mexico or Arizona. For example, San Antonio, Houston, Galveston, Fort Worth, Dallas, and Austin are more populous than New Mexico, while Waco, Sherman, Laredo, and El Paso, if added to San Antonio, would be nearly equal in population to Arizona.

COMPARISONS WITH TOWNS IN NEWER STATES.

Or take towns in a newer State—Washington, for example. *The State of Washington has three cities exceeding in population the entire Territory of Arizona, namely, Seattle, Spokane, and Tacoma.* If to these are added Walla Walla, Port Townsend, New Whatcom, Everett, Fairhaven, Ballard, and Aberdeen, we have a population exceeding the entire population of New Mexico.

PURPOSE OF ABOVE ILLUSTRATIONS.

These illustrations are, of course, not given to prove that there should be an equality of population in all of the States, *but to demonstrate the reasonableness of the proposition that a new State must have a population bearing some just proportion to the population of the nation as a whole*, and they illustrate the serious disparity in power in national legislation between the rest of the nation and these two Territories, mighty in area, but scanty in people.

They emphasize the inherent injustice to the rest of the nation involved in placing the policies of the country, both foreign and domestic, and the destiny of the Republic for all time to come in the hands of so small a number of fellow-citizens, even though every individual in these Territories were the finest possible type mentally, morally, and in the educational qualifications.

How much greater is the force of these considerations when to them are added the alien speech of the great majority of the people of New Mexico and many of the people of Arizona and the high rate of illiteracy, diminishing though that illiteracy may happily be.

OKLAHOMA AND INDIAN TERRITORY.

In striking contrast to the unpreparedness for statehood of Arizona and New Mexico is the preparedness of Oklahoma and Indian Territory. The population of Oklahoma, according to the census of 1900, was 398,331; of the Indian Territory, 392,060. Personal inspection will convince anyone that the tide of immigration since that census was taken has swollen the population of these two Territories combined to at least a million, and in all probability over that. Excellent lands still unoccupied in Oklahoma in 1900 have been taken up with amazing rapidity every day since, and the progress continues, while the immigration into the Indian Territory can not be appreciated nor even believed until the evidences of it are witnessed.

And of the hundreds of thousands of people in the Indian Territory less than 87,000 are Indians. This fact is important to those who have taken it for granted that the population of the Indian Territory is of the latter race.

All the conditions prevail which work for the absorption of this heterogeneous element into the body of our homogeneous citizenship.

While no comparison is made of the Indians of the Indian Territory to the so-called Mexicans of New Mexico (although the latter are of Mexican, Indian, and Spanish people), this comparison can be justly made, that whereas in New Mexico out of an aggregate population of 195,310 a great majority are Spanish-speaking natives, belonging by descent, tradition, instinct, and speech to another civilization and system of institutions, in the Indian Territory out of an aggregate population between 400,000 and 500,000, less than 87,000 are Indians, the overwhelming body of the people being immigrants from other States of the Union, the children and product of our institutions, "bone of our bone and blood of our blood."

OKLAHOMA'S DEVELOPMENT.

The great body of Oklahoma is magnificently developed. It is a farming land unsurpassed in fertility and loveliness by any section of the Union. Thriving towns, quite equal to those of the Central States, are the universal rule, instead of the oasis-like exception. Four or five of Oklahoma's cities are beyond praise in the solidity of their business houses, the affluent solvency of their banks, the enterprise of their newspapers, the beauty and perfection of their homes.

There is one daily newspaper in Oklahoma with a bona fide daily circulation of 18,000. There are wholesale houses that do a business of $1,500,000 a year and one or two that reach the proportions of over $2,000,000 annually. Railroad traffic, both passenger and freight, is unsurpassed by any similar agricultural region of the United States. The school development throughout the Territory is superb. The homes and barns of the farmers in the older portions of the Territory (and no portion of the Territory is much older than a decade) are commodious, handsome, and not surpassed, if, indeed, on the average they are equaled, elsewhere in the whole country.

The resources of Oklahoma Territory are purely agricultural and all cereals are raised with ease and abundance, and cotton is one of the staple products of this region.

OKLAHOMA ALONE INADMISSIBLE.

But the proposition to admit this Territory as a single State is not tenable. Its size is much below that of any Western State. It must not be forgotten that originally Oklahoma was taken piecemeal from the Indian Territory. Its boundaries are unscientific, accidental, and grotesque. And above all, the committee are convinced that a majority of its people are opposed to statehood at present except by a union with its natural complement, the Indian Territory.

OKLAHOMA AND INDIAN TERRITORY A NATURAL UNIT.

For the Indian Territory has been made by nature the ideal mate to Oklahoma. What Oklahoma lacks the Territory supplies, and the reverse. Oklahoma is practically without coal and minerals and building stone; Indian Territory is rich in all these. Oklahoma is practically without timber; the Indian Territory bears great forests. Its timber, stone, quarries of marble, mines of coal and ore afford unanswerable natural reasons for a union with its western neighbor.

Commerce has recognized this natural union, and railroads have been built and still others are building, and others still are projected in recognition of the natural union of these two industrial empires.

PEOPLE OF OKLAHOMA AND INDIAN TERRITORY UNITED.

But most of all, the people themselves have recognized this great fact. The commercial life of the two Territories are one. The Wholesalers' Association of Oklahoma and Indian Territory are the same. Their religion is a unit. The Catholic Church has the same bishop for the two Territories; the Episcopal Church has the same bishop, while the Epworth League, common to the two Territories, is building a noble structure for university purposes by funds contributed alike by its members throughout the two Territories as if there were no artificial dividing line. In natural resources, commercial affairs, social intercourse, and in religious life, the Territories are a unit.

What nature, commerce, and all human conditions have decreed the Congress of the United States should confirm. The two Territories should be made one State and immediately admitted to the Union. Together they make a State about the size of Kansas or Nebraska, and much smaller than the average State west of the Missouri River. As a single State they would make a noble addition to the nation of which their people and the citizens of the whole Republic would be justly proud.

NO REASON AGAINST REUNION OF OKLAHOMA AND INDIAN TERRITORY.

On the other hand, for Congress deliberately to rend asunder this already united people, either for political reasons or because of the existence of an accidental dividing line between them, would be an act violent to every reason of the situation and grotesque and absurd to future generations. The statesmen of the future would rightly survey such an act in disgust; while the historian would find it hard to explain the causes for a performance so unnatural and unjustified. Against the confirmation by Congress of the union of these Territories no constitutional reason can be urged, nor can any reason of expediency be suggested. The lands of the Indians have already been allotted in enormous quantities and the allotment is proceeding with celerity. Before statehood government can be organized the quantity of Indian land remaining will not be appreciable.

If it be said that Indian lands thus allotted are free from taxation for five years and that this throws an unjust burden on Oklahoma, the answer is that this period of exemption will, by the time required to establish a State government, be reduced in great part to three and even two years; and even if this exemption from taxation were a matter worthy of the consideration of statesmanship in so large a problem, it is more than offset by the provision of the bill which shares the burden of existing debt of Oklahoma with the Indian Territory. If it be said that this debt be insignificant, the answer is that the period of exemption from taxation of Indian lands together with the amount first received from them are proportionately insignificant.

In short, the Indian Territory and Oklahoma combined have a numerous people of culture, progress, and of resources already considerably developed, and thus every requisite for statehood which can suggest itself to the thoughtful and conservative mind is present. To deny such a people in such a region admission into the Union is wrong, and to divide them for reasons of partisan expediency is disgraceful.

OKLAHOMAN'S ARGUMENT AGAINST ANY STATEHOOD FOR THE PRESENT.

The committee has reached this conclusion after considering the argument presented by the citizens appearing before the committee against the present

admission of either or both Territories as a State, although the committee is profoundly impressed with the solidity of this argument.

We have heretofore in this report called attention to the contention of the citizens of Oklahoma that their condition is highly prosperous; that the people are happy and out of debt; that the Federal officials are satisfactory to the point of popular applause; that railroads exist in gratifying mileage, built by the money of legitimate investors and not as the scheme of ephemeral promoters, and that more are building and will be built by the same laudable means; that if the Territory remains in its present felicitous condition a few years will give it all the railroads it will need without burdening the people to build them; but that, on the contrary, if admitted to statehood the history of other States will be repeated—that the people will be induced to bond their future to construct roads which should be built by the money of legitimate investors, who alone will reap their profits; that other roads will be projected and constructed by unsubstantial promoters, deriving their means from popular contributions, which they know so well how to secure; and that those people and their children will be oppressed for a generation with an unnecessary and wicked burden of taxation.

No thoughtful mind can deny the force of this reason. And yet, in spite of it, it seems to the committee that these two Territories should be admitted to the Union as a single State. They have reached their manhood and should take on manhood's responsibilities. They do not need incorporation into the active political nation more than the active political nation needs them.

APPLICATION OF OKLAHOMA'S REASONS ELSEWHERE.

The argument against the admission of Oklahoma made by her own citizens also applies to the Territories of Arizona and New Mexico. With the immature development of those Territories; with the peculiar conditions of their people, and particularly those of New Mexico; with the docile and easily persuaded character of the native population of the latter Territory, it is as certain as the future that they will be induced—and that with great ease—to vote enormous subsidies to proposed railroads, sadly impoverishing themselves while enriching the enterprising promoters. This is not an imaginary forecast, but a future certainty, and it is a certainty from which the innocent people of New Mexico should be protected. As they are, the shield of the national limitation of 4 per cent upon their indebtedness stands between them and exploiters. Remove it, and they are defenseless in their ignorance and confiding simplicity against that masterful vigor and artful craft which the exploiter always brings to his aid.

MANY NEW MEXICANS AGAINST STATEHOOD.

In conclusion, the truth must be stated that many of the people of New Mexico do not want statehood. The testimony of Martinez Amador, a Mexican farmer, who (unsubpœnaed and unasked, because unknown to us) sought out the committee at Las Cruces and who impressed every member with his sincerity, wisdom, and truthfulness, proves this. The testimony is as pathetic as it is convincing, and we call to it particular attention.

The committee is further convinced that this opposition to statehood for New Mexico is by no means confined to this simple Mexican farmer and the great class for whom he spoke. It is true that no other rancher, farmer, or merchant appeared before the committee to the same effect; but the committee has sound reasons for believing that large numbers of them are earnestly against the proposition of New Mexican statehood. It is not believed that any advocate of New Mexican statehood competent to speak will testify under oath that there is unanimity in favor of the proposition even among the most substantial business men, farmers and cattlemen of the Territory.

It is the further belief of the committee that a large portion of the people are indifferent to and ignorant of the question. If it be said that they voted in favor of it, the answer is that nothing is easier than to appeal to a people like the native New Mexican with a statement that there is something which he has not (and which will be of value to him) in order to make him desire it, without understanding in the least just what it is that he is deprived of. It is a cheap and familiar device, formerly used in our own States, but now happily abandoned before the enlightenment and independence of civic action which comes with increased education and highly developed civilization. If it be said that this argument is not sound, the answer is that the people have more than once rejected a constitution for statehood.

This suggests another and final grave condition, common alike to New Mexico and Arizona, namely, not only the smallness of their population, but the thin scattering of the same over enormous distances of vast domain. Arizona has 1.1 persons for each square mile; New Mexico has 1.6 persons for each square mile. Among this scattered population the means of communication are few and ineffective. The gravity of this in political campaigns and in that close association which is the prime factor in a high civilization will be appreciated when you reflect that in Massachusetts the population is 348 to the square mile; in Pennsylvania 140 to the square mile; in New Jersey 250.3 to the square mile.

In addition to the above, the House bill, known as the "Omnibus bill," is defective in many important particulars, some of which are worthy of note as indicating ideas prevailing there of a State under the constitutional form of government. For example, that portion of the so-called omnibus bill providing for the admission of Arizona makes in the bill itself an apportionment for the constitutional convention. The following representatives in the constitutional conventions are given with the following counties, with the population of each county:

County.	Delegates.	Population.
Apache	2	8,297
Cochise	4	9,251
Coconino	2	5,514
Gila	2	4,973
Graham	3	14,162
Maricopa	5	20,457
Mohave	2	3,426
Navajo	2	8,829
Pima	3	14,689
Pinal	3	7,779
Santa Cruz	2	4,545
Yavapai	4	13,799
Yuma	2	4,145

This apportionment requires either no comment or else extended explanation. The apportionment becomes more puzzling the more it is studied. The omnibus bill also is singularly inharmonious in methods provided for the admission of the respective Territories; and this lack of harmony in its provisions can be accounted for by the committee only upon the principle that the admission of each Territory is a proposition standing by itself and that they are incapable of consideration bunched together. If this is not the explanation, the true explanation can probably be given by those who favor the so-called "Omnibus bill."

In conclusion, the committee asks the Senate to consider the following:

If it is a mistake not to admit these Territories at the present time, it is a mistake which can be remedied by any future Congress. *If it is a mistake to admit them, and that mistake is consummated, it never can be undone.*

The committee feel that it is wiser and better for the Territories themselves, and for the Nation, that they shall wait that development which the resources claimed by their advocates will justify. When that occurs, when all of the requisites for statehood shall have been supplied, the members of the committee who are against the present admission of these Territories in their present state will be as enthusiastic and earnest for their admission as their most ardent advocates.

Mr. NELSON. Mr. President, I desire at this time to withdraw the amendment to the bill which I reported the other day for the purpose of perfecting it; and I give notice that I shall again offer it at a future day.

The PRESIDENT pro tempore. The Senator has the right to withdraw the amendment.

Mr. QUAY. Not without the action of the committee. That is a committee amendment, as I understand it.

The PRESIDENT pro tempore. The Chair recognizes the Senator having made the report as the mouthpiece of the committee, and he has the right to withdraw the amendment until it has been amended or the yeas and nays have been ordered on it.

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

Mr. BEVERIDGE. Will the Senator permit me to present the testimony taken by the committee?

Mr. GALLINGER. Certainly.

Mr. BEVERIDGE. In connection with the report, I desire to present the testimony taken by the committee.

The PRESIDENT pro tempore. What request does the Senator make regarding the testimony?

Mr. BATE. Does the Senator want to have it printed?

Mr. BEVERIDGE. It is the desire of the committee to have both the report and the testimony printed.

The PRESIDENT pro tempore. They will be printed, in the absence of objection.

Mr. ALLISON. Before this subject passes away, I suggest that a certain number of extra copies of the report ought to be printed, as also the views of the Senator from Pennsylvania [Mr. QUAY] who made a report on his own motion. I have already had some letters requesting copies of the report.

Mr. GALLINGER. Let a thousand extra copies be printed.

Mr. ALLISON. I suggest that 5,000 extra copies be printed.

Mr. KEAN. What is the number?

Mr. ALLISON. I suggest that 5,000 extra copies be printed, though that may not be enough.

The PRESIDENT pro tempore. The Chair would like to inquire of the Senator from Indiana whether he desires to have the report and the testimony printed together?

Mr. BEVERIDGE. The suggestion of the Senator from Colorado [Mr. PATTERSON] and other Senators is that the report and the testimony be printed separately.

The PRESIDENT pro tempore. The order then will be made that the report and the testimony be printed separately.

Mr. BATE. I desire it to be understood that this does not deprive the minority of the right to submit their views at any time, if they desire to do so.

Mr. BEVERIDGE. Certainly not.

The PRESIDENT pro tempore. Certainly not.

Mr. QUAY. It seems to me the motion of the Senator from Iowa [Mr. ALLISON] ought to include the minority report, which will undoubtedly proceed from the Senator from Tennessee [Mr. BATE].

Mr. ALLISON. My idea was that the minority report, if there be a minority report, could be easily prepared and printed with the report of the majority.

Mr. ALDRICH. If the Senate is to wait a day or two for a minority report, it will necessarily delay the consideration of this bill for that length of time.

Mr. BATE. I do not ask that. I only ask permission at any time to submit the views of the minority, and have them printed.

Mr. BEVERIDGE. Certainly.

Mr. ALDRICH. They can be printed separately.

The PRESIDENT pro tempore. The Senator from Iowa [Mr. ALLISON] asks unanimous consent that 5,000 copies of the report of the committee and the testimony be printed. Is there objection?

Mr. QUAY. Both reports.

Mr. GALLINGER. I understood the Senator from Iowa [Mr. ALLISON] to include the report made by the Senator from Pennsylvania [Mr. QUAY]. I think they ought to be printed jointly.

The PRESIDENT pro tempore. Including the report made by the Senator from Pennsylvania.

Mr. QUAY. Printed jointly.

Mr. BEVERIDGE. I think it only fair that the hearings had by the committee before adjournment at the last session should also be included in the testimony to be printed as supplemental to it.

Mr. ALLISON. They should be included. The testimony is somewhat voluminous, and I do not know that it will be necessary to print as many as 5,000 copies of that.

Mr. ALDRICH. Say 3,000 copies.

Mr. ALLISON. I will suggest that a smaller number than 5,000 copies may be sufficient.

Mr. GALLINGER. Say 1,000.

Mr. KEAN. I suggest that the number be made 2,500 copies.

Mr. ALLISON. I accept the suggestion of the Senator from New Jersey [Mr. KEAN] that 2,500 copies of the testimony be printed separately.

Mr. QUAY. And that the two reports from the committee be printed jointly.

Mr. ALLISON. Certainly.

The PRESIDENT pro tempore. The Senator from Iowa [Mr. ALLISON] asks that 5,000 copies of the report, together with the views of the Senator from Pennsylvania [Mr. QUAY] submitted to-day, be printed.

Mr. BATE. And the minority report, when it comes in.

The PRESIDENT pro tempore. Consent for that was given some time ago——

Mr. ALLISON. And also the evidence.

The PRESIDENT pro tempore. And that there be also printed 2,500 copies of the evidence taken. Is there objection?

Mr. ALLISON. Of all the evidence taken, including the testimony taken before the committee last year.

Mr. PATTERSON. Will the report introduced by the Senator from Pennsylvania be printed?

The PRESIDENT pro tempore. That is included.

Mr. PATTERSON. And the one of the Senator from Indiana [Mr. BEVERIDGE] be printed separately? I think they ought to be printed separately.

Mr. QUAY. I think they had better be included in one document; but it is a matter of no consequence.

The PRESIDENT pro tempore. What is the wish of the Senate in relation to that matter?

Mr. QUAY. I should prefer that they be printed jointly; but I have no special feeling about it.

The PRESIDENT pro tempore. Is there objection to the request as now made by the Senator from Iowa [Mr. ALLISON]? The Chair hears none, and the order is made.

Mr. QUAY. Now, Mr. President, I should like to know exactly what is the parliamentary condition of this bill? What is the question now pending upon the bill?

The PRESIDENT pro tempore. The House bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. QUAY. With no amendment pending?

The PRESIDENT pro tempore. There is no amendment pending now, because the amendment offered by the committee has been withdrawn.

Mr. BEVERIDGE. But with notice that it will be offered, I understand, at the proper time.

Mr. QUAY. I desire to give notice that when it shall be offered, I shall move to lay it upon the table.

EXECUTIVE SESSION.

Mr. GALLINGER. I now renew my motion 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 seventeen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Thursday, December 11, 1902, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate December 10, 1902.

INDIAN INSPECTORS.

Cyrus Beede, of Iowa, whose term will expire December 19, 1902, to be an Indian inspector. (Reappointment.)

James McLaughlin, of North Dakota, whose term will expire January 19, 1903, to be an Indian inspector. (Reappointment.)

Arthur M. Tinker, of Massachusetts, whose term will expire December 19, 1902, to be an Indian inspector. (Reappointment.)

COLLECTOR OF CUSTOMS.

Ellery H. Wilson, of Rhode Island, to be collector of customs for the district of Providence, in the State of Rhode Island. (Reappointment.)

PROMOTION IN THE REVENUE-CUTTER SERVICE.

First Lieut. John F. Wild, to be a captain in the Revenue-Cutter Service of the United States, to succeed W. D. Roath, retired. Mr. Wild is now serving under a temporary commission issued during the recess of the Senate. This nomination is made in lieu of that of December 8, 1902, in which an error was made in the initials of Mr. Wild, he being nominated as John V. instead of John F.

PROMOTION IN THE NAVY.

Lieut. (Junior Grade) Frederic N. Freeman, to be a lieutenant in the Navy from the 2d day of November, 1902, vice Lieut. Thomas W. Kinkaid, promoted.

APPOINTMENTS IN THE NAVY.

John A. B. Smith, jr., a citizen of New York, to be an assistant paymaster in the Navy from the 10th day of December, 1902, to fill a vacancy existing in that grade on that date.

Felix R. Holt, a citizen of Maryland, to be an assistant paymaster in the Navy from the 10th day of December, 1902, to fill a vacancy existing in that grade on that date.

Eugene E. McDonald, a citizen of New Jersey, to be a chaplain in the Navy from the 12th day of December, 1902, to fill a vacancy existing in that grade on that date.

POSTMASTERS.

Jonah E. Nickols, to be postmaster at Atwood, in the county of Rawlins and State of Kansas. Office became Presidential January 1, 1902.

Alexander Jolley, to be postmaster at Elma, in the county of Chehalis and State of Washington. Office became Presidential January 1, 1902.

John W. Short, to be postmaster at Fresno, in the county of Fresno and State of California, in place of John W. Short. Incumbent's commission expired May 5, 1902.

George W. Lovie, to be postmaster at Redwood City, in the county of San Mateo and State of California, in place of George W. Lovie. Incumbent's commission expired January 10, 1902.

Helen C. Thompson, to be postmaster at Stanford University, in the county of Santa Clara and State of California, in place of Samuel J. Brun. Incumbent's commission expires December 15, 1902.

John McGinley, to be postmaster at New London, in the county of New London and State of Connecticut, in place of John McGinley. Incumbent's commission expires December 20, 1902.

Asa E. S. Bush, to be postmaster at Niantic, in the county of New London and State of Connecticut, in place of Asa E. S. Bush. Incumbent's commission expires December 20, 1902.

John E. Thomas, to be postmaster at Belleville, in the county of St. Clair and State of Illinois, in place of John E. Thomas. Incumbent's commission expires December 21, 1902.

Benjamin McKeen, to be postmaster at Collinsville, in the county of Madison and State of Illinois, in place of William D. Smith. Incumbent's commission expires December 21, 1902.

William H. Gostlin, to be postmaster at Hammond, in the county of Lake and State of Indiana, in place of Mary L. Woods. Incumbent's commission expires December 21, 1902.

James E. Wheelock, to be postmaster at Hartley, in the county of O'Brien and State of Iowa, in place of James E. Wheelock. Incumbent's commission expires December 21, 1902.

Benjamin H. Tamplin, to be postmaster at Hull, in the county of Sioux and State of Iowa, in place of Benjamin H. Tamplin. Incumbent's commission expires December 21, 1902.

William M. Catron, to be postmaster at Somerset, in the county of Pulaski and State of Kentucky, in place of Henry G. Trimble. Incumbent's position expired June 22, 1902.

Lewis C. Flagg, to be postmaster at Berwick, in the county of York and State of Maine, in place of Lewis C. Flagg. Incumbent's commission expires December 14, 1902.

William M. Stuart, to be postmaster at Newport, in the county of Penobscot and State of Maine, in place of Albert C. Bradbury. Incumbent's commission expired May 8, 1902.

Fred A. Tower, to be postmaster at Concord, in the county of Middlesex and State of Massachusetts, in place of Fred A. Tower. Incumbent's commission expires December 20, 1902.

John M. Jarboe, to be postmaster at Oakland, in the county of Garrett and State of Maryland, in place of John M. Jarboe. Incumbent's commission expired May 10, 1902.

Orrin T. Hoover, to be postmaster at Chelsea, in the county of Washtenaw and State of Michigan, in place of W. F. Reimenschneider. Incumbent's commission expired June 3, 1902.

Everett N. Clark, to be postmaster at Wyandotte, in the county of Wayne and State of Michigan, in place of Fred S. Johnson. Incumbent's commission expired January 10, 1902.

George W. Stratton, to be postmaster at Addison, in the county of Steuben and State of New York, in place of George W. Stratton. Incumbent's commission expires December 20, 1902.

Charles F. Neerman, to be postmaster at Stillwater, in the county of Payne and Territory of Oklahoma, in place of William W. Walker. Incumbent's commission expired June 2, 1902.

John D. McCarley, to be postmaster at Somerville, in the county of Fayette and State of Tennessee, in place of John D. McCarley. Incumbent's commission expired March 9, 1902.

William Drawe, to be postmaster at Cuero, in the county of Dewitt and State of Texas, in place of William Drawe. Incumbent's commission expired June 7, 1901.

Barney Cannon, jr., to be postmaster at Bellows Falls, in the county of Windham and State of Vermont, in place of Barney Cannon, jr. Incumbent's commission expires December 14, 1902.

Fred M. Taylor, to be postmaster at Titusville, in the county of Brevard and State of Florida, in place of James T. Bassett, resigned.

Daniel Swanson, to be postmaster at Fremont, in the county of Dodge and State of Nebraska, in place of Ross L. Hammond, resigned.

Richard King, to be postmaster at Chardon, in the county of Geauga and State of Ohio, in place of Julius O. Converse, deceased.

Uriah J. Favorite, to be postmaster at Tippecanoe City, in the county of Miami and State of Ohio, in place of Thomas W. Ashworth, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 10, 1902.

CONSULS.

Mason Mitchell, of New York, to be consul of the United States at Zanzibar, Zanzibar.

William A. McKellip, of Maryland, to be consul of the United States at Magdeburg, Germany.

SECRETARIES OF LEGATION.

George W. Ellis, of Kansas, to be secretary of the legation of the United States at Monrovia, Liberia.

Leonard M. Thomas, of Pennsylvania, to be second secretary of the embassy of the United States at Rome, Italy.

PROMOTION IN THE MARINE-HOSPITAL SERVICE.

P. A. Surg. James B. Stoner, of Pennsylvania, to be a surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from September 16, 1902.

APPOINTMENTS IN THE MARINE-HOSPITAL SERVICE.

Richard H. Creel, of Missouri, to be an assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

Albert D. Foster, of Michigan, to be an assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

John W. Trask, of Michigan, to be an assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

APPOINTMENTS IN THE REVENUE-CUTTER SERVICE.

William L. Maxwell, of California, to be a second assistant engineer, with the rank of a third lieutenant, in the Revenue-Cutter Service of the United States.

California C. McMillan, of California, to be a second assistant engineer in the Revenue-Cutter Service of the United States.

Joseph M. Sims, to be a captain in the Revenue-Cutter Service of the United States on the permanent waiting-orders list, in accordance with the act of Congress approved June 30, 1902.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Second Assistant Engineer Charles A. Wheeler, to be a first assistant engineer in the Revenue-Cutter Service of the United States.

Second Assistant Engineer Frank G. Snyder, to be a first assistant engineer in the Revenue-Cutter Service of the United States.

Second Assistant Engineer John I. Bryan, to be a first assistant engineer in the Revenue-Cutter Service of the United States.

First Assistant Engineer Charles W. Zastrow, to be a chief engineer in the Revenue-Cutter Service of the United States.

First Assistant Engineer Levin T. Jones, to be a chief engineer in the Revenue-Cutter Service of the United States.

Third Lieut. Henry W. Pope, to be a second lieutenant in the Revenue-Cutter Service of the United States.

Third Lieut. Thomas M. Molloy, to be a second lieutenant in the Revenue-Cutter Service of the United States.

Third Lieut. Harold D. Hinckley, to be a second lieutenant in the Revenue-Cutter Service of the United States.

Third Lieut. Benjamin L. Brockway, to be a second lieutenant in the Revenue-Cutter Service of the United States.

Second Lieut. Samuel B. Winram, to be a first lieutenant in the Revenue-Cutter Service of the United States.

Second Lieut. Francis S. Van Boskerck, jr., to be a first lieutenant in the Revenue-Cutter Service of the United States.

Second Lieut. Francis A. Levis, to be a first lieutenant in the Revenue-Cutter Service of the United States.

Second Lieut. James G. Ballinger, to be a first lieutenant in the Revenue-Cutter Service of the United States.

First Lieut. Charles C. Fengar, to be a captain in the Revenue-Cutter Service of the United States.

First Lieut. Orin D. Myrick, to be a captain in the Revenue-Cutter Service of the United States.

First Lieut. Worth G. Ross, to be a captain in the Revenue-Cutter Service of the United States.

First Lieut. John F. Wild, to be a captain in the Revenue-Cutter Service of the United States.

RECEIVERS OF PUBLIC MONEYS.

Richard Fysh, of Independence, Cal., to be receiver of public moneys at Independence, Cal.

George W. Warner, of Colorado, to be receiver of public moneys at Akron, Colo.

REGISTERS OF THE LAND OFFICE.

John F. Armstrong, of Placerville, Cal., to be register of the land office at Sacramento, Cal.

Peter Campbell, of Colorado, to be register of the land office at Akron, Colo.

David R. Crosby, of Grand Junction, Colo., to be register of the land office at Montrose, Colo.

Selwyn Douglas, of Oklahoma, Okla., to be register of the land office at Oklahoma, Okla.

Thomas Scadden, of Michigan, to be register of the land office at Marquette, Mich.

MARSHAL.

C. F. Lloyd, of Montana, to be United States marshal for the district of Montana.

PENSION AGENT.

Richard P. Clarkson, of Iowa, to be pension agent at Des Moines, Iowa.

NAVAL OFFICER OF CUSTOMS.

Elmer E. Wood, of Louisiana, to be naval officer of customs in the district of New Orleans, in the State of Louisiana.

SURVEYOR OF CUSTOMS.

Elijah W. Adkins, of Tennessee, to be surveyor of customs for the port of Knoxville, in the State of Tennessee.

COLLECTORS OF CUSTOMS.

William H. Lucas, of Florida, to be collector of customs for the district of St. Johns, in the State of Florida.

Thomas B. George, of Florida, to be collector of customs for the district of St. Augustine, in the State of Florida.

John W. Howell, of Florida, to be collector of customs for the district of Fernandina, in the State of Florida.

POSTMASTERS.

Charles A. Gwinn, to be postmaster at Garfield, in the county of Whitman and State of Washington.

Maggie C. Doran, to be postmaster at Sheldon, in the county of Ransom and State of North Dakota.

George C. Chambers, to be postmaster at Churchs Ferry, in the county of Ramsey and State of North Dakota.

Harvey S. Abel, to be postmaster at Stafford Springs, in the county of Tolland and State of Connecticut.

Jessie S. Rose, to be postmaster at Manchester, in the county of Hartford and State of Connecticut.

Frederick H. Lewis, to be postmaster at Vacaville, in the county of Solano and State of California.

Philo Handy, to be postmaster at Ukiah, in the county of Mendocino and State of California.

Eli J. McBride, to be postmaster at Dixon, in the county of Solano and State of California.

Garrett S. De Grange, to be postmaster at Frederick, in the county of Frederick and State of Maryland.

Robert C. Boehm, to be postmaster at White Hall, in the county of Greene and State of Illinois.

Charles A. Camp, to be postmaster at Henry, in the county of Marshall and State of Illinois.

Timothy Smith, to be postmaster at Howell, in the county of Livingston and State of Michigan.

Lawson E. Becker, to be postmaster at Fenton, in the county of Genesee and State of Michigan.

Charles H. Pulver, to be postmaster at Dundee, in the county of Monroe and State of Michigan.

Clifford L. Benedict, to be postmaster at Mankato, in the county of Blue Earth and State of Minnesota.

H. S. Buntin, to be postmaster at Bushnell, in the county of McDonough and State of Illinois.

Linn L. Shaw, to be postmaster at Santa Ana, in the county of Orange and State of California.

Sheridan G. Berger, to be postmaster at Ontario, in the county of San Bernardino and State of California.

Louise C. Tyler, to be postmaster at Eastland, in the county of Marin and State of California.

Jesse B. Ross, to be postmaster at Springfield, in the county of Greene and State of Missouri.

William D. Hale, to be postmaster at Minneapolis, in the county Hennepin and State of Minnesota.

James C. Poole, to be postmaster at Eveleth, in the county of St. Louis and State of Minnesota.

William Harrington, to be postmaster at East Jordan, in the county of Charlevoix and State of Michigan.

William M. Wilson, to be postmaster at Blue Ridge, in the county of Fannin and State of Georgia.

Renaldo E. Taylor, to be postmaster at Gridley, in the county of Butte and State of California.

Presentation M. Soto, to be postmaster at Concord, in the county of Contra Costa and State of California.

Margaret Duncan, to be postmaster at Au Sable, in the county of Iosco and State of Michigan.

Harvey S. Givler, to be postmaster at Wakeeney, in the county of Trego and State of Kansas.

Charles D. Clark, to be postmaster at Utica, in the county of La Salle and State of Illinois.

Oscar E. Linquist, to be postmaster at Dassel, in the county of Meeker and State of Minnesota.

Josephus C. Mustard, to be postmaster at Scottville, in the county of Mason and State of Michigan.

Albert J. Capen, to be postmaster at Fennville, in the county of Allegan and State of Michigan.

Nathaniel B. Petts, to be postmaster at Warsaw, in the county of Benton and State of Missouri.

Andrew J. Siebert, to be postmaster at Ste. Genevieve, in the county of Ste. Genevieve and State of Missouri.

Edward F. Gummer, to be postmaster at Frazee, in the county of Becker and State of Minnesota.

Nathan L. Colby, to be postmaster at Pecatonica, in the county of Winnebago and State of Illinois.

H. F. Brimberry, to be postmaster at Albany, in the county of Dougherty and State of Georgia.

A. E. Meigs, to be postmaster at Oceanpark, in the county of Los Angeles and State of California.

E. C. Reid, to be postmaster at Allegan, in the county of Allegan and State of Michigan.

David E. McClelland, to be postmaster at Chanute, in the county of Neosho and State of Kansas.

George A. Danforth, to be postmaster at Hamburg, in the county of Fremont and State of Iowa.

Oliver D. Carson, to be postmaster at Galesburg, in the county of Kalamazoo and State of Michigan.

J. B. Callen, to be postmaster at Junction City, in the county of Geary and State of Kansas.

A. M. Hansen, to be postmaster at Fulton, in the county of Whiteside and State of Illinois.

John McGauvran, to be postmaster at Langdon, in the county of Cavalier and State of North Dakota.

Homer A. Jackson, to be postmaster at Fessenden, in the county of Wells and State of North Dakota.

Lizzie E. Breckenridge, to be postmaster at Pine City, in the county of Pine and State of Minnesota.

Donald G. McIntosh, to be postmaster at St. Thomas, in the county of Pembina and State of North Dakota.

John W. Scott, to be postmaster at Moberly, in the county of Randolph and State of Missouri.

Hezekiah S. Van Dervort, to be postmaster at Warren, in the county of Jo Daviess and State of Illinois.

Joseph M. Myers, to be postmaster at Forreston, in the county of Ogle and State of Illinois.

John C. Louden, to be postmaster at Lebanon, in the county of St. Clair and State of Illinois.

James A. Lauder, to be postmaster at Carterville, in the county of Williamson and State of Illinois.

Charles E. Carmody, to be postmaster at Mapleton, in the county of Monona and State of Iowa.

Adelbert J. Weeks, to be postmaster at Correctionville, in the county of Woodbury and State of Iowa.

James E. Ellwood, to be postmaster at Sycamore, in the county of De Kalb and State of Illinois.

Leonard M. Sellers, to be postmaster at Cedar Springs, in the county of Kent and State of Michigan.

A. Clay Whiteman, to be postmaster at La Crosse, in the county of Rush and State of Kansas.

Edwin Foster, to be postmaster at Independence, in the county of Montgomery and State of Kansas.

Jonathan Bateman, to be postmaster at Manville, in the county of Providence and State of Rhode Island.

Charles C. Pugh, to be postmaster at Adel, in the county of Dallas and State of Iowa.

Milo N. Johnson, to be postmaster at Northville, in the county of Wayne and State of Michigan.

COMMERCIAL RELATIONS WITH NEWFOUNDLAND.

The injunction of secrecy was removed from the following treaty December 10, 1902: A convention with Great Britain, signed at Washington on November 8, 1902, for the improvement of commercial relations with Newfoundland.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December 10, 1902.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

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

REVENUE BILLS.

Mr. PAYNE. Mr. Speaker, by direction of the Committee on Ways and Means, I report the following.

The Clerk read as follows:

A bill (H. R. 15794) to amend section 20 of an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved July 10, 1890.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of revenue bills.

The SPEAKER. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of revenue bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. GILLETT of Massachusetts in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of revenue bills.

AMENDMENT OF ADMINISTRATIVE CUSTOMS ACT.

Mr. PAYNE. Mr. Chairman, I call up the bill H. R. 15794.

The bill was read, as follows:

A bill (H. R. 15794) to amend section 20 of an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved July 10, 1890.

Be it enacted, etc., That section 20 of an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890, be, and the same is hereby, amended so as to read as follows:

"SEC. 20. That any merchandise deposited in any public or private bonded warehouse may be withdrawn for consumption within three years from the date of original importation on payment of the duties and charges to which it may be subject by law at the time of such withdrawal: *Provided*, That the same rate of duty shall be collected thereon as may be imposed by law upon like articles of merchandise imported at the time of the withdrawal: *And provided further*, That nothing herein shall affect or impair existing provisions of law in regard to the disposal of perishable or explosive articles."

Mr. PAYNE. Mr. Chairman, this bill is brought here to give a legislative interpretation to what is known as section 20 of the customs administrative act. Section 20 of that act as it now stands in the law is as follows:

Any merchandise deposited in any public or private bonded warehouse may be withdrawn for consumption within three years from the date of the original importation on payment of the duties and charges to which it may be subject by law at the time of such withdrawal: *Provided*, That nothing herein shall affect or impair existing provisions of law in regard to the disposal of perishable or explosive articles.

Under that section of the statute it has been the invariable custom and ruling of the Treasury Department that when goods were imported from a foreign country and placed in a bonded warehouse for a period of time that at the time of their withdrawal the duty upon them should be the rate of duty then existing; that is, the rate of the duty existing at the time of the withdrawal from the bonded warehouse and not at the time of their importation, when they were placed in the bonded warehouse; and nobody had ever discovered but what this section of the statute meant just that and no more. But last week a case was decided in the district court of the southern district of New York, Judge Wallace rendering the opinion, in which the contrary was held. That case arose in regard to the importation of a cargo of sugar from Porto Rico into the United States prior to the 11th of April. The date of the ratification of the Paris treaty was on the 11th, I think, and the importation was on the 4th of April prior to the ratification of the treaty with Spain.

Of course after the ratification of that treaty, as is well known, the Treasury Department held that the rates under the Dingley bill applied to all merchandise imported into the United States from the insular possessions, and they collected the full rates of duty, whether the goods were withdrawn from the bonded warehouse or imported after the 11th of April, and after the ratification of the treaty. As is also well known to every member of the House, the decision of the Supreme Court in the insular cases was that after the ratification of the treaty the islands were no longer a foreign country and that there was no rate of duty on goods imported from those possessions to the United States, but that they should come in free. These importers, who had paid the full Dingley rates on this cargo of sugar under protest, brought action to recover back the duties. They paid some $1,400 or $1,500 when they were withdrawn. They set up these facts in their bill.

The Government interposed a demurrer, and the question came up on the demurrer; and there Justice Wallace held, for the first time since the history of this law, that these goods were dutiable

at the rate of the duty existing at the time they were placed in the bonded warehouse. They were placed in the bonded warehouse on the 6th of April, before the ratification of the treaty, and while Porto Rico was yet a foreign country according to the decision of the Supreme Court. So he held that they were dutiable at the full Dingley rate which they had paid and he sustained the demurrer. This introduced a new rule, a new element, into the law as it has hitherto been construed. The Secretary of the Treasury found himself in this dilemma. He had notified the importers, and it had been the constant and uniform ruling of his Department, that these goods similarly situated should pay the rate existing at the time they were taken from the bonded warehouse.

Then he decided that inasmuch as the court had construed the law and held that the duty assessable was the duty at the time they were imported and put into the warehouse, he must observe this ruling and conform the practice of the department to it; and he promptly gave notice to this effect. Now, the parties immediately concerned in this matter are the importers of tea. As the House will remember, we passed at the last session a bill repealing all the war taxes. In the war-revenue act was a provision for a duty of 10 cents a pound on tea. We also enacted that this repeal as to teas should take effect on the 1st day of January next.

Under the former rulings of the Secretary of the Treasury, and I believe under the special instructions of the Treasury Department in regard to tea, importers had imported large cargoes of tea. It is even said that there are 70,000,000 pounds of tea now in the bonded warehouses, all of which have been imported previous to this date, and all of which have expected to take out that tea from the bonded warehouse in January free of duty. The importers have gone on under this ruling, or this practice of the Government, and have sold these teas to the jobbers and the retailers throughout the country with direct reference to their being imported free of duty.

The teas themselves have gone out in bonded cars by the carload into different parts of the country to be ready to be put on the market after the 1st day of January free of duty. The result is the importers of the country have sold these teas free of duty. Many of them have bought teas, have put them in bond, relying on being taken out free of duty on the 1st of January.

I do not know what telegrams other members of the House have had, but here are a few that I have had from different parts of the country. Everybody is excited upon the tea question as to whether they will have to pay the duty of 10 cents a pound upon all the tea in bond. Of course, if they did, it would create a great deal of distress. The only relief they could receive would be in exporting the tea and reimporting it after the 1st day of January. And, by the way, although Judge Wallace holds that the duty attached at the time the teas came into the bonded warehouse and were imported, and remained a lien upon the property, yet it remains a fact undisputed that they could export these teas and get rid of the lien and then bring them in from a foreign country on reimportation free of duty. But if they are obliged to do this it delays them in putting the teas on the market, and would cost them a million or two dollars, of which nobody would get the benefit except the steamship lines, and it would be partially recouped from the customers who had the teas throughout the United States.

In addition to this, Mr. Chairman, large quantities of teas would come in free from Canada and Great Britain without having paid any duty after the first day of January, and they would get the benefit of this—one class of customers with a large block of teas which they must pay duty on or reexport them and reimport them, and another class of teas free of duty. Of course this would work great injustice and great harm.

Further than that, Mr. Chairman, it was doubtless the intention of Congress, as it was construed by the Treasury Department and by all officials who had anything to do with this law since the time it was enacted in 1890, and this provision of the law existed before and was reenacted in 1890, that these duties were to be collected at the rate existing at the time the goods were taken from the bonded warehouse and entered into the consumption of the country. And it is right that they should pay the duty at the time they are taken from the bonded warehouse because it is only then that they come into direct competition with other goods of a like character coming in and not going into the bonded warehouse. We can not do exact justice in this case unless we amend this law, and amend it so that the courts will understand it as we understand it.

It may be said that when the question goes to a higher court that court may reverse the decision of Judge Wallace. But that proceeding takes time; and in the meanwhile here is this large amount of tea which should go into consumption—this large amount of tea upon which these duties must be paid—paid under protest. So, Mr. Chairman, there seems to be no way to relieve the present situation except by this amendment of the existing law.

But we have reported this bill in the form of a general amendment of the law so as to apply to all goods going into the bonded warehouses—a general amendment that will carry out the purposes of this administrative act as we intended at the time Congress passed it.

We have inserted another proviso in this section, and this is the only amendment that we have made to this section of the law of 1890:

Provided, That the same rate of duty shall be collected thereon as may be imposed by law upon like articles of merchandise imported at the time of the withdrawal.

That leaves everybody on an equal footing; that carries out the object of the law; that relieves the present situation; that allows our merchants throughout the country to start in on an even basis with their teas after the 1st of January; that carries out the intention of Congress in repealing this duty last spring, to take effect on the 1st day of January next. The Committee on Ways and Means was unanimous in reporting this bill, and it seems to me there can hardly be any objection to it upon the part of anybody in this House.

This measure is urged with a great deal of insistency by gentlemen interested in this trade throughout the country. Many members have shown me telegrams from persons in their local trade, and I have received a great many such telegrams myself, all urging the importance of immediate legislation. It is important that this legislation be passed, not only before the 1st of January, not only before the holiday recess of Congress, but it is important that it be passed before the 15th of the present month. Why, sir, there are a great many contracts outstanding for delivery on the 15th day of December—for the delivery of tea now in bonded warehouses—so that the new owner may take it out free of duty. The new owner wants to know what duty he is to pay or whether the tea is to come in free.

The failure to pass some legislation in reference to these contracts will lead to confusion, and it seems to me the House will cheerfully conform to the wishes of the entire tea trade of the United States in passing this bill. Although persons engaged in this line of business have in the past been divided as to the question whether there should be any duty on tea or not, yet, fortunately, in this instance, they are all united for the passage of this bill.

Mr. GAINES of Tennessee. How will this bill affect existing contracts?

Mr. PAYNE. Some people have contracts to deliver tea now in bonded warehouse on the 15th day of December. Of course, those who have contracted to do that under the idea that they were not to pay the duty and those who have contracted to sell under the idea that the tea was to be free from duty, will be in favor of breaking away from their contracts and seeking some legal loophole by which they may get out of those contracts, thus causing litigation. In other words, this may make imported goods cost more to the importer and the consumer than if——

Mr. GAINES of Tennessee. Why should we adopt legislation—a tariff—which will make tea, a commodity that you say we do not produce in the United States, cost more?

Mr. PAYNE. Right there, if the gentleman wants to inject a little politics into this debate, I want to say to him that I have heard a great deal of evidence on this question of the duty on tea. That duty is 10 cents a pound; and my friend jumps to the conclusion that the price of tea to the consumer is thereby increased to the amount of 10 cents a pound. But that is a mistake. Exporters of tea from China and Japan—some of them American houses and some English—all unite in the testimony that the exporters have been compelled to pay at least half of that duty—that they can get back from their American customers only 5 cents of the 10 cents duty.

Mr. GAINES of Tennessee. How much does the gentleman say is the rate of duty?

Mr. PAYNE. Ten cents a pound.

Mr. GAINES of Tennessee. And we do not produce a particle of this tea in the United States. Why, then, impose this duty?

Mr. PAYNE. I have just stated that the exporters have had to pay half of the duty. They have not been able to force up the price of tea by adding 10 cents a pound. They did force it up 5 cents a pound in sales to wholesalers.

The testimony was divided upon another question; that was, whether the consumer of tea, the drinker of tea, did not get his tea just as cheaply with this duty of 10 cents a pound imposed upon it as he would if there were no duty. In other words, it would appear that the 5 cents a pound paid by the importer in this country was lost sight of in the passage of the tea through the hands of the wholesaler, the jobber, and the retail merchant, before it reaches the consumer, so that the consumer obtains his tea of a given grade at the same old price.

Mr. GAINES of Tennessee. Does not my friend think that we had better now put anthracite and bituminous coal on the free list, so as to give the suffering people fuel to warm this tea for the

people who drink it? [Laughter and applause on the Democratic side.]

Mr. PAYNE. I do not know whether there is any more debate desired on this bill or not.

Mr. GAINES of Tennessee. On this side of the House we are perfectly willing to put anthracite coal on the free list, indeed, "all coals." to meet and overcome the present coal famine. This should be done at least while this coal crisis is inflicting the people.

Mr. PAYNE. That is not the question now. The question is about reforming the customs and administrative act.

Mr. GAINES of Tennessee. I would like to call my friend's attention to just one sad thing which I read in the paper this morning, which occurred in New Jersey yesterday. It relates to a case where a poor woman sold her infant child for $5 to get coal to keep from freezing.

Mr. PAYNE. I suppose the gentleman knows what the trouble is in regard to the anthracite coal situation. He has read the newspapers. If there is no further debate on this question——

Mr. GAINES of Tennessee. Mr. Chairman, I would like to read that extract from the New York Sun of this morning's issue.

The CHAIRMAN. Does the gentleman yield?

Mr. PAYNE. The gentleman has stated it.

Mr. GAINES of Tennessee. Here it is in the New York Sun of this morning's issue.

The CHAIRMAN. Does the gentleman from New York yield?

Mr. PAYNE. Yes; I have no objection.

Mr. GAINES of Tennessee then read as follows:

SOLD HER CHILD FOR $5—WIDOWED BY COAL RIOTS, MRS. URHOUSE COULD NOT SUPPORT HER BABE.

PASSAIC, N. J., *December 9, 1902.*

By means of an advertisement inserted in a Passaic newspaper, Mrs. Fannie Urhouse, of this city, has succeeded in selling her 3-weeks-old son. Mrs. Urhouse's husband was killed in the recent strike in Pennsylvania. She was able to take care of herself by working for $2 a week until the child came. Friends advised her to get some one to adopt it.

The advertisement was inserted, but for three days no response came. Mrs. Urhouse became discouraged and threatened to kill herself and child. This morning, however, Mrs. John Urban, of Wallington, offered to pay $5 for the child. The offer was accepted and little Steven was taken to his new home.

Mr. ADAMS. Will the gentleman yield to be interrogated?

The CHAIRMAN. Does the gentleman from New York yield?

Mr. PAYNE. I do not yield to the gentleman from Pennsylvania.

Mr. GAINES of Tennessee. I say, if for no other reason, as a matter of charity, we ought to give the people at this time free coal to keep the people from freezing.

Mr. PAYNE. Does the gentleman from Tennessee [Mr. RICHARDSON] desire some time?

Mr. RICHARDSON of Tennessee. This bill was reported unanimously from the Committee on Ways and Means, and I think it is proper.

Mr. PAYNE. If there is no further debate, I move to amend the title and substitute the word "June" for the word "July." There seems to have been a mistake made.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In the title strike out the word "July" and insert the word "June."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I ask unanimous consent to extend my remarks on this bill by adding the report of the committee and having it printed in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks upon the bill H. R. 15794 by including the report of the committee. Is there objection?

There was no objection.

The report of the committee is as follows:

[House Report No. 2802, Fifty-seventh Congress, second session.]

The Committee on Ways and Means, to whom was referred the bill (H. R. 15794) to amend section 20 of an act entitled "An act to simplify the laws in relation to the collection of the revenues," report the same back without amendment, recommending its passage.

This bill proposes to amend section 20 of said act, which reads as follows:

"SEC. 20. Any merchandise deposited in any public or private bonded warehouse may be withdrawn for consumption within three years from the date of original importation, on payment of the duties and charges to which it may be subject by law at the time of such withdrawal: *Provided*, That nothing herein shall affect or impair existing provisions of law in regard to the disposal of perishable or explosive articles."

Under this section the Secretary of the Treasury has invariably held that on a withdrawal of bonded merchandise from the warehouse the duties to be collected are at the same rate as those existing at the time of the withdrawal and not at the time of the importation. Last week a case was decided in the circuit court of New York, which has been called to the attention of the committee by the following letter of the Secretary of the Treasury, viz:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, December 8, 1902.

MY DEAR SIR: Section 20 of the customs administrative act is in the following language:

"Any merchandise deposited in any public or private bonded warehouse may be withdrawn for consumption within three years from the date of the original importation, on payment of the duties and charges to which it may be subject by law at the time of such withdrawal."

Relying upon this section, it has been the practice of the Department to collect duty at the rate imposed by law at the time the goods are withdrawn from warehouse.

I inclose herewith a copy of the decision rendered by the district court of the United States for the southern district of New York, where it is held that warehoused goods on withdrawal for consumption are dutiable at the same rate as when warehoused.

By the recent act of Congress tea is admitted free after December 31, 1902. There is now in the several warehouses of the United States a very large amount of tea imported under the impression that it could be warehoused and withdrawn free after the 31st of December, 1902. It does not lie with this Department to question the correctness of the decision quoted, and it must therefore collect duty according to the terms of the statute now in force.

The question is of so great importance and so many merchants, both wholesale and retail, are interested therein that the Department deems it important to call special attention of Congress thereto, and it recommends a modification of the law, either by amending section 20, above quoted, or by special act allowing the free withdrawal of tea now in warehouse. Unless this is done it probably will be exported and much delay and litigation will ensue, for much of it has been sold to be delivered January 1, 1903, at a price ruinous to wholesale merchants.

Very respectfully,

L. M. SHAW.

Hon. SERENO E. PAYNE,
Chairman Ways and Means Committee, House of Representatives.

The case was argued on November 5, 1902, and the decision therein was handed down on December 2, instant.

The importation in this case consisted of sugar, by the steamship *Caracas*, on April 4, 1899, entered on that day for warehouse under the usual bond, duties unpaid. The goods remained in bonded warehouse until May 6, 1899, when they were withdrawn for consumption and duties then paid by the plaintiffs under protest. The protest claimed that the goods were not dutiable because the treaty of cession with Spain had been ratified before the date of such withdrawal and that at the time of such withdrawal Porto Rico was not a foreign country, and that goods in warehouse were only liable to duty under laws existing at the time of their withdrawal. The amount of duties paid by the plaintiffs and sought to be recovered in this action of the defendant as collector of the port of New York was $1,442.24 with interest.

To the complaint of the plaintiffs in this action I nterposed a demurrer on behalf of the defendant, that the said complaint did not state facts sufficient to constitute a cause of action.

The question of law in the case was whether the goods that were dutiable at the time of their original entry under the laws then existing were made nondutiable by being warehoused under bond and not withdrawn for consumption until after Porto Rico had been ceded to the United States by treaty with Spain.

After hearing argument, Judge Wallace reserved his decision until December 2 instant, when he handed down the following opinion:

"Wallace, circuit judge.

"The demurrer to the complaint presents the question whether, under section 20 of the customs administrative act (act of June 10, 1890, as amended October 1, 1890), the collector of the port of New York was justified in requiring payment of duties upon imported merchandise at the rate and amount to which the goods were subject at the time of their importation and deposit in the bonded warehouse, or whether he was justified only in requiring payment of such duties as they would have been subject to if imported at the date of their withdrawal for consumption. The goods consisted of sugars imported from Porto Rico. They were imported and entered for warehouse and bonded April 4, 1899. The collector liquidated the duties thereon at $1,442.24, and it is to be assumed, in the absence of averments to the contrary, that at the time the goods were subject to duty in that amount.

"Subsequently, and on May 6, 1899, they were withdrawn for consumption, and the collector required payment for the duties as liquidated. The complaint avers that they were not subject or liable to any duty at that date because they were not imported from a foreign country into the United States within the meaning of any valid statute or Executive order of the United States. It is conceded by counsel that this averment means that before the sugars were withdrawn for consumption, the treaty of peace between the United States and Spain having been ratified, the sugars, being importations of Porto Rico, were not dutiable because Porto Rico was no longer a foreign country within the meaning of the tariff acts, according to the decisions of the Supreme Court of the United States.

"Section 20 of the customs administrative act provides as follows: 'That any merchandise deposited in bond in any public or private warehouse may be withdrawn for consumption within three years from the date on which they were originally imported on payment of the duties and charges to which it may be subject by law at the time of such withdrawal.'

"It is not disputed that the goods were subject to duty in the amount exacted of the plaintiffs when they were deposited in bond. Being then subject to these duties, they remained so in the absence of any treaty or statute of Congress relieving them from duty. No such treaty or statute is invoked, but the argument is that the section means to allow the withdrawal of dutiable goods upon the payment of such duties as they would have been subject to if they had been imported at the time of the withdrawal. The language of the section does not require such a construction. It requires payment of the duties to which the goods are lawfully subject at the time of the withdrawal. This means the duties which have become an accrued liability. Duties accrue at the date of the importation and entry of merchandise, and on that date a lien attaches to the goods and a debt for the amount accrues from the importer to the Government. Warehousing is a privilege given by statute to which the section relates by which, in lieu of compelling the importer to make immediate payment of his debt, he is permitted to postpone payment until he withdraws the merchandise from the warehouse for consumption. The privilege is not conferred in order that he may thereby escape, by some contingency, the payment of his debt. It does not contemplate giving him an advantage in that regard over other importers who pay their duties upon the entry of their goods.

"Warehoused goods on withdrawal for consumption pay duties at the same rate and amount as provided by law when imported and entered, unless there is some provision of the existing tariff laws, or in subsequent legislation by Congress, providing for the payment of a different rate or amount, and applicable to the goods in warehouse. The United States have never been divested of their right to the duties which accrued when the goods were imported and warehoused, because neither the treaty of peace by any of its provisions, nor any statute passed subsequently to the one imposing the duty, has impaired or affected that right.

"None of the decisions of the Supreme Court cited for the plaintiffs conflict with the conclusions thus reached. The observations in the opinions are to be read as addressed to the facts of the particular case under consideration by the court, and so read contain nothing to sanction the argument for the plaintiffs.

"Judgment is ordered for the defendant."

In repealing the war tax at the last session there was included in that repeal a duty of 10 cents a pound upon tea, which is to take effect by the terms of said repealing act on the 1st day of January, 1903. Under the practice of the Treasury Department this would have relieved entirely from duty all teas imported and remaining in bonded warehouses and withdrawn after the 1st of January. But under the decision of the court and the change in the policy of the Treasury Department, on account of said decision, such teas would now have to pay the duty of 10 cents a pound, unless such legislation as is proposed in the pending bill shall be enacted by Congress before the 1st of January.

Large quantities, and the committee is informed whole cargoes, of teas have been put in bonded warehouses since the passage of the repealing act, ready to be shipped after the 1st of January to supply the trade of the country. Wholesale and retail dealers, relying upon the construction heretofore placed upon section 20 by the Department, have run their stocks down to a very low point and must replenish them. It would seem that quantities of these teas have been sold in bond, so that the loss would affect not so much the importers as the wholesale and retail dealers in teas, as is evidenced by the following telegram received by the chairman of the committee, viz:

NEW YORK, *December 9, 1902.*

SERENO E. PAYNE,
House of Representatives, Washington, D. C.:

Secretary of Treasury Shaw's late decision regarding duty to be collected upon teas in bond most serious matter, and would be disastrous to the tea and grocery trade in this country, who have purchased teas at 5 and 7 cents per pound advance over previous year, and would now be compelled to pay 10 cents additional. Importers have largely protected themselves by selling in bond, but merchants through the country have agreed to deliver teas free after January 1.

CARTER, MACY & CO.

New teas will be coming in early in the year, and without change in the existing law unequal burdens would be thrown upon the trade.

The bill simply endeavors to conform the language of the section to the primary meaning and intent of the law and to accord with the custom and ruling of the Treasury Department. There is no reason why any merchandise imported and placed in bonded warehouses should pay a higher or different rate of duty than that imposed upon like merchandise imported at the time of the withdrawal of the former, as both enter the market under the same circumstances and conditions of trade. The contrary rule would be liable at any time, in case of a change in tariff rates, to be a disturbing factor and result in great loss.

The bill should be put upon its passage at the earliest opportunity in order that the intention of Congress both in the repeal of this war duty and in originally enacting what is known as the customs administrative act may have their intended effect.

Mr. PAYNE. I move that the bill as amended be laid aside with a favorable recommendation.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

REFUND OF CERTAIN CUSTOMS DUTIES.

Mr. PAYNE. I now call up the bill (H. R 15155) to refund the amount of duties paid on merchandise brought into the United States from Porto Rico between April 11, 1899, and May 1, 1900, and also on merchandise brought into the United States from the Philippine Islands between April 11, 1899, and March 8, 1902, and for other purposes, which I will send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That authority be, and the same is hereby, given the Secretary of the Treasury to refund and repay from the appropriation "To repay to importers the excess of deposits for unascertained duties, or duties or other moneys paid under protest," made by section 3689 of the Revised Statutes, moneys paid to the United States without protest as duties and as fines on merchandise brought into the United States from Porto Rico between April 11, 1899, when the ratifications of the treaty of peace of December 10, 1898, with Spain were exchanged, and May 1, 1900, when the act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, went into effect, and also on merchandise brought into the United States from the Philippine Islands between April 11, 1899, and March 8, 1902, the date of the passage of "An act temporarily to provide revenue for the Philippine Islands, and for other purposes."

The committee amendment was read, as follows:

On page 2, line 14, after the word "purposes," insert, "*Provided*, That such claims shall be presented under such rules and regulations as the Secretary of the Treasury shall prescribe and within one year from the date of the passage of this act."

Mr. PAYNE. Mr. Chairman, this bill was reported unanimously from the Committee on Ways and Means at the last session of Congress, but there was not time in the closing hours of the House to consider it. These duties were collected between the 11th of April, the time of the ratification of the Paris treaty, and the time of the passage of the act enforcing 15 per cent of duties upon goods coming from Porto Rico to the United States, and also from the 11th of April and the time of the passage of the act imposing 75 per cent of the Dingley rates upon goods coming from the Philippine Islands.

Much of those duties were paid under protest, and the parties were in position to bring an action against the collector and recover the duties back, with interest upon the amount paid. The House will remember that the Committee on the Judiciary reported a bill at the last Congress to pay back these duties which had been imposed and were paid under protest, but it did not cover the duties that were paid without protest. Nearly the entire amount was paid under protest, and in that case the parties were allowed to go to the Court of Claims. The statute of limitations was taken out of the way, and they were permitted to recover the amount of duty paid under protest, with interest from the time of payment. That took care of that part of these duties, but, as I say, a small amount, the Secretary of the Treasury says in his letter, amounting to nearly $38,000, was paid on goods imported from these different islands during these periods into the United States and no protest was made.

Of course there can be no refund of these duties unless legislation is passed. This bill simply provides for the refund of these duties, and the amendment that it should be done under the rules and regulations made by the Treasury Department. That is all there is in this bill, and unless some one desires to debate it, I ask that the amendment be reported.

The Clerk again reported the amendment.

The CHAIRMAN. The question is on the amendment.

The question was taken and the amendment agreed to.

Mr. PAYNE. Mr. Chairman, I move that the committee do now rise and report both bills to the House as amended with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. GILLETT of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15794) to amend section 20 of an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved July 10, 1890, and the bill (H. R. 15155) to refund the amount of duties paid on merchandise brought into the United States from Porto Rico between April 11, 1899, and May 1, 1900, and also on merchandise brought into the United States from the Philippine Islands between April 11, 1899, and March 8, 1902, and for other purposes, and had directed him to report the same back to the House with amendments, and with the recommendation that as amended the bills do pass.

AMENDMENT TO CUSTOMS ADMINISTRATIVE ACT.

The first business was the bill (H. R. 15794) to amend section 20 of an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved July 10, 1890.

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

The amendment to the title recommended by the Committee of the Whole was agreed to.

REFUND OF CERTAIN CUSTOMS DUTIES.

The next business was the bill (H. R. 15155) to refund the amount of duties paid on merchandise brought into the United States from Porto Rico between April 11, 1899, and May 1, 1900, and also on merchandise brought into the United States from the Philippine Islands between April 11, 1899, and March 8, 1902, and for other purposes.

The amendment recommended by the Committee of the Whole was agreed to.

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

On motion of Mr. PAYNE, a motion to reconsider the votes by which the above two bills were passed was laid on the table.

DISTRIBUTION OF THE PRESIDENT'S MESSAGE.

On motion of Mr. PAYNE, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of House resolution 340, relating to the distribution of the President's message, with Mr. LACEY in the chair.

The resolution was read, as follows:

Resolved, That so much of the annual message of the President of the United States to the two Houses of Congress at the present session as relates to the revenue, the bonded debt of the United States, and the treaties affecting the revenue be referred to the Committee on Ways and Means.

That so much as relates to the foreign affairs, the consular and diplomatic service, including appropriations therefor, be referred to the Committee on Foreign Affairs.

That so much as relates to the appropriations of the public revenue for support of the Government as herein provided, namely, for the legislative, executive, and judicial expenses; for sundry civil expenses; for fortifications and coast defenses; for pensions; for the District of Columbia, and for all deficiencies, be referred to the Committee on Appropriations.

That so much as relates to the judiciary of the United States, to the administration of justice, to the punishment and prevention of crime and the organization of courts be referred to the Committee on the Judiciary.

That so much as relates to banks and banking and the currency be referred to the Committee on Banking and Currency.

That so much as relates to the mints of the United States and to the coinage of gold and silver bullion be referred to the Committee on Coinage, Weights, and Measures.

That so much as relates to the commerce of the United States, domestic and foreign, except so far as it affects the revenue, to intercolonial railways and cables, and the Isthmian Canal, be referred to the Committee on Interstate and Foreign Commerce.

That so much as relates to agriculture and appropriations therefor and to forestry be referred to the Committee on Agriculture.

That so much as relates to the merchant marine and fisheries be referred to the Committee on the Merchant Marine and Fisheries.

That so much as relates to the military establishment and appropriations therefor be referred to the Committee on Military Affairs.

That so much as relates to the naval establishment and to the construction of additional vessels for the Navy, and appropriations therefor, be referred to the Committee on Naval Affairs.

That so much as relates to the post-office and post-roads and to the carrying of the foreign mails, and appropriations therefor, be referred to the Committee on the Post-Office and Post-Roads.

That so much as relates to the public domain be referred to the Committee on the Public Lands.

That so much as relates to the relations of the United States to the Indian tribes and appropriations therefor be referred to the Committee on Indian Affairs.

That so much as relates to the Territories, Alaska, and the Hawaiian Islands be referred to the Committee on the Territories.

That so much as relates to the islands which came to the United States through the treaty of 1899 with Spain, and to Cuba (except so much as relates to the revenue and the appropriations), be referred to the Committee on Insular Affairs.

That so much as relates to the irrigation of arid lands be referred to the Committee on the Irrigation of Arid Lands.

That so much as relates to labor be referred to the Committee on Labor.

That so much as relates to the militia of the several States be referred to the Committee on Militia.

That so much as relates to the civil service be referred to the Committee on Reform in the Civil Service.

That so much as relates to foreign immigration be referred to the Committee on Immigration and Naturalization.

That so much as relates to printing be referred to the Joint Committee on Printing, on the part of the House.

That so much as relates to the affairs of the District of Columbia (excepting appropriations) be referred to the Committee on the District of Columbia.

Mr. PAYNE. Mr. Chairman, this is the usual resolution distributing the President's message. It is identical in language with that passed a year ago, except that there were two or three subjects in the last message that are not considered in this, and that part is left out. Otherwise the two resolutions are identical.

My friend from Pennsylvania [Mr. GROW] desires to address the committee, and I reserve my time.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GROW] is recognized.

Mr. GROW. Mr. Chairman, the President in his message says:

> Organized capital and organized labor alike should remember that in the long run the interest of each must be brought into harmony with the interest of the general public.

This declaration involves the question of the true relation of labor to capital.

Of all the baneful influences which lead to national decay, the most pernicious is a policy that degrades or impoverishes labor. The real strength of a nation consists not alone in fleets and armies, but in the manly spirit of an independent yeomanry and in the intelligence, comfort, and happiness of its laboring people.

Of all industrial questions, the one that most directly affects the general welfare is the relation of American labor to capital. In the prosecution of business of any magnitude three things are necessary—capital, supervision, and labor. For success, wise supervision is quite as important as either. Without capital and wise supervision it would be impossible for labor alone to accomplish any great result. Yet labor, whether of brain or muscle, is entitled to receive out of the accumulations of wealth in proportion to what it contributes toward the accumulation. While this theory is just, the difficulty in reducing it to practice is to devise a satisfactory method by which it could be done.

Copartnerships in all cases are based on the principle that whoever shares in net profits must in the same proportion be responsible for losses. But profit or loss in a business can not be ascertained until after the expiration of a period in the business. Yet labor must be paid in current expenses whether there is any net profit or not. Reliable statistics show that a large percentage of all kinds of business ends in bankruptcy, thus sinking the amount of capital invested. In such cases it is clear that labor receives all that it could possibly be entitled to under any theory of profit sharing. As wages are paid in current expenses, and capital takes all risk of losses, some method ought to be provided for the repayment of the capital invested. Even in successful business there would be no additional accumulation of capital until the money already invested should be repaid.

Copartnership between the owner of the capital in any business and its laborers would not be practicable, for the risk of losses and investment of money would all be on one side without investment or responsibility on the other. Incorporation of associations of laborers could not change these conditions. Incorporating individuals or associations without capital would be a mere fiction of law, like John Doe and Richard Roe in legal proceedings. Business can not be prosecuted successfully on mere legal fictions. Therefore corporations or associations for business must be based on actual capital.

To work is a right of every self-supporting, law-abiding person under any form of government, and the highest duty of free government is to protect individuals in this right. To invest money or not to invest is the right of the owner of capital. But whenever it is invested in business or any lawful pursuit it is entitled to the protection of law the same as labor is entitled to protection for its rights.

Law can not create or compel the investment of capital any more than it can compel labor to work outside of penal and charity institutions, but unwise legislation can prevent the investment of capital and may destroy it. Unreasonable demands by labor upon capital, if persisted in, can do the same thing.

Voluntary arbitration of disagreements between employer and employee—well enough in itself—only settles, however, the existing dispute, which may occur again in the same or a different form as often as the old disagreement may have been settled.

Compulsory arbitration between employer and employee would be a usurpation of the inherent rights of both by the lawmaking power. And could it lawfully be done, the tendency would be on one side to prevent the investment of capital, and on the other to a final establishment by law of a system of peonage for all labor. Law can no more compel capital to pay to labor a specified rate of wages than it can compel labor to work at a fixed rate of wages.

But if the proportion that ought to be paid to labor out of the net profits in a business could be ascertained with mathematical exactness it would not be a determination of the real relation of American labor to capital. The great question in this country in addition to that of profit sharing, is to determine how high the wages of labor can go without destroying labor itself.

The higher the wages of labor, and retain the market for its products, the better it is for everybody. To that point in all cases the employer can go. But beyond that point it is an impossibility. For labor can not be paid in the production of an article more than the article itself will sell for in the market. The market price for an article and the wages of labor in its production are not fixed by this country alone.

In respect to both market price and wages, this country is in competition with the markets and the labor of the world. A wise adjustment of tariff duties on the importations of the products of foreign labor can, to a certain extent, prevent the reduction of prices in this country to a point ruinous to labor. But the wages of labor can reach a point so high as to be beyond the power of tariff duties to overcome the competition of the poorly paid labor of the world. Free trade with the nations would give to labor everywhere the lowest wages paid anywhere.

In the countries of Europe there are to-day 20,000,000 or more of laborers and artisans producing articles for human consumption, and their daily wages are greatly less than those paid to labor in this country in like employments. It would cost any one of these laborers or artisans to remove from his home in the Old World to one in the New not to exceed $50 or $60. For every such person who should come there would be room for one less American laborer, provided there is American labor enough to supply the demand for labor.

The great attraction heretofore for emigration to this country has been that it is the land of liberty, home for the oppressed, and asylum of the exile. In addition, make it by undue stimulation the most attractive country for high wages and short hours for a day's work, and how long would it be before our home labor market would be overstocked from these beehives of industry beyond the power of legislation or the capacity of consumption to save American labor from the low wages of the Old World. To determine the point to which the increase of wages in this country can go and not produce such a result is the real solution of the problem of American wages.

The employee is entitled in all cases to a fair compensation for the time he uses his brain or muscle or both for the benefit of another. The time thus consumed and paid for belongs to the employer, and he has the right to direct the mode and manner of its use; the time not paid for belongs to the employee to do with it within legal limits as he pleases, and the employer has no more right to say how it shall be spent than has the employee to say to the employer whom he shall hire or how he shall conduct his business.

The right of the employer to control the time or the acts of the employee ends where payment ends. These are the relative rights of employer and employee and they can not be violated by either without injury to both. Either has the right to organize for the purpose of improving their condition or prospects in life. But no voluntary organization or association has any greater power or rights than the individuals composing it. Any attempt to exercise any greater power or rights than those possessed by the individual becomes an organized attack upon society itself, which, in self-defense, if there was no other reason, orderly governments must repel and prevent if they would preserve their own existence. [Applause.]

Labor, whether of brain or muscle, has two indefeasible rights, both entitled to full absolute protection under any form of government. One is to contract for employment on such terms as may be satisfactory; the other to refuse all employment, provided no application is made on the community for personal support. Every person self-supporting and law abiding has a right to work or not to work. This is an individual right which the laws of a free government are bound to protect. But no person has a right to prevent another person who desires to work from doing

so. Every person has the right to work without molestation, hindrance, or intimidation of any kind. The rights of one man end where the rights of another begin. [Applause.]

In free government there is no right in any citizen to combine for the injury of the general welfare, whether capitalist or day laborer. In this respect law applies alike to both. The primary object in the establishment and maintenance of free government is the general welfare, and in its administration that is paramount to all else. While all have the right to work or not, no one has the right to prevent, or attempt to prevent, by word, act, or deed, the prosecution by others of any lawful pursuit or the development of any industry useful and beneficial to mankind. Nor has anyone a right, by word or deed, to aid or abet in any way persons engaged in obstructing or in hindering the prosecution or development of enterprises and industries calculated to promote the general welfare.

Boycotting, as it is called, in any business rests on the assumption that nobody has any rights except the boycotter, and that he is privileged to fix the terms on which labor may earn its daily bread by its daily toil, and the conditions on which all business in a community must be conducted. The fundamental principle upon which free governments rest, and without which they can not exist, is the protection of the inalienable right of every person to life, liberty, and the pursuit of happiness. [Applause.]

The inalienable right of life and liberty is of little consequence without the inalienable right of the pursuit of happiness. The pursuit of happiness includes the right in the individual to pursue any legal employment in a lawful way without hindrance, molestation, or intimidation in any form. Laws in just governments are made for the protection of these fundamental rights, and whoever violates them or attempts to is subverting the spirit and genius of free institutions. Whoever prevents or attempts to prevent the development of an industry beneficial to mankind, or prevents or attempts to prevent the prosecution of such industry by others, becomes a conspirator against the general welfare just the same as a combination of capitalists might become injurious to the general welfare in their combinations.

A disagreement between the employer and the employee as to the wages of labor is no more a war between capital and labor than is a disagreement between the merchant and his customer as to the price of articles offered for sale a war between the producer and the consumer.

There can be no war or even conflict between capital and labor when their real interests are rightly understood and fully appreciated. They are mutually dependent on each other, and neither can accomplish any great results without the other. Of what use is labor beyond the supplying of mere physical wants by the cultivation of the soil without capital to furnish transportation to market for the products of labor as well as for the development of all industries? And of what use would capital be without labor? In the world's commerce the locomotive is of no use without cars filled with the products of labor, and such cars would be of no use without capital to build the railroad and buy the locomotive.

In the old system of mining in Mexico the peon dug the ore deep down in the earth, filled a sack of rawhide with the material, and throwing the sack over his shoulder, with a leather strap across his forehead to hold the sack, while he used his hands in climbing a single upright pole with notches cut into it like stairs for his feet. On reaching the top he emptied the sack of ore into larger ones suspended on either side of a donkey, and the donkey transported them along a zigzag path down the mountain side to a smelting furnace erected on the bank of the nearest stream of water.

Capital drives a tunnel through the mountain, lays an iron or steel track, and puts upon it a locomotive and cars, into which the peon loads the ore as he digs it, and in as many minutes as it took hours before the ore is transported to the furnace, and the peon is transformed from a drudge, doing the work of a beast of burden, into a man, with wages sufficient to make a home comfortable. Instead of the hovel of the peon, side by side with the stable of the donkey, there springs up comfortable dwellings, homes of happy childhood. So in all the pursuits of life, in order to accomplish the best results for the individual happiness of all, capital and labor must go hand in hand, mutually dependent on each other, and each respecting the rights of the other. [Applause.]

All manual laborers can not be equally successful any more than can all professional or business men. There is no possible way by which incapacity or improvidence can be made equally successful with capacity, prudence, and economy in the struggles of life. If this inborn inequality of capacity in individuals be an evil, it must be charged as a fault in the wisdom of creation.

Whoever is contented with sufficient means for making himself and those dependent upon him comfortable has attained all there is of real happiness in the accumulation of wealth and has therefore no reason to complain of his lot. All can not be poets, painters, or sculptors any more than all can be lawyers, doctors, or merchants, or tradesmen of any kind. Yet in this country every business pursuit or calling is within the reach of all. The highways to honorable distinction lead from the lowly cot of honest industry the same as from the gilded palaces of wealth or the halls of learning, and they are all open alike to the humblest child of the sons of toil, from whom have sprung most of the historic characters of our country and in which the passing generation has not been deficient. [Applause.]

The great soldier who sleeps on the banks of the Hudson, and who will through all time hold a foremost rank with the great captains who have led mighty armies over victorious battlefields, began life as a day laborer in a tanyard.

Our first martyr President was born in abject poverty, and to his mature manhood earned his daily bread by his daily toil. Yet of all the world's civic rulers in peace or war, he will forever hold no inferior niche in the pantheon of human greatness. [Applause.] His two martyred successors, each without wealth or family influences, achieved honorable distinction in all the pathways of life, and won the highest honors in the gift of a free people. In all the great enterprises of this generation, as well as of preceding ones, the individuals who have achieved the greatest success in the world's estimation have, in most cases, commenced active life with the smallest of pecuniary means.

The grievances of labor in free elective governments like ours are to be removed in the same way as any other grievance is removed, by an appeal to the intelligent judgment of public opinion. In free elective governments, with free speech, free press, and universal ballot, there can be no excuse for a resort to lawless violence for the correction of any grievance. In such governments obedience to the commands of law and the mandates of duly organized courts is paramount to all else.

No matter what the grievance complained of may be, a resort to lawless violence is an attack on the rights of every law-abiding citizen and upon organized society itself, and if successful it would be the first step in the road that leads to anarchy and national ruin. An enlightened public opinion in a free government will in the end correct all real grievances, if peaceable means only are employed. It may require time and patience. But that is the case with all attempts to remove long-standing abuses or to establish improved conditions.

No cause, great or small, was ever yet benefited by the violation of fundamental principles of right. God rules the universe by immutable laws of justice, and it is in vain for man to attempt to nullify them. One person's rights end where another's begin is a fundamental principle of all just laws and is the basis of civilized society. Liberty is the right of every person to engage in any lawful pursuit for a livelihood, and to continue therein without hindrance or molestation by any other person. And it is despotism in its worst form that deprives him of this right, a crime against humanity scarcely less than the taking of life itself. Shylock said to the judge, whose sentence of confiscation spared to him only his house and his life:

> You take my house, when you do take the prop
> That doth sustain my house; you take my life,
> When you do take the means whereby I live.

The discontents and complaints of indviduals in this country as to their lot in life spring in most cases from a mistaken notion as to life's most desirable aims and ends. No matter what the condition may be, there is more or less uneasy longing for something different. And when that something is reached or obtained the longing is not satisfied and there is still something a little ahead, almost within reach. Like the child who hastens toward the place where the rainbow seems to touch the earth, no matter how near he approaches the apparent spot, the distance still remains the same.

Most of man's discontents in life, whatever may be his pursuit, is either from impatience or for a longing for something which, if attained, would add little or nothing to his real happiness.

> We scorn to wait for the thing worth having;
> We want high noon at the day's dim dawn;
> We find no pleasure in toiling and saving,
> As our forefathers did in the good times gone.

The man of immense wealth is no happier than the man with moderate means, provided each is equally contented with his lot. Comfort and contentment are the two essentials for happiness in this world's pilgrimage, and whoever possesses them has no occasion to envy any other condition in life. Riches are not necessary to man's enjoyment, but the means to prevent starvation are. Nor is a splendid palace essential to his real happiness, but a shelter against the storm and the winter's blast is.

These indispensable requisites to man's comfort can be secured only by labor. Divine wisdom in the economy of creation made labor a necessity for human existence, and also made health and happiness dependent upon it. Labor, therefore, is not an evil to

be shunned, but is the means for the attainment of the most desirable ends and aims in life. [Applause.] "In the sweat of thy face shalt thou eat bread" was not a malediction against the race, but was a statement of the condition on which man could still be happy in his fallen state. All labor useful to man is equally honorable and is entitled to public consideration, and in all cases is entitled to something more than mere living wages.

If the foregoing views as to the rights of labor and the relation of American labor to capital are correct, then it is important that some feasible plan mutually satisfactory to employer and employee should be adopted for profit sharing by labor. It is obvious that as a business proposition it would be wholly impracticable to make the laborers employed in any business stockholders of the association or corporation. But it could be a part of the contract of employment that all persons employed by the association or corporation should be paid out of net profits, at stipulated periods, on the amount of wages or salary received for such period. the same percentage as shall be paid for such period to any stockholder on a like amount in stock.

Such a plan or something like it would remove the complaint made that labor does not receive a fair share in the accumulation of wealth. Labor contributes no part of the money capital invested and takes no risk of losses; yet it would be paid out of net profits the same percentage on every dollar of wages received as would be paid to any stockholder on a dollar in stock. Some such plan would seem to give to labor its full proportion of the net profits of the business in which it might have been employed. It certainly is entitled to share in net profits at some rate of percentage, if not the same that may be declared on capital stock.

Such a method, or any other mutually satisfactory to employer and employee that would avoid labor strikes, would save for general distribution a vast amount of money now wasted in such strikes, saying nothing of the enormous losses to the whole community in all branches of business or of the sacrifice of human life by lawless violence in such strikes. It has been estimated that the losses in the late anthracite coal strike in the State of Pennsylvania were over two hundred millions of dollars. The following statement by items shows an estimate of $197,390,000:

Strike began May 12, 1902, duration, days	154
Miners and others thrown out of work	183,500
Details of the total losses by reason of the strike.	
Loss in miners' wages	$29,350,000
Loss of operators	68,800,000
Loss of merchants in mining towns	22,750,000
Loss of mills and factories closed	7,520,000
Loss of merchants outside district	16,000,000
Loss of railways	34,000,000
Loss of business permanently	8,000,000
Cost of troops in field	1,850,000
Cost of coal and iron police	3,500,000
Loss to railway men in wages	275,000
Cost of maintaining idle men	545,000
Damage to mines and machinery	5,000,000
Total	197,390,000

A labor strike is an unequal contest at best. It is a contest of endurance between the hunger and thirst of the human stomach and the income of capital. Capital in such contests loses none of its accumulation of wealth, unless an industry itself should be destroyed, and in such case labor would be the greatest sufferer. The income of capital would be temporarily lessened. That would be all. The existence of labor itself is dependent upon constant employment, and its condition can not be improved by idleness or by lawless violence or a disregard of the rights of any law-abiding citizen.

The obligations of both capitalists and laborers, like that of all citizens, is to promote the general welfare, or at least to do nothing to its injury. The paramount object in the establishment and maintenance of free government is to promote the general welfare. Some method of profit sharing between employer and employee that would secure a harmonious cooperation of both, so as to prevent labor strikes and improve the condition of labor, is of vital importance to the general welfare; for the pillars of the Republic rest upon the comfort of the home and the happiness of the fireside of labor. [Loud applause.]

Mr. PAYNE. Mr. Chairman, if no one else desires to debate the resolution, I move that the committee rise and report it to the House and recommend its adoption.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LACEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House resolution 340, and had directed him to report the same back without amendment, and with the recommendation that the resolution be agreed to.

The resolution was agreed to.

On motion of Mr. PAYNE, a motion to reconsider the last vote was laid on the table.

PURE FOOD.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent for the consideration of the following order.

The SPEAKER. The gentleman from Iowa asks unanimous consent for the present consideration of the following, which the Clerk will report.

The Clerk read as follows:

Ordered, That House bill No. 3109, a bill for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments, in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes, be the special and continuing order until finally disposed of: *Provided, however*, That the consideration of said bill shall not interfere with the consideration of appropriation bills, conference reports, or special orders, or other subjects given privilege under the rules of the House.

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

Mr. RICHARDSON of Tennessee. Mr. Speaker, reserving the right to object, we would like to have some statement of what this bill is, and what its object is. I could not understand it from the reading of the order.

Mr. HEPBURN. This bill, Mr. Speaker, has been on the Calendar since the 2d day of April last. Substantially it has been reported to two or three Congresses. It is the pure-food bill. It is a bill that has been recommended, in the main, by the three or four pure-food congresses that have assembled annually in this city. It has received a great deal of attention. For days and weeks it was the subject of consideration by the Interstate Commerce Committee. Hearings were had on the bill for weeks, and from all parts of the country persons in interest, scientists, and others, were heard before that committee. The hearings are voluminous and have been in print now for nearly a year, and I hope there will be no objection to fixing a time for the consideration of the matter.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. I would like to ask the gentleman from Iowa if this bill has the unanimous report of his committee?

Mr. HEPBURN. There are two gentlemen who have filed their views as a minority.

Mr. UNDERWOOD. Are those gentlemen in the Hall at present?

Mr. HEPBURN. I do not think that one of them is now in the city. The gentleman from Georgia [Mr. ADAMSON] was here.

Mr. UNDERWOOD. I would like——

Mr. HEPBURN. I do not think there is any objection on the part of either of those gentlemen.

Mr. UNDERWOOD. Has the gentleman notified those gentlemen that he desired to ask unanimous consent for the passage of this order?

Mr. HEPBURN. No; I have not.

Mr. UNDERWOOD. If the gentleman states that he is satisfied that the gentlemen who filed the views of the minority have no objection to this order, I have no objection.

Mr. HEPBURN. I can not speak about the gentleman from Michigan [Mr. CORLISS]; I think he is not in the city. But the gentleman from Georgia [Mr. ADAMSON], I am quite sure, has no objection.

Mr. RICHARDSON of Tennessee. In the absence of the members of the minority——

Mr. HEPBURN. There are gentlemen of the minority here. This is asking for an order to fix a time for the consideration of what we call the pure-food bill.

Mr. RICHARDSON of Tennessee. I could not hear the colloquy between the gentleman from Iowa and the gentleman from Alabama.

Mr. HEPBURN. I do not think there is any objection.

Mr. RICHARDSON of Tennessee. I think that a request of this kind ought to be made on the part of the committee. Have the members of the minority agreed that a request be made to make this measure a special order?

Mr. HEPBURN. I can not say that there has been any agreement on the part of the committee, but I am of the opinion that no gentleman will object to the adoption of this resolution.

Mr. SHACKLEFORD. I am a member of this committee, and if there is any objection to that order being made I have not heard it.

Mr. RICHARDSON of Tennessee. I understand the gentleman from Georgia [Mr. ADAMSON] submitted the views of the minority, and I hope the gentleman will permit the matter to stand over until I can confer with him.

Mr. HEPBURN. The gentleman will understand that if I permit it to stand over I may not be fortunate in getting the Speaker's eye, as the gentleman knows. [Laughter.] Therefore I do not like to do it. Without the gentleman really has an objection, I say to him that, in my opinion, the gentleman for whom he speaks

will, if present, vote for the adoption of this resolution. I believe that.

Mr. RICHARDSON of Tennessee. There are two members of the minority present, who say there is no objection, and I shall not interpose any, and if there is anyone who does object to it he can do so.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the order just read.

The question was taken, and the order was agreed to.

NELLIE ETT HEEN.

Mr. MARSHALL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 12240.

The bill was read, as follows:

A bill (H. R. 12240) granting to Nellie Ett Heen the south half of the northwest quarter and lot 4 of section 2, and lot 1 of section 3, in township 154 north, of range 101 west, in the State of North Dakota.

Whereas one Lem A. Heen did, on the 28th day of May, A D. 1895, make homestead entry for the following described tract, to wit: South half of northwest quarter and lot 4 of section 2, and lot 1 of section 3, in township 154 north, of range 101 west, in the Minot land district, in the State of North Dakota, which application to enter was accepted and the entry placed of record, filing fee accepted, and receipt duly issued therefor to the said entryman, Lem A. Heen, by the officials of the said United States land office at Minot, in the said State of North Dakota; and

Whereas under and by virtue of the same the said entryman, Lem A. Heen, did thereafter enter upon said tract and has resided thereon continuously since said date, and is now residing thereon with his family, and has complied fully with the law relative to residence upon, cultivation, and improvement of Government homesteads, and has valuable and substantial improvements thereon; and

Whereas the said entryman did, on the 14th day of July, 1900, offer final proof for the tract above described, which proof was rejected on the 26th day of September, A. D. 1901, for the reason that the said entryman was not a citizen of the United States, neither could he become one, being born in China, and a Chinaman, and was not a qualified entryman and patent could not issue to him; and

Whereas the said entryman did emigrate to the United States on or about the year 1876, prior to the date of taking effect of the Chinese-exclusion act, and did thereafter marry one Nellie Ett Parker, a white woman and a citizen of the United States, and that there is issue of said marriage now living, and that under the ruling of the said United States land office patent can not issue to the said entryman, nor to the wife of the said entryman, nor to the child of the said entryman for the reasons stated aforesaid; and

Whereas in this a great hardship will be worked upon the said entryman and his said family and will deprive them of a home and of the fruits of their labor, for which under the law there is no remedy: Therefore,

Be it enacted, etc., That the following-described land is hereby granted to Nellie Ett Heen, to wit: The south half of the northwest quarter and lot 4 of section 2, and lot 1 of section 3, in township 154 north, of range 101 west, situate in the Minot United States land district, in the State of North Dakota.

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

Mr. RICHARDSON of Tennessee. Reserving the right to object, I would be glad if the gentleman will tell us how much there is of this land.

Mr. MARSHALL. One hundred and sixty acres.

Mr. RICHARDSON of Tennessee. Will you state why it is necessary to pass this bill, and what committee of the House reported it?

Mr. MARSHALL. It was unanimously reported by the Committee on Public Lands.

Mr. RICHARDSON of Tennessee. Has it the recommendation of the Commissioner of the General Land Office?

Mr. MARSHALL. Yes, sir.

Briefly, this bill provides for deeding 160 acres of land to a white woman, the wife of a Chinaman. The Chinaman was bona fide allowed to file on a homestead at Minot, N. Dak.; he paid his filing fee and the receipt was duly issued. The papers were passed by the General Land Office in Washington through error, for the reason that no Chinaman has the right, not being a citizen of the United States, and not being able to become a citizen of the United States, to file a homestead entry. This man has lived there with his wife and family since 1895 and made valuable improvements on this land. He has tendered final proof, which was rejected for the reason that he was not a citizen and could not become such. Under these circumstances it is deemed nothing more than right to deed the land to his wife for her benefit and that of her children.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

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

On motion of Mr. MARSHALL, a motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN F. BRANSFORD.

Mr. LAMB. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 4083.

The Clerk read as follows:

A bill (S. 4083) for the relief of Surg. John F. Bransford, United States Navy.

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and empowered to transfer Surg. John F. Bransford, of the retired list of the United States Navy, from the half-pay list to the 75 per cent pay list of retired officers, under section 1588 of the Revised Statutes of the United States, the original appointment and retirement of the said John F. Bransford under the provisions of the act of Congress approved February 5, 1901, having been authorized because of disability incurred while in discharge of duty as passed assistant surgeon during the Spanish war. The said transfer shall take place as of the date of the passage of this act.

The SPEAKER. Is there objection?

Mr. PAYNE. Reserving the right to object, I should like the gentleman to give us an explanation of the bill.

Mr. LAMB. This bill, Mr. Speaker, simply advances a gentleman now on the retired list from the 50 per cent grade to the 75 per cent grade. The bill has the unanimous report of the House committee and the Senate committee.

The SPEAKER. The Chair hears no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. LAMB, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 1 o'clock and 32 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioners of the District of Columbia submitting an additional estimate of appropriation for site for a new building for police court in the District of Columbia and preparation of plans therefor—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for the construction of Army General Hospital, District of Columbia—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation, under "Armament of fortifications," for cast steel top carriages for 12-inch mortars—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Agriculture submitting an estimate of emergency appropriation to enable the Bureau of Animal Industry to eradicate the foot-and-mouth disease in New England States—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting an estimate of deficiencies in appropriations for the fiscal year ending June 30, 1903, and for prior years—to the Committee on Appropriations, and ordered to be printed.

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. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13727) granting a pension to Fannie E. Strohauer, reported the same with amendments, accompanied by a report (No. 2790); 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. 1015) granting an increase of pension to Isaac F. Russell, reported the same with amendment, accompanied by a report (No. 2791); 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. 15473) granting an increase of pension to Winthrop W. Wolcott, reported the same without amendment, accompanied by a report (No. 2792); 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. 5007) granting an increase of pension to James W. Messick, reported the same with amendment, accompanied by a report (No. 2793); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12981) granting a pension to Sarah A. Waltrip, reported the same with amendments, accompanied by a report (No. 2794); 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. 15391) granting a

pension to Margaret Cotter, widow of John A. Cotter, Company B, Second Tennessee Volunteer Cavalry, reported the same with amendments, accompanied by a report (No. 2795); 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. 4983) granting an increase of pension to Lucy L. Smith, reported the same with amendments, accompanied by a report (No. 2796); 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. 14058) granting a pension to Maj. Emil Pfeiffer, reported the same with amendments, accompanied by a report (No. 2797); 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. 13353) granting an increase of pension to George Thompson, reported the same with amendment, accompanied by a report (No. 2798); 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. 13485) granting a pension to Louisa Josephine Stanwood, reported the same with amendments, accompanied by a report (No. 2799); 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. 14027) granting an increase of pension to Thomas J. Winfred, reported the same with amendment, accompanied by a report (No. 2800); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13472) granting an increase of pension to Lewis E. Wilcox, reported the same with amendment, accompanied by a report (No. 2801); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (S. 5944) granting an increase of pension to Frederick W. Willey, alias William F. Willey, and the same was referred to the Committee on Invalid Pensions.

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. PEARRE: A bill (H. R. 15880) to allow the resubdivision of lots or blocks, recorded in the surveyor's office of the District of Columbia, where a proposed street of the permanent system of highways affects the same—to the Committee on the District of Columbia.

By Mr. RICHARDSON of Tennessee: A bill (H. R. 15881) to amend "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia"—to the Committee on the District of Columbia.

By Mr. NEVIN: A bill (H. R. 15882) to increase the limit of the appropriation for a public building at Hamilton, Ohio—to the Committee on Public Buildings and Grounds.

By Mr. BREAZEALE: A bill (H. R. 15883) to provide for a public building at Natchitoches, La.—to the Committee on Public Buildings and Grounds.

By Mr. WANGER: A joint resolution (H. J. Res. 224) to provide for the printing of 6,000 copies of the consolidated report of the Gettysburg National Park Commission, 1893 to 1902, inclusive—to the Committee on Printing.

By Mr. COCHRAN: A joint resolution (H. J. Res. 225) suspending the operation of all laws imposing a tariff on bituminous and anthracite coal—to the Committee on Ways and Means.

By Mr. STORM: A concurrent resolution (H. C. Res. 62) authorizing the Secretary of War to submit an estimate of the cost of obtaining a channel 14 feet deep and 100 feet from deep water in East River to the lower bridge at Flushing, N. Y.—to the Committee on Rivers and Harbors.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BALL of Delaware: A bill (H. R. 15884) granting an increase of pension to William W. Lackey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15885) granting a pension to David Clower—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15886) granting a pension to M. Elizabeth Kent—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15887) granting a pension to Daniel McCusker, jr.—to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 15888) for the relief of the heirs of Henry Ware—to the Committee on War Claims.

By Mr. BEIDLER: A bill (H. R. 15889) granting an increase of pension to Chester A. Abbott—to the Committee on Invalid Pensions.

By Mr. CROWLEY: A bill (H. R. 15890) granting an increase of pension to John W. Brooks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15891) granting an increase of pension to Samuel Engle—to the Committee on Invalid Pensions.

By Mr. COWHERD (by request): A bill (H. R. 15892) granting an increase of pension to Eli Titus—to the Committee on Invalid Pensions.

By Mr. CROMER: A bill (H. R. 15893) granting an increase of pension to John A. Keenor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15894) granting an increase of pension to Lewis P. Everett—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 15895) granting an increase of pension to Andrew Ivory—to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 15896) granting an increase of pension to John W. Smith—to the Committee on Invalid Pensions.

By Mr. KEHOE: A bill (H. R. 15897) granting an increase of pension to James F. Scott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15898) granting an increase of pension to Greenberry Sexton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15899) granting an increase of pension to Ferguson Logan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15900) granting a pension to Frank G. Himes—to the Committee on Invalid Pensions.

By Mr. MICKEY: A bill (H. R. 15901) granting an increase of pension to James F. Harris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15902) granting a pension to Norris H. Taylor—to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 15903) granting an increase of pension to William B. Shepard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15904) granting an increase of pension to Jeremiah Burchett—to the Committee on Invalid Pensions.

By Mr. SHOWALTER: A bill (H. R. 15905) granting a pension to Adam Wiles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15906) granting a pension to Joseph Grennue—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15907) granting a pension to John McKeever—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 15908) granting a pension to Addison Arnold—to the Committee on Invalid Pensions.

By Mr. TOMPKINS of New York: A bill (H. R. 15909) for the relief of Charles M. Everett—to the Committee on Invalid Pensions.

By Mr. WOODS: A bill (H. R. 15910) granting an increase of pension to James A. Hale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15911) granting an increase of pension to George N. McMurry—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 15912) granting an increase of pension to Cloyd C. Maulding—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15913) granting a pension to David W. West—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15914) granting a pension to John Foruts—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 15915) granting an increase of pension to Frank Stoppard—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 15916) granting a pension to May Shields Mitchell—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BEIDLER: Papers to accompany House bill granting a pension to Chester W. Abbott—to the Committee on Invalid Pensions.

By Mr. CASSINGHAM: Papers to accompany House bill 15466, granting a pension to John H. Robson—to the Committee on Invalid Pensions.

Also, paper to accompany House bill 15464, granting a pension to Belle Wells—to the Committee on Invalid Pensions.

By Mr. CROWLEY: Paper to accompany House bill 15539, granting an increase of pension to Thomas W. Dodge—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to Samuel Engel—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to John W. Brooks—to the Committee on Invalid Pensions.

By Mr. DALZELL: Papers to accompany House bill granting an increase of pension to Andrew Ivory—to the Committee on Invalid Pensions.

By Mr. EVANS: Paper to accompany House bill 15820, granting an increase of pension to James R. Werts—to the Committee on Invalid Pensions.

Also, paper to accompany House bill 15823, granting a pension to Andrew Dibert—to the Committee on Invalid Pensions.

By Mr. GREENE of Massachusetts: Resolutions of the Massachusetts State Board of Trade for the enactment of liberal laws for the district of Alaska, to open the land to settlement, etc.—to the Committee on the Territories.

Also, resolutions of the Massachusetts State Board of Trade for an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. KEHOE: Petition of the Board of Trade of Maysville, Ky., relative to Alaskan legislation—to the Committee on Territories.

Also, petition of sundry citizens of Maysville, Ky., for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. KETCHAM: Petition of citizens of Chatham, N. Y., in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

By Mr. MERCER: Papers to accompany House bill 15847, granting a pension to Thomas Cosgrove—to the Committee on Invalid Pensions.

By Mr. SHOWALTER: Papers to accompany House bill granting a pension to Enos M. McDonald—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to John McKeever—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting a pension to Joseph Grennue—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Paper to accompany House bill granting a pension to David W. West—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to John Foruts—to the Committee on Invalid Pensions.

By Mr. WOODS: Papers to accompany House bill granting an increase of pension to James A. Hale—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to George N. McMurry—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *December 11, 1902.*

Prayer by Rev. J. W. DUFFEY, D. D., of the city of Washington.

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

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

LEASING OF UNOCCUPIED GOVERNMENT PROPERTY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a report relative to the leasing for a period not exceeding five years of certain unoccupied and unproductive property of the United States under his control, for the leasing of which there is no authority under existing law, etc.; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUBLIC FOREST RESERVATIONS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a draft of a proposed bill providing for the sale of timber and other material growing or being on public forest reservations, and for the renting or leasing of lands therein; which, with the accompanying paper, was referred to the Committee on Forest Reservations and the Protection of Game, and ordered to be printed.

CHARLES S. LOBDELL.

The PRESIDENT pro tempore laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Charles S. Lobdell *v.* The United States; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel schooner *Conrad*, John Osborn, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel schooner *Hope*, Ephraim Hutchins, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 4083) for the relief of Surg. John F. Bransford, United States Navy.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 12240) granting to Nellie E. H. Heen the south half of the northwest quarter and lot 4 of section 2 and lot 1 of section 3, in township 154 north, of range 101 west, in the State of North Dakota; and

A bill (H. R. 15155) to refund the duties paid on merchandise brought into the United States from Porto Rico between April 11, 1899, and May 1, 1900, and also on merchandise brought into the United States from the Philippine Islands between April 11, 1899, and March 8, 1902, and for other purposes.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 15794) to amend section 20 of an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890; and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York. I present a petition of the Chamber of Commerce of New York, N. Y., represented by Mr. Morris K. Jessup, president, praying for the ratification of a reciprocal treaty with the Government of France. The petition is very short, and I ask that it may be read.

There being no objection, the petition was read and ordered to lie on the table, as follows:

[Chamber of Commerce of the State of New York, founded A. D. 1768.]

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

May it please your honorable body, the Chamber of Commerce of the State of New York respectfully represents:

That the extension of our export trade with foreign countries is now a pressing question, as enlarged markets for the products of our manufacturers, of our agricultural and other industries, have become most necessary for our commercial well-being;

That to secure such enlarged markets for our products, and to obtain the advantages that we seek for our own trade, we must depart from our policy of exclusiveness, and must offer certain reciprocal concessions in our duties on imports to those nations whose trade we desire to cultivate.

That among the treaties negotiated by our Government in the furtherance of this enlightened commercial policy the reciprocity convention with the Republic of France offers concessions of the greatest value to the export trade of the United States, and will open to our trade and manufactures a large and remunerative field.

That under the terms of this treaty the reductions from the French maximum to the minimum tariff average about 48 per cent, including oils, and about 26 per cent excluding them, and apply to the whole French tariff list, excluding 19 articles, whereas the reductions conceded on the part of the United States average only 6⅔ per cent, and apply to only 126 numbers out of 463 dutiable items, showing the greater advantage to be on our side.

That the important concessions to our great export trade obtained by our Government through the negotiation of this convention far outweigh the apprehension of possible slight injury to any isolated special interest.

Your memorialists respectfully urge upon your honorable body the early and favorable consideration of this most important subject; and your memorialists will ever pray.

[SEAL.] MORRIS K. JESSUP, *President.*
GEO. WILSON, *Secretary.*

NEW YORK, *December 8, 1902.*

Mr. CULLOM presented a petition of the congregation of the Parks Chapel Methodist Episcopal Church, of Urbana, Ill., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all immigrant stations; which was ordered to lie on the table.

He also presented a petition of the Live Stock Exchange of the National Stock Yards of Illinois, praying for the enactment of legislation amending section 4386, Revised Statutes, regulating the shipping of cattle; which was referred to the Committee on Interstate Commerce.

Mr. FOSTER of Washington presented a petition of sundry business firms of Seattle, Wash., praying for the enactment of legislation making tea in bond free after January 1, 1903; which was referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce and Board of Trade of Tacoma, Wash., praying for the enactment of