So the motion was agreed to.

The SPEAKER pro tempore. Pending the announcement of the vote, the Chair announces the signature of the Speaker to the following enrolled bills:

H. R. 15804. An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1904, and for other purposes;

H. R. 15243. An act to authorize the President of the United States to appoint Kensey J. Hampton captain and quartermaster in the Army;

H. R. 14384. An act to establish a life-saving station at the mouth of Black River, at or near the city of Lorain, in the State of Ohio;

H. R. 16656. An act regulating the importation of breeding animals;

S. 5437. An act to authorize the settlement of the accounts of officers of the Army; and

S. 3560. An act to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896.

The result of the vote was then announced as above recorded.

Accordingly (at 3 o'clock and 53 minutes p. m.) the House was declared in recess until 11 o'clock to-morrow, Monday, morning.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GROSVENOR, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 7172) to establish Dayton, in the State of Ohio, as a subport of entry, and to extend the privileges of the act approved June 10, 1880, to the port of Dayton, in the State of Ohio, reported the same with amendments, accompanied by a report (No. 3888); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FOWLER, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 17539) providing for the issue and circulation of national-bank notes, for the safe-keeping of public money, and for other purposes, reported the same without amendment, accompanied by a report (No. 3889); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 17543) authorizing the Secretary of the Treasury to provide a post-office building at all cities or towns where first, second, and third class post-offices are located—to the Committee on Public Buildings and Grounds.

By Mr. SHATTUC: A resolution (H. Res. 475) for the consideration of H. R. 12199 and Senate amendments—to the Committee on Rules.

By Mr. DALZELL: A resolution (H. Res. 476) relating to joint resolutions to continue appropriations—to the Committee on Rules.

By Mr. FOWLER: A resolution (H. Res. 477) for the consideration of H. R. 17539—to the Committee on Rules.

By Mr. GIBSON: A resolution (H. Res. 478) relating to House pension bills with Senate amendments—to the Committee on Rules.

By Mr. DALZELL: A resolution (H. Res. 479) relating to conference reports—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. GOOCH: A bill (H. R. 17544) for the relief of J. J. Robinson, of Carroll County, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 17545) for the relief of J. W. Knox, of Gallatin County, Ky.—to the Committee on War Claims.

SENATE.

MONDAY, *March 2, 1903.*

The Senate met at 11 o'clock a m.

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

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

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

POSTAL RATE ON PERIODICALS.

The PRESIDENT pro tempore laid before the Senate a communication from the Postmaster-General, transmitting, in response to a resolution of the 24th ultimo, an estimate of the effect on the revenue of the Post-Office Department in case of the adoption of an amendment giving all periodicals the same rate and terms as that now given the weekly periodicals; which, with the accompanying papers, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

INVESTIGATION BY INTERSTATE COMMERCE COMMISSION.

Tne PRESIDENT pro tempore laid before the Senate a communication from the Interstate Commerce Commission transmitting, in response to a resolution of June 24, 1902, certain information relative to the rates filed with the Commission by common carriers subject to the act to regulate commerce now in force on import and domestic traffic of like kind carried from various States in the United States to interior points of destination which show material differences, etc.; which, with the accompanying papers, was referred to the Committee on Interstate Commerce, and ordered to be printed.

DAUGHTERS OF THE AMERICAN REVOLUTION.

The PRESIDENT pro tempore laid before the Senate the Fifth Annual Report of the National Society of the Daughters of the American Revolution; which was referred to the Committee on Printing, and ordered to be printed.

JAMES DEITRICK.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior, submitting an estimate of appropriation for payment to James Deitrick for rent of land office at Peavey, Alaska, and for supplies furnished that office, etc., $1,620.32; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16842) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1904, and for other purposes.

The message also announced that the House had passed with amendments the bill (S. 7414) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12098) to amend section 1 of the act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for a right of way for railroads in the district of Alaska."

ENROLLED BILLS SIGNED.

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

A bill (S. 3560) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896;

A bill (S. 5437) to authorize the settlement of the accounts of officers of the Army;

A bill (S. 6139) amending the civil code of Alaska, providing for the organization of private corporations, and for other purposes;

A bill (H. R. 14384) to establish a life-saving station at the

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mouth of Black River, at or near the city of Lorain, in the State of Ohio;

A bill (H. R. 15804) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1904, and for other purposes;

A bill (H. R. 16069) authorizing the Secretary of the Interior to sell certain lands herein mentioned;

A bill (H. R. 16573) to authorize the construction of a bridge across St. Francis River, at or near the town of St. Francis, Ark.

A bill (H. R. 16656) regulating the importation of breeding animals;

A bill (H. R. 15243) to authorize the President of the United States to appoint Kensey J. Hampton captain and quartermaster in the Army; and

A bill (H. R. 16970) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1904, and for other purposes.

CREDENTIALS.

Mr. FOSTER of Washington presented the credentials of Levi Ankeny, chosen by the legislature of the State of Washington a Senator from that State for the term beginning March 4, 1903; which were read, and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. HOAR. I present a petition of six professors of American colleges and 27 other citizens of the United States, in addition to those presented heretofore by me, praying that a committee be appointed to inquire into conditions in the Philippines, so that the American people may know exactly the state of affairs in those islands. I move that the petition be referred to the Committee on the Philippines.

The motion was agreed to.

Mr. GIBSON. I present a joint memorial of the legislature of Montana, in the nature of a petition, praying that relief be granted to certain settlers on the Absarokee Forest Reserve in that State. I ask that the joint memorial be printed in the RECORD and referred to the Committee on Forest Reservations and the Protection of Game.

There being no objection, the joint memorial was referred to the Committee on Forest Reservations and the Protection of Game, and ordered to be printed in the RECORD, as follows:

OFFICE OF SECRETARY OF STATE, HELENA, MONT.

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

Whereas there now resides in the Absarokee Forest Reserve, of the State of Montana, a large number of bona fide settlers, in the counties of Carbon, Park, and Sweet Grass, holding 160 acres of land each; and

Whereas a large portion of the area covered by the Absarokee Forest Reserve is above timber line, and therefore grass-bearing land, without trees, and a large portion of such area is land devoid of timber and occupied by homestead settlers and is tillable land feasible to be reclaimed by irrigation; and

Whereas said land so settled upon by said persons is more valuable for agriculture and stock growing than for any other purpose; and

Whereas the present rules of the Department of the Interior relative to forest reserves prohibits the grazing of sheep and other live stock on the Absarokee Forest Reserve; and

Whereas heavy pecuniary loss will fall upon the residents, settlers, and flock masters residing in the vicinity of the Absarokee Forest Reserve by reason of such regulations of the Department of the Interior, and by reason of the enforcement thereof, and will result in their being deprived of the use of a very large area of the best pasture lands, and thereby cause the grasses thereon to go to waste, materially reducing the number of live stock that can be carried upon the open ranges of our State;

Whereas this great loss to the people of our State will be incurred without in any manner providing a better protection to our forests: Therefore, be it

Resolved, That we, your memorialists, of the Eighth legislative assembly of the State of Montana, do earnestly pray and petition the Congress of the United States to open for settlement said Absarokee Forest Reserve, or that portion thereof that is devoid of timber,

Resolved, That our Senators and Representatives at Washington, D. C., are hereby instructed to use all proper means to accomplish the desired legislation; and be it further

Resolved, That the secretary of state of Montana be, and is hereby, instructed to send a copy of this joint memorial to our Senators and Representatives at Washington, D. C.

B. F. WHITE,
Speaker of the House of Representatives.
W. M. BIGGS,
President of the Senate pro tempore.

Approved February 16, 1903.

J. K. TOOLE, *Governor.*

Filed February 16, 1903, at 4.15 p. m.

GEORGE M. HAYS,
Secretary of State.

Mr. GALLINGER presented a memorial of Coopers' Local Union No. 17, American Federation of Labor, of Portsmouth, N. H., remonstrating against the repeal of the revenue stamp tax on eighth kegs of beer; which was referred to the Committee on Finance.

Mr. CULLOM presented a petition of sundry citizens of Bureau County, Ill., and a petition of sundry citizens of Freeport, Ill., praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which were referred to the Committee on Interstate Commerce.

Mr. DUBOIS. I present a joint memorial of the legislature of Idaho, in the nature of a petition praying that an appropriation be made for the improvement of the Pend Oreille River in that State. I ask that the joint memorial be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the joint memorial was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Certificate of certified copy. State of Idaho. Office of the secretary of State.

I, Will H. Gibson, secretary of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of house joint memorial No. 3, by Ashley, which was filed in this office the 23d day of February, A. D. 1903, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 23d day of February, A. D. 1903.

[SEAL.] WILL H. GIBSON,
Secretary of State.

House joint memorial No. 3, in the house of representatives, by Ashley. Joint memorial to the Congress of the United States.

Your memorialists, the legislature of the State of Idaho, in regular session, do petition that the Congress of the United States will make such an appropriation as will render suitable for navigation that portion of the Pend d'Oreille River lying between Albany Falls and the mouth of the Priest River.

And your memorialists will ever pray.

The secretary of the State of Idaho is hereby requested to forward this memorial to the Congress of the United States.

This house joint memorial passed the house of representatives on the 14th day of February, 1903.

JAMES F. HUNT,
Speaker of the House of Representatives.

This house joint memorial passed the senate on the 20th day of February, 1903.

JAMES M. STEVENS,
President of the Senate.

I hereby certify that the within house joint memorial No. 3 originated in the house of representatives of the legislature of the State of Idaho during the seventh session.

ROBT. M. McCRACKEN,
Chief Clerk of the House of Representatives.

State of Idaho: Received and filed February 23, 1903.

WILL H. GIBSON,
Secretary of State.

Mr. KITTREDGE. I present a joint resolution of the legislature of South Dakota, relative to the enactment of legislation repealing the tariff on lumber. I ask that the joint resolution be printed in the RECORD, and referred to the Committee on Finance.

There being no objection, the resolution was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

OFFICE OF SECRETARY OF STATE, PIERRE, S. DAK.
STATE OF SOUTH DAKOTA, DEPARTMENT OF STATE.

UNITED STATES OF AMERICA,
State of South Dakota, Secretary's office.

I, O. C. Berg, secretary of state of the State of South Dakota, do hereby certify that the attached instrument of writing is a true and correct copy of house joint resolution No. 9, passed by the eighth legislative assembly, as the same appears of record in this office, and of the whole thereof.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State of South Dakota. Done at the city of Pierre, this 25th day of February, 1903.

[SEAL.] O. C. BERG, *Secretary of State.*

A joint resolution.

Be it resolved by the house of representatives (the senate concurring), That the present tariff duty on lumber has outlived its usefulness and that the needs of the hour demand its repeal; be it further

Resolved, That we hereby respectfully request our State senators and representatives to urge the immediate passage of an act repealing said tariff; be it further

Resolved, That the secretary of state be, and he is hereby, directed to send certified copies of this resolution to our Senators and Representatives in Congress.

(Indorsed:) I hereby certify that the within act originated in the house of representatives and was known in the house files as house joint resolution No. 9.

J. C. McLEMORE, *Chief Clerk.*

STATE OF SOUTH DAKOTA, OFFICE OF SECRETARY OF STATE.

Filed February 25, 1903, at 3.20 o'clock p. m.

O. C. BERG, *Secretary of State.*

Mr. DOLLIVER presented a petition of Waterloo Lodge, No. 314, International Association of Machinists, of Waterloo, Iowa, praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented a petition of Local Union No. 608, United Mine Workers, of Des Moines, Iowa, praying for the passage of the so-called anti-injunction and conspiracy bill; which was ordered to lie on the table.

Mr. GAMBLE presented a joint resolution of the legislature of the State of South Dakota, in favor of the enactment of legislation to repeal the present duty on lumber; which was referred to the Committee on Finance.

Mr. FRYE presented a petition of the American Scenic and

Historic Preservation Society, of New York City, N. Y., praying for the enactment of legislation setting apart certain lands in the Territory of Arizona as a public park; which was referred to the Committee on Public Lands.

He also presented petitions of the Department of Maine, Grand Army of the Republic, of Bangor, Me.; of the Department of Vermont, Grand Army of the Republic, of Rutland, Vt., and of the Department of Michigan, Grand Army of the Republic, of Lansing, Mich., praying for the enactment of legislation giving preference in the civil service to veterans of the war of the rebellion; which were referred to the Committee on Civil Service and Retrenchment.

BEET-SUGAR INDUSTRY.

Mr. TELLER. I present a paper, prepared by Truman G. Palmer, being a brief history of the origin and development of beet sugar. I move that the paper be printed as a document.

The motion was agreed to.

RECIPROCITY WITH HAWAII.

Mr. DIETRICH. I present a paper, being a history of the Hawaiian treaty, with a report from the Committee on Finance, signed by Justin S. Morrill, Daniel W. Voorhees, and NELSON W. ALDRICH; also a history of the agitation for Cuban reciprocity with the United States, and opinions as to the probable results of Cuban reciprocity, by Mr. CHARLES H. DIETRICH. The data and tables were compiled by Mr. Truman G. Palmer. I move that the paper be printed as a document, believing it will be of interest in considering the Cuban treaty and other measures.

The motion was agreed to.

FEDERAL AID IN DOMESTIC DISTURBANCES.

Mr. FORAKER. I ask that the document which I send to the desk may be printed as a Senate document. It is a compilation of cases in which the Government has aided in the suppression of domestic disturbances, compiled in the Adjutant-General's Office, War Department. I think it will be a very useful document.

The PRESIDENT pro tempore. The Senator from Ohio asks that there be printed as a Senate document a compilation entitled "Federal Aid in Domestic Disturbances." Is there objection? The Chair hears none, and it is so ordered.

REPORTS OF COMMITTEES.

Mr. DEPEW, from the Committee on Commerce, to whom was referred the bill (S. 5895) to provide United States registry for the steamer *Success*, reported it without amendment, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 6629) to authorize the President to nominate, as second lieutenant of infantry in the United States Army on the retired list, the oldest enlisted man on the rolls of the Army, submitted an adverse report thereon, and the bill was postponed indefinitely.

SURVEY OF BIG SANDY RIVER.

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

Resolved, That there be printed for the use of the Senate 500 additional copies of House Document No. 326, Fifty-sixth Congress, first session, and 500 copies of House Document No. 235, Fifty-sixth Congress, second session, and and that these editions be stitched together as one document.

BILLS INTRODUCED.

Mr. TALIAFERRO introduced a bill (S. 7446) for the relief of Salvador Costa; which was read twice by its title, and referred to the Committee on Claims.

Mr. McLAURIN of Mississippi introduced a bill (S. 7447) to reimburse the people of Indianola, Miss., and vicinity for moneys expended for necessary mail facilities; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. CULLOM submitted an amendment providing that all Union soldiers who served in the civil war, and who were honorably discharged, now employed as messengers or elevator conductors in the Senate, shall not be removed excepting for cause reported to and approved by the Senate, and that such names shall constitute the "soldiers' roll" of the Senate, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to lie on the table, and to be printed.

Mr. SIMON submitted an amendment providing that the military records of the Indian wars, now preserved in the Interior or other Departments, be transferred to the War Department, to be preserved in the Record and Pension Division of that Department, and that they shall be properly indexed and arranged for use, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to lie on the table, and to be printed.

DISTRICT CANALS AND STEAM RAILROADS.

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

Resolved, That the laws relating to canals and steam railroads in the District of Columbia be printed as a document, and that 100 additional copies be printed for the use of the Senate Committee on the District of Columbia.

CIRCULAR ON "ABNORMALITY OF MAN."

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

Resolved, That Circular No. 41893, issued by the Bureau of Education, be referred to the Committee on Printing for report on reprinting the same as a Senate document.

EASTERN RAILROAD AND BOSTON AND MAINE RAILROAD.

Mr. LODGE. I offer a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to require the Commissioner of Internal Revenue, in examining the refunding claim of the Eastern Railroad Company of the State of Massachusetts, in pursuance of the act of Congress approved February 28, 1901, to examine and report to the Senate the amounts paid as taxes by the said Eastern Railroad Company and the Boston and Maine Railroad in excess of the amount legally due, under the acts of Congress approved July 1, 1862, June 30, 1864, July 14, 1870, and amendments thereof.

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

Mr. PETTUS. I object.

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

COURTS IN INDIAN TERRITORY.

Mr. BAILEY. On Saturday I was about to move to reconsider the vote by which the Senate passed the bill (H. R. 16775) establishing United States courts at Duncan, Maryetta, and Comanche, Ind. T., and finding the bill I desired to reconsider had been sent to the House an order was made, on my motion, asking the House for the return of the bill. Certain complications have arisen which insure the defeat of the bill if it is returned. I therefore ask unanimous consent to withdraw the request made to the House for the return of the bill, leaving it exactly as it was sent to the House.

The PRESIDENT pro tempore. The Senator from Texas withdraws the request for the return of the bill, and the order will be rescinded.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to the consideration of the deficiency appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 17493) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with and that the amendments be considered as they are reached in the reading.

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

Several Senators addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Maine yield for morning business?

Mr. HALE. I will yield for morning business.

JOHN T. VINCENT.

Mr. GAMBLE. I am directed by the Committee on Indian Depredations to report a resolution, with the accompanying papers, and I ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That the bill (S. 2286) entitled "A bill for the relief of John T. Vincent," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

Mr. BAILEY. Do I understand that this is a request for unanimous consent?

The PRESIDENT pro tempore. It is a report of a Senate resolution from the Committee on Indian Depredations referring a matter to the Court of Claims, and unanimous consent was asked that it might be now considered.

Mr. BAILEY. Pending that request, I desire to inquire why this single case should be sent to the Court of Claims. Is it the purpose to waive the statute of limitations?

Mr. GAMBLE. No, sir; it is for a review of the case. The object of the resolution is to refer the matter to the Court of

Claims and for the court to report its findings to the Senate, under the provisions of the act of March 3, 1887. It is the only case of this kind which was before the committee for its consideration. The question of amity or of citizenship is not involved in the pending bill.

Mr. BAILEY. The committee has a general bill before it, and I had earnestly hoped that that bill would be reported and be acted on. I imply no criticism against the committee, because I am sure it is proceeding in the way that seems best to it. The only point I have in my mind is that I am not willing to have a single claimant taken out from the general operation of the law and provided for while the general bill itself sleeps in the committee.

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

Mr. BAILEY. I do not want to object, but I want first to inform myself as to the object in proposing this single relief.

Mr. HALE. Mr. President, I only yielded for routine morning business. Of course I can not yield to anything that will give rise to debate.

Mr. BAILEY. Not knowing the merits of the bill, I am not willing to interpose an objection, and therefore if it is necessary that the bill be defeated or I be left without the information, I believe I will content myself to go without the information.

Mr. SPOONER. Mr. President——

Mr. GAMBLE. I hope there will be no objection to the immediate consideration of the resolution.

The PRESIDENT pro tempore. Is there objection?

Mr. HOAR. The Senator from Texas can move to reconsider it and by and by look at it. That will hang it up in the Senate for the present.

Mr. SPOONER. I should like to ask the Senator from South Dakota what is the subject-matter of this claim.

Mr. GAMBLE. It is an Indian depredation claim where a party claims he lost in the destruction of his property by an incursion of Indians something like $2,800. The property consisted of horses, stock, and equipments which he had employed in a freighting outfit. The case was heard before the Court of Claims. The case appears to have been improperly tried. The evidence was improperly submitted, and was considered by the court as insufficient. The finding of the court was against the claimant. In the opinion of the committee, upon the showing made, there was an evident miscarriage of justice. It was considered a proper case for the action proposed.

Mr. SPOONER. I should like to ask the Senator——

Mr. GAMBLE. The resolution simply refers the case to the Court of Claims to return its findings under the act referred to. It was carefully investigated by a subcommittee, and it has the unanimous report of the committee favoring its reference to the court.

Mr. SPOONER. Did the claimant have his day in court before?

Mr. GAMBLE. He did have his day in court, but the evidence was not sufficient. He failed to present the facts fully through his attorney, and the finding of the court was against him.

Mr. PLATT of Connecticut. This is simply for a finding of facts, as I understand it.

Mr. GAMBLE. Yes, sir; and the finding is to be returned to the Senate, and such action can then be taken as may be proper.

Mr. PLATT of Connecticut. It is not for a judgment?

Mr. GAMBLE. It is not for a judgment; simply for a finding.

Mr. DUBOIS. I should like to ask the Senator from Connecticut or the Senator from Wisconsin a question. There is a bill on the Calendar treating this subject generally, extending the jurisdiction of the court, etc., in Indian depredation claims, in which a number of us are very much interested. I wish to know if there is any very serious objection to that bill. It would include what the Senator from South Dakota desires and what a great many more of us desire.

Mr. SPOONER. If the Senator addresses his inquiry to me, I will say to him that I did not know anything of the existence of such a bill. I have never seen it. Whether it is objectionable or not I could not say.

Mr. DUBOIS. Can the Senator from South Dakota inform me in regard to the Indian depredation claims bill which is on the Calendar?

Mr. GAMBLE. If I may be permitted, I will state that the Committee on Indian Depredations has already reported the bill to which the Senator from Idaho refers, and it is now upon the Calendar. That bill relates to the qualification of citizenship of the claimant, made necessary under the present statute. It proposes to change the word "citizen" to "inhabitant." That bill has never been reached for consideration. That is the bill to which the junior Senator from Texas refers.

Mr. BAILEY. That is the bill, minus what I conceive to be a very important provision, that which relates to the amicable relation of the Indians with the General Government. I regard it as very much more important to allow those people, whose property was taken under the pretense of a war, a day in court than it is to allow aliens their day. However, that would be a matter for the committee to determine first, and for the Senate afterwards.

Mr. GAMBLE. The committee in its report recommended favorably the provision of the bill as to citizenship, but reported adversely the provision as to amity.

Mr. ALDRICH. Regular order.

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

Mr. DUBOIS. The Senator from South Dakota who now has the floor introduced a bill, which is Order of Business 1441, Senate bill 3544, which includes this whole subject, and a great many of us are very much interested in it. I would ask if we could not pass that bill as well as a private bill.

Mr. BAILEY. I will say to the Senator from Idaho that I would be compelled to resist the passage of the bill as reported by the committee unless a provision was made to cover the cases of people whose property was taken when it was contended that the Indians were in a state of war, because I know that if the bill should be passed with that provision left out those people would be left remediless forever more. I hope the Senator from Idaho will not attempt to pass it until we can have a reasonable time to discuss that question.

Mr. DUBOIS. I shall not attempt to do it, nor shall I object to the request of the Senator from South Dakota.

Mr. GAMBLE. The pending resolution has no relation to the bill to which the Senator from Texas refers.

The PRESIDENT pro tempore. The Chair will once more ask, Is there objection to the consideration of the resolution?

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

W. W. WHEELER AND OTHERS.

Mr. WARREN. From the Committee on Claims I report and ask present consideration of a resolution.

The Secretary proceeded to read the resolution.

Mr. ALDRICH. What is the request?

The PRESIDENT pro tempore. It is a resolution of reference to the Court of Claims, reported favorably from the Committee on Claims by the Senator from Wyoming.

Mr. ALDRICH. Is there any occasion for reading it?

Mr. WARREN. I ask for its immediate consideration.

Mr. ALDRICH. I shall have to object to the present consideration of the resolution.

The PRESIDENT pro tempore. Objection is made, and the resolution goes to the Calendar.

Mr. WARREN. If the Senator from Rhode Island will withdraw his objection for a moment, I will make a statement. This resolution is a very short paper. It merely gives the numbers and titles of the bills. The intention of the resolution is to carry to the Court of Claims for finding, not for judgment, such bills as have had the attention of the Committee on Claims during the session. In fact, no bills have been sent down during this session until now. This represents the work of the committee on this particular line of claims since our assembling in December.

Mr. ALDRICH. Under the circumstances I will not object.

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

Resolved, That the following Senate bills, to wit, No. 44, to permit W. W. Wheeler to prosecute a claim; No. 50, for the relief of the legal representatives of Joseph C. Stark, deceased; No. 363, for the relief of Benjamin F. Garraway; No. 726, for the relief of the legal representatives of Andrew B. James, deceased; No. 1313, for the relief of Capt. James Holland; No. 1048, for the relief of Mrs. F. A. Moore, widow of J. J. Moore; No. 1319, for the relief of Thomas Smith; No. 1389, for the relief of L. B. F. Champion; No. 1442, for the relief of Thomas Y. Berry, administrator of Thomas Berry, deceased; No. 1520, for the relief of H. B. Miller, surviving partner of J. G. and H. B. Miller & Co.; No. 1653, for the relief of the estate of Thomas W. Nicholson, deceased; No. 1654, for the relief of W. Dallas Haywood; No. 1711, for the relief of Maria Gibson, deceased; No. 1796, for the relief of the estate of John S. Claybrooke, deceased; No. 1816, for the relief of the estate of William H. Watson, deceased, and Leonhard Fehner, deceased; No. 1829, for the relief of the estate of Mrs. Eloise Deslonde, deceased; No. 1901, for the relief of Edward Wetherington, executor of Jane L. Daugherty, deceased; No. 2395, for the relief of James Watt, administrator of the estate of Kate S. Jones, deceased; No. 2404, for the relief of Joseph Edward Montgomery; No. 2512, for the relief of Elijah Stannard; No. 2521, for the relief of J. W. Cannon; No. 2730, for the relief of H. C. Armistead; No. 2775, for the relief of the estate of Stephen Staley, deceased; No. 2777, for the relief of the county court of Jefferson County, W. Va.; No. 2830, for the relief of the estate of C. G. Bosnell, deceased; No. 3055, for the relief of Mason G. Ellzey, executor of William W. Ellzey, deceased; No. 3160, for the relief of the heirs of Stephen D. Castleman; No. 3161, for the relief of the heirs of Eli Stake; No. 3229, for the relief of Robert G. Throne and A. G. Adams; No. 3339, for the relief of the estate of George Messinger, deceased; No. 3455, for the relief of the estate of Samuel McPherson, deceased; No. 3456, for the relief of the estate of Edith Beard; No. 3527, for the relief of the estate of Thomas J. Price; No. 3534, for the relief of D. S. Barrus and others; No. 3897, for the relief of the estate of Henry E. Lawrence; No. 3973, for the relief of certain occupants or claimants or owners of property, at Nogales, Ariz.; No. 1577, for the relief of Peter Elwanger, administrator; No. 1927, for the relief of Adelaide B. Lindenberger; No. 2980, for the relief of the estate of William A. Nally; No. 3750, for the relief of William Fehr, administrator; No. 3770, for the relief of Harriet Camp,

widow of Adam Camp; No. 4046, for the relief of Samuel F. Ryan; No. 4081, for the relief of Louis Ellison; No. 4272, for the relief of the estate of Frederick J. Jones, deceased; No. 4307, for the relief of the estate of Robert J. Glass, deceased; No. 4431, for the relief of the estate of James M. Catlett, deceased; No. 4635, for the relief of the estates of Collins Adams and Lucy V. Weatherred, deceased; No. 4746, for the relief of the estate of Armand Duplantier; No. 5092, for the relief of the estate of Henry Dewell, deceased; No. 5183, for the relief of the heirs of John Poland, deceased; No. 5199, for the relief of Charles W. Wood; No. 5221, for the relief of Richard Berry; No. 5254, for the relief of G. Wat. Garner, sr.; No. 5512, for the relief of John Mantel; No. 5540, for the relief of the city of Memphis, Shelby County, State of Tennessee; No. 5630, for the relief of the heirs of Anna Holmes Bernard; No. 5691, for the relief of George L. Watkins, Betty A. Hamilton, Junius F. Watkins, Louisa J. Jones, and Lettie E. Kidd; No. 5912, for the relief of the heirs of Lemuel J. Bowden, deceased; No. 5977, for the relief of the estate of William Curry, William Pinkney, and James Filor; No. 6006, for the relief of the heirs of David C. Williams; No. 6027, for the relief of the heirs of William Markham, deceased; No. 6230, for the relief of Augustin Walsh; No. 6288, for the relief of Alexander Kennedy; No. 6409, for the relief of Robert G. Griffin, Catherine H. Harris, and Isaac P. Cromwell, administrators of Hannah T. Cromwell, deceased; No. 6469, for the relief of the estate of Asa Crow, deceased; No. 6518, for the relief of the personal representatives of Sewell B. Corbett, deceased; No. 6603, for the relief of the estate of James G. Hurst, deceased; No. 6760, for the relief of the county court of Berkeley County, W. Va.; No. 6810, for the relief of John Perry, administrator de bonis non of Mary Scott, deceased; No. 6940, for the relief of the estate of Lucy A. Caldwell, deceased; No. 6993, for the relief of the Hagerstown and Middleburg Turnpike Company, of Washington County, Md.; No. 7065, for the relief of the heirs of the late Joseph E. Montgomery; No. 7087, for the relief of Henry J. Hewitt; No. 7133, conferring jurisdiction on the Court of Claims to try, adjudicate, and determine the claim of Clayton G. Landis, administrator of David B. Landis, deceased; No. 7256, for the relief of Edward F. Mitchell; No. 7303, for the relief of O. H. Perry, administrator of the estate of George W. Perry, late of the county of Craven, N. C.; No. 7294, for the relief of Corning & Co.; No. 7316, to refer to the Court of Claims the claim for Monocacy; No. 7371, for the relief of William S. Gray; No. 7409, for the relief of the heirs of Robert M. Ely, deceased; No. 7424, for the relief of Albert L. Scott; No. 366, for the relief of D. W. Stuart, executor of Charlotte Spear, deceased; No. 2842, for the relief of the estate of John L. Smith, deceased; No. 4391, for the relief of the estate of Josiah M. Stephenson, deceased; No. 4478, for the relief of the estate of Emily R. Martin, deceased; No. 4737, for the relief of the estate of P. B. Sawyer, deceased; No. 7408, for the relief of Newton Woodyard, now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

Mr. RAWLINS. It seems to me that those bills ought to be read to the Senate, so that we can be informed as to what they are.

The PRESIDENT pro tempore. The bills can be read by title if the Senator desires. There is quite a large number of them.

Mr. RAWLINS. I think they ought to be read.

The PRESIDENT pro tempore. They will be read by title.

Mr. HALE. Hereafter I shall object to anything coming in. It takes too much time.

The Secretary read the bills by title as appearing in the resolution.

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

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

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17046) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 4, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: At the end of said amendment, after the word "appropriated," insert: "*Provided*, That if in the judgment of the Secretary of War the carriage, emplacement, and loading mechanism can be completed for the sum hereby appropriated, and when completed will be of service to the Government, the appropriation herein made shall be available;" and the Senate agree to the same.

GEORGE C. PERKINS,
F. E. WARREN,
B. R. TILLMAN,
Managers on the part of the Senate.

J. A. HEMENWAY,
LUCIUS N. LITTAUER,
THOS. C. McRAE.
Managers on the part of the House.

The report was agreed to.

PUBLIC BUILDINGS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 7414) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes.

Mr. FAIRBANKS. I move that the Senate nonconcur in the amendments of the House of Representatives and ask for a conference with the House on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. FAIRBANKS, Mr. WARREN, and Mr. TURNER were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17046) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 12199) to regulate the immigration of aliens into the United States, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHATTUC, Mr. ADAMS, and Mr. ROBB managers at the conference on the part of the House.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 28th ultimo approved and signed the following acts:

An act (S. 5641) granting a pension to Charlotte J. Closser;
An act (S. 5786) granting a pension to Julia A. Jordan;
An act (S. 5929) granting a pension to Margaret J. McCranie;
An act (S. 5953) granting a pension to Ann M. Green;
An act (S. 6024) granting a pension to Rebecca A. Glass;
An act (S. 6229) granting a pension to Patrick W. O'Donnell;
An act (S. 6263) granting a pension to Rachel E. Bullard;
An act (S. 6338) granting a pension to Albert M. Smith;
An act (S. 6350) granting a pension to Inez McCollum;
An act (S. 6370) granting a pension to Alice F. Smalley;
An act (S. 6394) granting a pension to Evarts Ewing Munn;
An act (S. 6413) granting a pension to Harold P. Waldo:
An act (S. 6437) granting a pension to Frederick S. Woodward;
An act (S. 6352) granting a pension to S. Josie Hill;
An act (S. 6576) granting a pension to Marcia B. Ferguson;
An act (S. 6653) granting a pension to Halvor Paulsen;
An act (S. 6703) granting a pension to Henrietta V. West;
An act (S. 6876) granting a pension to Lavinia F. Poiron;
An act (S. 7186) granting a pension to Mary C. Couch;
An act (S. 2270) granting an increase of pension to Sarah J. Warren;
An act (S. 5508) granting an increase of pension to George J. Cheney;
An act (S. 5526) granting an increase of pension to Benjamin F. Cornman;
An act (S. 5568) granting an increase of pension to Emma R. Cropsey;
An act (S. 5610) granting an increase of pension to Joseph Twycross;
An act (S. 5662) granting an increase of pension to Henry Sickels;
An act (S. 5723) granting an increase of pension to Ole Hexon, alias Ole H. Olson;
An act (S. 5733) granting an increase of pension to John W. Slack;
An act (S. 5734) granting an increase of pension to Elijah A. Woodward;
An act (S. 5738) granting an increase of pension to William E. Fehrenback;
An act (S. 5803) granting an increase of pension to Nathaniel A. Winks;
An act (S. 5830) granting an increase of pension to Andrew Jackson;
An act (S. 5841) granting an increase of pension to John A. Barcus;
An act (S. 5846) granting an increase of pension to Thomas G. Forrester;
An act (S. 5850) granting an increase of pension to Herbert Whitworth;
An act (S. 5852) granting an increase of pension to Robert P. McRae;
An act (S. 5854) granting an increase of pension to Allen B. Evans;
An act (S. 5874) granting an increase of pension to Catharine A. Russell;
An act (S. 5901) granting an increase of pension to Orange Sells;
An act (S. 5938) granting an increase of pension to Henry O. McClure;
An act (S. 5952) granting an increase of pension to Henry L. Davenport;
An act (S. 5967) granting an increase of pension to Mary E. Craig;

An act (S. 5991) granting an increase of pension to William Barrett;
An act (S. 5993) granting an increase of pension to James G. Davis;
An act (S. 6012) granting an increase of pension to Mary Ann Sears;
An act (S. 6018) granting an increase of pension to William J. Chitwood;
An act (S. 6026) granting an increase of pension to Eliza Little;
An act (S. 6050) granting an increase of pension to Charles H. Barnes;
An act (S. 6063) granting an increase of pension to Orson Nickerson;
An act (S. 6066) granting an increase of pension to Edward Straub;
An act (S. 6096) granting an increase of pension to Hester A. R. Landers;
An act (S. 6107) granting an increase of pension to Hattie Connell;
An act (S. 6143) granting an increase of pension to Elvira C. Compton;
An act (S. 6191) granting an increase of pension to Samuel L. Thompson;
An act (S. 6192) granting an increase of pension to Austin H. Patterson;
An act (S. 6219) granting an increase of pension to Nannie Cushman;
An act (S. 6220) granting an increase of pension to Walter G. Tebbetts;
An act (S. 6262) granting an increase of pension to Charles C. Chesley;
An act (S. 6276) granting an increase of pension to Mary E. Russell;
An act (S. 6305) granting an increase of pension to James B. Taylor;
An act (S. 6326) granting an increase of pension to Luther D. Goddard;
An act (S. 6329) granting an increase of pension to Mary A. Noyes;
An act (S. 6348) granting an increase of pension to Napoleon B. Stockbridge;
An act (S. 6356) granting an increase of pension to Adah I. Miller;
An act (S. 6367) granting an increase of pension to Edmund P. Fox;
An act (S. 6373) granting an increase of pension to Joseph D. Lockhart;
An act (S. 6415) granting an increase of pension to Samuel J. Radcliffe;
An act (S. 6422) granting an increase of pension to Ann A. Hersum;
An act (S. 6431) granting an increase of pension to James Greenman;
An act (S. 6445) granting an increase of pension to John F. Briggs;
An act (S. 6465) granting an increase of pension to Alonzo Gilbert;
An act (S. 6466) granting an increase of pension to Willard A. Jackson;
An act (S. 6500) granting an increase of pension to Caroline W. Bixby;
An act (S. 6530) granting an increase of pension to Austin L. Topliff;
An act (S. 6563) granting an increase of pension to William A. Dougan;
An act (S. 6586) granting an increase of pension to Othniel P. Parcher;
An act (S. 6607) granting an increase of pension to Fordyce M. Keith;
An act (S. 6623) granting an increase of pension to Gilbert E. Bushnell;
An act (S. 6631) granting an increase of pension to Mitchell Hunt;
An act (S. 6632) granting an increase of pension to Frank Cleaves;
An act (S. 6641) granting an increase of pension to Sophie S. Shaffer;
An act (S. 6652) granting an increase of pension to Leander W. Cogswell;
An act (S. 6668) granting an increase of pension to Charles Graham;
An act (S. 6731) granting an increase of pension to Benjamin N. Bond;
An act (S. 6748) granting an increase of pension to Ann M. Haskell;
An act (S. 6795) granting an increase of pension to Hannah J. Hopkins;
An act (S. 6798) granting an increase of pension to Charles F. Sheldon;
An act (S. 6841) granting an increase of pension to Charles S. Boyington;
An act (S. 6842) granting an increase of pension to Stephen R. Swett;
An act (S. 6843) granting an increase of pension to A. Paul Horne;
An act (S. 6845) granting an increase of pension to Martha G. Cushing;
An act (S. 6941) granting an increase of pension to James Monty;
An act (S. 6981) granting an increase of pension to Lorenzo P. Duncklee;
An act (S. 6982) granting an increase of pension to Linda F. Moulton;
An act (S. 6983) granting an increase of pension to Gilman B. Johnson;
An act (S. 6984) granting an increase of pension to Maria A. Marden;
An act (S. 6985) granting an increase of pension to George Cummings;
An act (S. 7003) granting an increase of pension to Sarah C. Merrell;
An act (S. 7060) granting an increase of pension to Ann M. Jackman;
An act (S. 7076) granting an increase of pension to Charles L. Pinkham;
An act (S. 7077) granting an increase of pension to Cyrus B. Norris;
An act (S. 7100) granting an increase of pension to Maggie V. Holstein;
An act (S. 7145) granting an increase of pension to Rosetta E. Rafferty;
An act (S. 7166) granting an increase of pension to Fannie Farmer;
An act (S. 7176) granting an increase of pension to Jennie W. Rhoades;
An act (S. 7182) granting an increase of pension to William H. McHenry;
An act (S. 7202) granting an increase of pension to Fanny B. Orwan;
An act (S. 7207) granting an increase of pension to May Mosher Chase; and
An act (S. 7277) granting an increase of pension to Elbert H. Dagnall.

The message also announced that the President of the United States had on this day approved and signed the following acts:
An act (S. 6525) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia;" and
An act (S. 4850) to increase the pensions of those who have lost limbs in the military or naval service of the United States.

REGULATION OF IMMIGRATION.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 12199) to regulate the immigration of aliens into the United States, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PENROSE. I move that the Senate insist upon its amendments disagreed to by the House of Representatives, and I ask unanimous consent that five conferees be appointed by the Chair on the part of the Senate on the bill and amendments.

Mr. BAILEY. I wish to inquire if so far as the bill has now proceeded the prohibition provision is still in it?

Mr. PENROSE. To which provision does the Senator refer?

Mr. BAILEY. The provision which forbids the sale of liquor.

Mr. PENROSE. That provision, as I understand it, is not in disagreement between the two Houses.

Mr. BAILEY. I was sure of that, and that was the reason I wanted to be certain that it was still in the bill.

Mr. LODGE. I will say to the Senator and to the chairman of the Committee on Immigration [Mr. PENROSE], who was not here the other night, that that was a House provision to which the Senate has agreed, and it is therefore not in disagreement between the Houses and not open to amendment.

Mr. BAILEY. I tried to get the Senate to disagree to it, but they refused to do so, and I wanted to be certain that it was still in the bill. The House wanted that provision and voted for it, and I wanted them to have it.

The PRESIDENT pro tempore. The Senator from Pennsylvania moves that the Senate insist on its amendments disagreed

to by the House of Representatives, and agree to the conference asked for by the House of Representatives.

The motion was agreed to.

The PRESIDENT pro tempore. The Senator from Pennsylvania now asks unanimous consent that the President pro tempore be authorized to appoint five conferees on the part of the Senate. Is there objection?

Mr. GALLINGER. I inquire what is the number of conferees appointed by the other House?

The PRESIDENT pro tempore. Three.

Mr. GALLINGER. Is it not rather unusual for the Senate to appoint a larger number than is appointed by the other House?

The PRESIDENT pro tempore. The Chair has known seven conferees to be appointed.

Mr. LODGE. I will say to the Senator from New Hampshire that the House appointed five conferees and the Senate appointed three on the Philippine bill.

Mr. GALLINGER. I rose simply for information. I like to learn something each day.

The PRESIDENT pro tempore. There is no rule which limits the number of conferees to be appointed by either House.

Mr. GALLINGER. I was laboring under the impression that the number of Senate conferees should not exceed the number appointed by the other House, but if the custom is otherwise, I have no objection. I do not care anything about it.

The PRESIDENT pro tempore. The Chair hears no objection to the request of the Senator from Pennsylvania, and the Chair appoints as conferees on the part of the Senate the Senator from Pennsylvania [Mr. PENROSE], the Senator from Indiana [Mr. FAIRBANKS], the Senator from Massachusetts [Mr. LODGE], the Senator from Georgia [Mr. CLAY], and the Senator from Mississippi [Mr. MCLAURIN].

DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 17493) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes.

The PRESIDENT pro tempore. The bill will be read.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, under the head of "State Department," on page 3, after line 7, to insert:

To pay the assistant law clerk to be appointed by the Secretary of State to edit the laws of Congress and perform such other duties as may be required of him, as provided for by the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes, for services from December 1, 1902, until July 1, 1903, $875.

The amendment was agreed to.

The next amendment was, on page 3, after line 16, to insert:

To enable the Secretary of State to have the Great Seal of the United States recut from the original model, and to purchase a suitable press for its use and a cover to protect the same from dust, the sum of $1,250 appropriated by the deficiency act approved July 1, 1902, "To enable the Secretary of State to have the Great Seal of the United States recut," is hereby reappropriated for the purposes above mentioned.

The amendment was agreed to.

The next amendment was, at the top of page 4, to insert:

To pay the claim of the "Campagnie Francaise des Cables Telegraphiques" for compensation on account of expenses incurred in repairing the damage done to its cables and property by the military and naval authorities of the United States in Cuba during the Spanish-American war, $77,712.

The amendment was agreed to.

The next amendment was, on page 4, after line 6, to insert:

To pay the claim of the Cuba Submarine Telegraph Company for compensation on account of expenses incurred in repairing the damage done to its cables and property by United States forces during the war with Spain, $39,795.24.

The amendment was agreed to.

The next amendment was, on page 4, after line 12, to insert:

To pay to the Government of Great Britain, as an act of comity, without reference to the question of liability, for full indemnity to the owners of the British schooner Lillie, damaged during the course of a disinfection by the United States officials, near Biloxi, Miss., $1,580.24.

The amendment was agreed to.

The next amendment was under the subhead "Foreign intercourse," on page 5, after line 23, to insert:

To pay to the estate of Solomon Hirsch, deceased, late United States minister to Turkey, under the following appropriations, namely: Contingent expenses, foreign missions, 1891, $12.50; salaries of diplomatic officers while receiving instructions and en transit, 1893, $63.65; and steam launch for legation at Constantinople, 1892, $7.04; total, $83.19.

The amendment was agreed to.

The next amendment was, on page 6, line 24, to increase the appropriation to pay the amounts found due by the accounting officers of the Treasury on account of the appropriation for "contingent expenses, United States consulates," for the fiscal year 1902, from $56,596.18 to $57,255.44.

The amendment was agreed to.

The next amendment was, on page 7, line 5, to increase the appropriation to pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Contingent expenses, United States consulates," for the fiscal year 1901, from $12,264.74 to $12,491.46.

The amendment was agreed to.

The next amendment was, on page 7, line 11, to increase the appropriation to pay amounts found due by the accounting officers of the Treasury on account of the appropriation "salaries, chargé d'affaires ad interim," for the fiscal year 1902, from $395 to $412.76.

The amendment was agreed to.

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

Authority is hereby given to extend the leave of absence from his post of duty, with pay, of the envoy extraordinary and minister plenipotentiary to Venezuela for such time as the President may direct.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department," on page 12, line 5, to increase the appropriation for purchase of boxes, book rests, chairs, chair caning, chair covers, etc., from $3,000 to $5,000.

The amendment was agreed to.

The next amendment was, on page 13, line 3, to increase the appropriation for washing and hemming towels, for the purchase of awnings and fixtures, window shades and fixtures, etc., from $2,000 to $5,000.

The amendment was agreed to.

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

Purchase of registering accountants, numbering machines, and other machines of a similar character, and repairs thereto, $1,170.

The amendment was agreed to.

The next amendment was, on page 15, after line 16, to insert:

To pay to the owners of the Norwegian steamship Nicaragua in full for compensation for damage to said owners by reason of the rescue of an American citizen, John McCafferty, and the consequent quarantine of said ship at Mobile, Ala., in the year 1894, $4,926.67.

The amendment was agreed to.

The next amendment was, on page 16, after line 23, to insert:

Payment to J. N. Ornelas and other Mexican citizens for cattle seized: To pay J. N. Ornelas and other Mexican citizens the appraised foreign value of certain 72 head of cattle improperly seized and sold by the collector of customs at El Paso, Tex., and the proceeds covered into the Treasury, $391.

The amendment was agreed to.

The next amendment was, on page 17, after line 12, to insert:

Payment to Anne Arundel County, Md.: To pay the treasurer of Anne Arundel County, Md., being the cost of repairing the Curtis Creek bridge draw, damaged by the U. S. S. Tuscarora December 22, 1902, $370.

The amendment was agreed to.

The next amendment was, on page 18, after line 10, to insert:

Payment to Propeller Towboat Company: To enable the Secretary of the Treasury to carry out the provisions of the "Act for the relief of the Propeller Towboat Company, of Savannah," approved February 18, 1903, $2,929.45.

The amendment was agreed to.

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

Reimbursement of First National Bank of Navasota, Tex.: To pay to the First National Bank of Navasota, Tex., to reimburse said bank for the loss of $500 in mutilated currency by fire at Charlottesville, Va., while said money was en route by mail, properly registered, to the Secretary of the Treasury for redemption, $500.

The amendment was agreed to.

The next amendment was, under the subhead "Collecting internal revenue," on page 22, line 9, after the word "necessary," to insert the following proviso:

Provided, That claims for rebates on tobacco and snuff as set out in section 4 of the act of April 12, 1902, which were presented after the sixty days' limit therein specified shall be allowed and paid upon proper proof: *Provided*, That the tobacco and snuff on which such rebates are claimed were duly inventoried on July 1, 1902, in accordance with the regulations of the Commissioner of Internal Revenue.

The amendment was agreed to.

The next amendment was, on page 23, line 1, to increase the appropriation to pay amounts certified to be due by the accounting officers of the Treasury on account of the appropriation "Redemption of stamps," from $124,939.03 to $131,959.26.

The amendment was agreed to.

The next amendment was, on page 23, line 7, to increase the appropriation to pay amounts certified to be due by the accounting officers of the Treasury on account of the appropriation "Refunding taxes illegally collected," from $23,988.72 to $26,404.22.

The amendment was agreed to.

The next amendment was, under the head of "District of Columbia," on page 26, after line 12, to insert:

Free public library: That the unused portion of the appropriation made for salaries of engineer, fireman, workman, and charwomen for the fiscal year 1903 are hereby made applicable for the purpose of employing necessary temporary assistance in the conduct of said library for the current year.

The amendment was agreed to.

The next amendment was, on page 28, after line 15, to insert:

For additional amount for the house of detention, $1,000.

The amendment was agreed to.

The next amendment was, on page 29, after line 5, to insert:

The Commissioners of the District of Columbia are hereby authorized to transfer $1,000 from the appropriation for the purchase of hose to the appropriation for contingent expenses, fiscal year 1903.

The amendment was agreed to.

The next amendment was, on page 30, line 14, after the word "That," to insert "sections 1, 2, 3, 4, 5, 6, and 8 of;" so as to make the clause read:

That sections 1, 2, 3, 4, 5, 6, and 8 of the act of Congress approved January 31, 1899, entitled "An act to change the proceedings for admission to the Government Hospital for the Insane in certain cases, and for other purposes," and all other acts or parts of acts inconsistent herewith, be, and the same are hereby, repealed.

The amendment was agreed to.

The next amendment was, on page 31, after line 11, to insert:

Garfield Hospital isolating ward, District of Columbia: For additional amount required for maintenance of the isolation ward for minor contagious diseases at Garfield Hospital for the fiscal year 1903, $1,000.

The amendment was agreed to.

The next amendment was, on page 31, after line 16, to insert:

Industrial Home School, District of Columbia: For additional amount required for maintenance, fiscal year 1903, $4,000.

The amendment was agreed to.

The next amendment was, on page 31, after line 19, to insert:

Washington Hospital for Foundlings: To provide suitable protection against disaster by fire to the buildings of the institution, $1,100.

The amendment was agreed to.

The next amendment was, on page 37, line 2, to change the total appropriation for the Ordnance Department, military establishment, from $860,408.50 to $880,388.50.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous," on page 38, line 5, to increase the appropriation for transportation of destitute citizens from Alaska from $1,085 to $5,140.10.

The amendment was agreed to.

The next amendment was, on page 38, after line 10, to insert:

Reimbursement to Winfield T. Durbin: To reimburse Winfield T. Durbin, late colonel One hundred and sixty-first Indiana Volunteers, for amount expended in defending cases brought against him in Florida, $1,302.76, and for reimbursement for cost of erection of one hospital building, and for purchase of one garbage burner for use of the One hundred and sixty-first Regiment of Indiana Volunteers, which were afterwards left for use of the Third Division, Seventh Army Corps, hospital, $263.76; in all, $1,566.52.

The amendment was agreed to.

The next amendment was, on page 39, after line 14, to insert:

Credit in accounts of James E. McDonald, lieutenant, Twenty-fourth Infantry, United States Army: The accounting officers of the Treasury are hereby directed to credit the accounts of Lieut. James E. McDonald, Twenty-fourth United States Infantry, with $1,298.84, balance of quartermaster's funds fiscal year 1902, with which he remains accountable, being the difference between $3,058.96, the amount of public funds in his possession and destroyed by fire at Humingan, Pangasinan, P. I., on April 29, 1902, and $1,760.12, representing the value of the ashes of these funds which were found possible of identification and redemption by the Treasury.

The amendment was agreed to.

The next amendment was, on page 40, after line 18, to insert:

Credit in accounts of J. W. Pullman, lieutenant-colonel, deputy quartermaster-general, United States Army: The accounting officers of the Treasury are hereby authorized and directed to reopen the accounts of Lieut. Col. J. W. Pullman, deputy quartermaster-general, United States Army, and to credit him with the amounts of vouchers 1B, April, 1902, $111.97, and 1B, May, 1902, $224.58, "Army transportation," fiscal year 1899, total of $336.55, being for payments of transportation accounts made under misapprehension of law, from the appropriation of fiscal year 1899, which lapsed June 30, 1901.

The amendment was agreed to.

The next amendment was, on page 41, after line 18, to insert:

Payment for injuries to private property: For payment of cost of repairing injuries to private property by gun firing and mortar practice at Fort Preble, Me., Winthrop, Mass., and Fort Hamilton, N. Y., as reported to Congress in House Document No. 588, first session Fifty-seventh Congress, $3,806.72; at Fort H. G. Wright, N. Y., on Fishers Island, $25; in all, $3,831.72.

The amendment was agreed to.

The next amendment was, on page 42, after line 4, to insert:

Payment to Confederate soldiers: For payment of claims filed with the Quartermaster-General under act of February 27, 1902, for horses, saddles, and bridles taken from Confederate soldiers in violation of terms of surrender, $50,000; and all claims under said act shall be filed within one year from the 1st day of March, 1903, or be forever barred.

The amendment was agreed to.

The next amendment was, on page 42, after line 12, to insert:

Accounts of Alaska Commercial Company and others: The Secretary of the Treasury is hereby authorized and required to examine and adjust the accounts of the Alaska Commercial Company, the North American Transportation and Trading Company, and the Alaska Exploration Company for supplies furnished and services rendered to the sick, destitute, and starving natives of Alaska during an epidemic of disease over that country in the year 1900, and to determine whether such services and supplies were furnished in an exigency at the request of the Government officials, consisting of the governor of Alaska, the officers of the United States Army, the officers of the Revenue-Cutter Service, the special agents of the Treasury Department, and the superintendent of education, Department of the Interior, division of Alaska, and report the result of such adjustment and determination to Congress, with such recommendation as he may deem proper.

The amendment was agreed to.

The next amendment was, on page 43, after line 4, to insert:

British steamship Mogul: That the Secretary of War be, and is hereby, authorized and directed to examine the claim of Messss. Gallatly, Hankey & Co., of London, England, owners of the British steamship Mogul, for damages alleged to be due said owners by reason of the collision between said steamship Mogul and the United States transport Warren in Manila Bay on December 30, 1900, and determine what damages, if any, are due thereby to said owners of said steamship Mogul, and to certify the amount of such damages, if any are so found to be due, to the Secretary of the Treasury, and the Secretary of the Treasury is hereby authorized and directed to pay such sum, if any, as is so certified to said owners of said steamship Mogul out of any funds in the Treasury not otherwise appropriated: *Provided, however*, That said sum shall in no case exceed the sum of $16,123.70.

The amendment was agreed to.

The next amendment was, under the head of "Naval establishment," on page 50, after line 16, to insert:

Payment to N. F. Palmer & Co.: For payment of the award made by the Secretary of the Navy to N. F. Palmer & Co. for losses and damages incurred by them in the construction of the engines, boilers, and appurtenances of the armored cruiser Maine (S. Report No. 2677, present session), $63,620.59.

Mr. HALE. In lines 17 and 19, after the name "Palmer," I move to insert the word "junior." That is the proper name.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the subhead "Marine Corps," on page 54, after line 10, to insert:

Repairs of barracks: Repairs and improvements to barracks and quarters at Portsmouth, N. H.; Boston, Mass.; Newport, R. I.; New York, N. Y.; League Island, Pa.; Annapolis, Md.; headquarters and navy-yard, District of Columbia; Norfolk, Va.; Port Royal, S. C.; Pensacola, Fla.; Mare Island, Cal.; Bremerton, Wash., and Sitka, Alaska; for the renting, leasing, improvement, and erection of buildings in Porto Rico, the Philippine Islands, at Guam, and at such other places as the public exigencies require; and for per diem to enlisted men employed under the direction of the Quartermaster's Department on the repair of barracks, quarters, and other public buildings, for the fiscal year 1902, $841.86.

The amendment was agreed to.

The next amendment was, on page 55, after line 10, to insert:

For heating barracks and quarters, for ranges and stoves for cooking, fuel for enlisted men, for sales to officers, maintaining electric lights, and for hot-air closets for the fiscal year 1902, $1,784.95.

The amendment was agreed to.

The next amendment was, under the head of "Department of the Interior," on page 61, line 8, to increase the appropriation to pay amounts found to be due by the accounting officers of the Treasury on account of appropriation "Expenses, special land inspectors, Department of the Interior" for the fiscal year 1902, from $153.20 to $187.20.

The amendment was agreed to.

The next amendment was, under the subhead "Public land service," on page 63, after line 8, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriations "Salaries and commissions of registers and receivers" for the fiscal year 1902, $1,427.75.

The amendment was agreed to.

The next amendment was, on page 63, after line 13, to insert:

To pay the salary due A. E. Rose, as receiver of the land office at St. Michaels, Alaska, from May 31 to July 7, 1902, $152.45.

The amendment was agreed to.

The next amendment was, on page 65, line 17, to increase the appropriation to pay amounts found due by the accounting officers of the Treasury on account of appropriation "Contingent expenses, office of the surveyor-general of Arizona," for the fiscal year 1902, from $2.80 to $7.71.

The amendment was agreed to.

The next amendmendment was, on page 65, after line 6, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Contingent expenses, office of surveyor-general of Oregon," for the fiscal year 1902, $4.07.

The amendment was agreed to.

The next amendment was, on page 67, line 8, before the word "of," to insert "and page 7 of Senate Document No. 177;" and in line 11, before the word "cents," to strike out "two thousand nine hundred and ninety-one dollars and sixty-one" and insert "three thousand seven hundred and sixty dollars and seventy-five;" so as to make the clause read:

Payments to certain deputy surveyors: For payments to certain deputy surveyors for surveys and resurveys of public lands executed by them, as fully set forth on pages 26, 27, and 28 of House Document No. 344, and pages 13 and 14 of House Document No. 125, and page 7 of Senate Document No. 177 of the present session, $3,760.75.

The amendment was agreed to.

The next amendment was, on page 68, after line 13, to insert:

Payment to John L. Stevens: For payment to John L. Stevens, special commissioner to adjust the Des Moines River land-grant claims, for services rendered and expenses incurred since February 4, 1901, $1,168.

The amendment was agreed to.

The next amendment was, under the subhead "Indian Affairs," on page 70, after line 21, to insert:

To pay amounts found due by the accounting officers of the Treasury on

account of the appropriation "Incidentals in Indian Territory, including employees," for the fiscal year 1902, $36.34.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous," on page 75, after line 13, to insert:

For expenses incurred by Ernest Britten, in charge of national parks in California during the winter months, in proceeding from the Sequoia Park to the Yosemite National Park, under instructions from the Department, dated October 4, 1902, for the purpose of investigating and reporting upon the condition of the reservation, $49.25.

The amendment was agreed to.

The next amendment was, under the subhead "Out of the postal revenues," on page 78, line 21, before the word "of," to insert "and Senate Document No. 177;" so as to make the clause read:

Free-delivery service: To pay the amount set forth in House Document No. 344, and Senate Document No. 177, of this session, on account of the fiscal years as follows:

The amendment was agreed to.

The next amendment was, on page 79, line 1, to increase the appropriation for deficiency in free-delivery service for the fiscal year 1901, from $1,295.70 to $1,332.53.

The amendment was agreed to.

The next amendment was, on page 79, line 6, before the word "of," to insert "and Senate Document No. 177"; so as to make the clause read:

Rural free delivery: For rural free-delivery service, including amounts certified in House Document No. 344 and Senate Document No. 177, of the present session, on account of fiscal years as follows:

The amendment was agreed to.

The next amendment was, on page 79, line 10, to increase the appropriation for deficiencies in the rural free delivery for the fiscal year 1902 from $89,767.76 to $90,182.91.

The amendment was agreed to.

The next amendment was, on page 79, line 13, to increase the appropriation for deficiencies in rural free delivery for the fiscal year 1901 from $146.19 to $147.29.

The amendment was agreed to.

The next amendment was, on page 79, line 18, before the word "of," to insert "and Senate Document No. 177"; so as to make the clause read:

Mail transportation: To pay amounts set forth in House Document No. 344 and Senate Document No. 377, of this session, for inland transportation, as follows:

The amendment was agreed to.

The next amendment was, on page 79, line 21, to increase the appropriation for deficiency in mail transportation by railroads on account of the fiscal year 1902, from $15,679.81 to $15,864.06.

The amendment was agreed to.

The next amendment was, on page 79, line 25, to increase the appropriation for deficiencies in mail transportation by star routes on account of the fiscal year 1902, from $40,958.91 to $45,018.28.

The amendment was agreed to.

The next amendment was, under the head of "Department of Justice," on page 80, after line 16, to insert:

Salaries, Department of Justice: For the payment of the salary of the disbursing clerk for the fiscal year 1903 at the rate of $2,750 per year instead of at the rate of $2,300, $450.

The amendment was agreed to.

The next amendment was, under the subhead "United States courts," on page 89, line 20, after the word "deputies," to strike out "$1,300,000;" so as to make the clause read:

For payment of salaries, fees, and expenses of United States marshals and their deputies, to include payment for services rendered in behalf of the United States or otherwise, $100,000.

The amendment was agreed to.

The next amendment was, on page 90, line 4, to increase the appropriation to pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Fees of clerks, United States courts," for the fiscal year 1902, from $4,454.61 to $5,214.16.

The amendment was agreed to.

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

The SECRETARY. A bill (S. 7301) to further provide for the safe-keeping of public money, and for other purposes.

Mr. ALDRICH. I ask that the unfinished business may be laid aside temporarily to allow the appropriation bill to be completed.

The PRESIDENT pro tempore. The Senator from Rhode Island asks that the unfinished business be temporarily laid aside and that the Senate proceed with the consideration of the appropriation bill. Is there objection? The Chair hears none, and it is so ordered.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was, under the head "Legislative," on page 92, after line 4, to strike out the subhead "House of Representatives."

The amendment was agreed to.

The next amendment was, on page 92, after line 15, to insert:

To pay the additional salaries of the clerks to the Committees on Appropriations of the Senate and House of Representatives, at the rate of $1,000 each per annum, from March 1 to June 30, 1903, inclusive, $672.20.

The amendment was agreed to.

The next amendment was, on page 92, after line 21, to insert:

SENATE.

To pay the widow of James McMillan, late a Senator from the State of Michigan, $5,000.

The amendment was agreed to.

The next amendment was, on page 92, after line 24, to insert:

For compensation of the officers, clerks, messengers, and others in the service of the Senate, namely: For 5 annual clerks to Senators who are not chairmen of committees, at $1,500 each, from March 4 to June 30, 1903, $2,458.50.

The amendment was agreed to.

The next amendment was, on page 93, after line 5, to insert:

For miscellaneous items, exclusive of labor, $40,000.

The amendment was agreed to.

The next amendment was, on page 93, after line 7, to insert:

For stationery and newspapers, $1,000.

The amendment was agreed to.

The next amendment was, on page 93, after line 8, to insert:

For miscellaneous items, exclusive of labor, fiscal year 1902, $1,000.

The amendment was agreed to.

The next amendment was, on page 93, after line 10, to insert:

For fuel oil, and cotton waste, and advertising, for the heating apparatus, exclusive of labor, $4,000.

The amendment was agreed to.

The next amendment was, on page 93, after line 12, to insert:

To pay C. A. Norcoss for extra services for the Committee on Indian Affairs, $200.

The amendment was agreed to.

The next amendment was, on page 93, after line 14, to insert:

To pay to Harry C. Robertson, secretary to the subcommittee of the Committee on Pacific Islands and Porto Rico, for extra services performed, $500.

The amendment was agreed to.

The next amendment was, on page 93, after line 17, to insert:

To reimburse the official reporters of the proceedings and debates of the Senate for expenses incurred from March 4, 1902, to March 4, 1903, for clerk hire and other extra clerical services, $3,990.

The amendment was agreed to.

The next amendment was, on page 93, after line 22, to insert:

To pay W. M. Malloy for reporting hearings before Committee on Foreign Relations during the second session of the Fifty-seventh Congress, $133.75.

The amendment was agreed to.

The next amendment was, on page 94, after line 2, to insert:

To pay J. H. Jones for extra services in the care of the Senate chronometer and for the work in connection therewith, $100.

The amendment was agreed to.

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

To pay Dennis M. Kerr for services as assistant clerk, by detail, to the Committee on Pensions, $500.

The amendment was agreed to.

The next amendment was, on page 94, after line 7, to insert:

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

The amendment was agreed to.

The next amendment was, on page 94, after line 9, to insert:

To pay Parker Williams, machinist and assistant conductor of elevators, additional amount, $200.

The amendment was agreed to.

The next amendment was, on page 94, after line 11, to insert the subhead "House of Representatives."

The amendment was agreed to.

The next amendment was, under the subhead "House of Representatives," on page 96, after line 13, to insert:

For assistant driver for the folding-room team, authorized by resolution of the House April 25, 1902, at $50 per month from March 4, 1903, to June 30, 1904, inclusive, $795.10.

The amendment was agreed to.

The next amendment was, on page 97, line 16, after the word "Louisiana," to strike out:

Two thousand five hundred dollars, or so much thereof as may be necessary, the same to be accredited to the account of and expended under the direction and by the order of the Sergeant-at-Arms of the House of Representatives.

And insert:

Five thousand dollars, or so much thereof as may be necessary, of which sum $3,000 shall be accredited to the account of and expended under the direction and by the order of the Sergeant-at-Arms of the House of Representatives, and $2,000 accredited to the Senate, to be expended under the direction and by the order of the Sergeant-at-Arms of the Senate.

So as to make the clause read:

To defray the expenses of the members of the joint committee of the House and Senate authorized to attend and represent the Congress of the United States on the occasion of the dedication of the buildings and grounds of the Louisiana Purchase Exposition, to be held at St. Louis April 30 and

May 1 and 2, 1903, commemorating the one-hundredth anniversary of the purchase of the Territory of Louisiana, $5,000, or so much thereof as may be necessary, of which sum $3,000 shall be accredited to the account of and expended under the direction and by the order of the Sergeant-at-Arms of the House of Representatives, and $2,000 accredited to the Senate, to be expended under the direction and by the order of the Sergeant-at-Arms of the Senate.

The amendment was agreed to.

The next amendment was, under the subhead "Public printing and binding," on page 99, after line 11, to insert:

Printing and binding for the Treasury Department, $30,000.

The amendment was agreed to.

The next amendment was, under the head of "Spanish Treaty Claims Commission," on page 100, after line 12, after the word "service," to insert the following proviso:

Provided, That all sales, transfers, or assignments heretofore or hereafter made of any claims before such Commission, except such as have occurred in the due administration of a decedent's estate, and all contracts heretofore made for fees and allowances to claimants' attorneys are hereby declared void. All warrants issued by the Secretary of the Treasury in payments of awards shall be made payable and delivered only to the claimants or their lawful heirs, executors or administrators, or transferees under adminstrative proceedings, except so much thereof as shall be allowed to the attorneys for claimants by the Commission for prosecuting said claims, which may be paid direct to such attorneys, and the allowances to the attorneys for claimants shall be regulated and fixed by the Commission at the time of making awards and entered of record as part of the findings thereof; but in no case shall the allowance exceed 15 per cent of the award made, except in case of a claim of less amount than $500, or where unusual services have been rendered or expenses incurred by the claimant's attorney, in which case not to exceed 20 per cent of such award may be allowed by the Commission.

So as to read:

Spanish Treaty Claims Commission: For salaries and expenses of the Spanish Treaty Claims Commission, $5,000; and said Commission is authorized to pay to additional commissioners to take testimony in Cuba, for occasional services in special cases, not exceeding $8 per day, in lieu of fees during the time of actual service: *Provided*, That all sales, transfers, or assignments heretofore or hereafter made of any claims before such commission, etc.

Mr. PETTUS. Mr. President, as to the whole of this amendment, commencing on line 13 and going down to line 8, on page 101, I make the point of order that it is new legislation on an appropriation bill.

Mr. HALE. I suppose it is legislation. I am very sorry——

Mr. PETTUS. It is not only new legislation, but it is very vicious legislation at that.

Mr. HALE. I am sorry that the Senator has felt constrained to make the point, because I think it is a very proper and useful provision. But it is undoubtedly legislation.

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

The reading of the bill was resumed.

The next amendment was, on page 101, after line 13, to insert:

To enable the Spanish Treaty Claims Commission to reimburse the Secretary of State for the services of a force of copyists to make copies of papers concerning claims required by order of the Commission, not exceeding $1,750.

The amendment was agreed to.

The next amendment was under the head of "Judgments, Court of Claims," on page 101, line 23, after the word "sixty," to insert "and Senate document No. 187;" on page 102, before the word "*Provided*," to strike out "$22,269.59" and insert "$287,341.45;" and in line 4, after the word "expired," to insert:

And provided further, That the proviso contained in the act approved the 6th day of June, A. D. 1900, entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1901, and for other purposes," which reads as follows:

So as to make the clause read:

For the payment of the judgments except the judgment in favor of Elias E. Barnes, rendered by the Court of Claims, reported to Congress at its present session in House Document No. 360, and Senate Document No. 187, $287,341.45: *Provided*, That none of the judgments herein provided for shall be paid until the right of appeal shall have expired: *And provided further*, That the proviso contained in the act approved the 6th day of June, A. D. 1900, entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1901, and for other purposes," which reads as follows: "*Provided*, That no judgment heretofore or hereafter rendered under the act of June 16, 1880, entitled 'An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes,'" etc.

The amendment was agreed to.

The next amendment was, under the head of "Judgments in Indian depredation claims," on page 104, line 7, after the word "sixty-nine," to strike out "$109,847" and insert:

Except the judgments in favor of John S. Little, administrator of John W. Hayes, deceased, reported in said House Document No. 81, and in favor of Charles Probst, and in favor of C. M. Cooper, administrator, reported in said House Document No. 369 and in Senate Document No. 190, $258,147.69.

So as to make the clause read:

For payment of judgments rendered by the Court of Claims in Indian depredation cases certified to Congress at its present session in House Documents Nos. 81 and 369, except the judgments in favor of John S. Little, administrator of John W. Hayes, deceased, reported in said House Document No. 81, and in favor of Charles Probst, and in favor of C. M. Cooper, administrator, reported in said House Document No. 369 and in Senate Document No. 190, $258,147.69; said judgments to be paid after the deductions required to be made under the provisions of section 6 of the act approved March 3, 1891, entitled "An act to provide for the adjustment and payment of claims arising from Indian depredations," etc.

The amendment was agreed to.

The next amendment was, under the head of "Judgment supreme court of the District of Columbia," on page 107, after line 2, to insert;

Prize money, battle of Manila Bay: To satisfy the decree ordered by the Supreme Court of the United States to be entered in accordance with the opinion of February 23, 1903, by the supreme court of the District of Columbia in the case of George Dewey, Admiral United States Navy, *v.* The Don Juan de Austria, No. 559, reported to Congress at this session in Senate Document No. 175, $946,083.89, or so much thereof as may be necessary.

The amendment was agreed to.

The reading of the bill was continued to the end of line 15, on page 113.

Mr. BEVERIDGE. Mr. President, I call attention to the following item, which has just been read:

For payment to sundry Sioux Indians for depredations, treaty of April 29, 1868, $81,740.

And also in the next item, which reads:

For payment to George T. Wilson, a Chickasaw Indian, for stock stolen from him by Kiowa and Comanche Indians in 1866, $1,395.

These items make a total of $83,135, and I think there should be some explanation of the reason for these appropriations. There is no objection, of course, to the proper payment of Indians for stock stolen; but claims which originated in 1866 and now come here scattered through this bill, seem to me to be worthy of some explanation. I can readily see that if this begins it may lead to a flood of claims which will be constantly increasing, and each year less specific.

Mr. HALE. Mr. President——

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

Mr. HALE. I yield to the Senator from Connecticut.

Mr. PLATT of Connecticut. I was going to ask, in furtherance of the inquiry made by the Senator from Indiana [Mr. BEVERIDGE], why we should pay one Indian for stock stolen from him by another Indian?

Mr. HALE. These are all audited claims. The scrutiny to which they are subjected is not in the committee, but in the Department. They have to pass through the Auditor and the Comptroller, who both are required to consider them, and then to be submitted by the Secretary of the Treasury. The practice has been that from time to time they are sent here as audited claims. Such claims have always been and are now put on the deficiency bill. Sometimes they come in on the very day of the passage of the bill; and some have come in to-day. In the conduct of the bill I always, two or three days beforehand, in order to clean up the business so far as may be, send a request from the Senate that the departments hurry these matters so far as they can complete the auditing and send the claims to us. Then whether a claim applies to one Indian or to two Indians, to a black man or to a white man, whatever may be his name, whatever may be the nature or extent of the claim, the committee accepts the auditing as it is done by the Department. That has always been the case, and I suppose is likely to be.

Mr. BEVERIDGE. Mr. President, I make no objection, but on examining the bill it struck me as a thing worthy of inquiry—a claim so indefinite and vague as the stealing of cattle by one Indian from another Indian in 1866, nearly forty years ago.

Of course these claims do not go through the Court of Claims. That is clear. They are simply claims allowed by the Auditor of the Interior Department, and the suggestion naturally occurred to my mind that if that thing was allowed to any great extent we should have a flood of Indian claims here. However, as I have said, I make no objection.

Mr. SPOONER. I should like to ask the Senator who has charge of this bill under what law these claims are audited? There must be some general law or some specific provision. I want to know if there is any law which authorizes the auditing of claims arising out of depredations committed by Indians upon Indians, which warrants the auditing of such claims by the Department.

Mr. BEVERIDGE. And claims forty years old.

Mr. SPOONER. We have undertaken, I know, to indemnify Indians for depredations committed upon them by white people, but I have not known—although there may have been many such instances—an instance where Congress has undertaken, unless there was some treaty obligation, to indemnify Indians for depredations committed by other Indians.

Mr. HALE. The Department reports these claims as being under the law. As I have said, the committee do not enter into an investigation of these particular claims or every particular item in them or as to what the law is, but take the certification of the Department. For instance, here is one of the documents which has just come in lately: "In compliance with section 2 of the act of July

7, 1774"—referring to the statutes—"certain schedules of claims," etc. The cases are brought in here, and we appropriate for them. If the Senator thinks these claims ought to be struck out——

Mr. BEVERIDGE. I do not know that. I was only asking for information. Are such payments made out of the Indian funds in the Treasury or out of the general fund?

Mr. HALE. These particular claims are to be paid out of the general fund.

Mr. BEVERIDGE. These claims are for stock stolen in 1866 and 1867 from Indians by other Indians. For instance, on page 120 I find these two items:

Payment to estate of A. B. Johnson, a Chickasaw Indian, for stock stolen from him by Comanche Indians in 1867, $2,025.

Payment to estate of Aggy Daren, a Chickasaw Indian, for stock stolen from her by Comanche Indians in 1866, $2,125.

Mr. HALE. The claims would not have been audited otherwise, I presume, than according to the stipulations of some treaty.

Mr. FORAKER. We can not hear the Senator at all over here.

Mr. HALE. I know the Senator can not.

Mr. FORAKER. Since this is a matter to which attention has been especially called and which many of us do not understand, I should like to have full information in regard to it.

Mr. HALE. I will say, Mr. President, that my throat is in such condition that I can not speak very loudly.

Mr. SPOONER. And too many other Senators are speaking also.

Mr. HALE. Yes. While it is true that there is a certain charm in our intercourse here, where we are constantly hearing pleasing talk from Senators, it does sometimes interfere with the speaker on the floor.

The PRESIDENT pro tempore. Senators will please cease conversation and observe order.

Mr. HALE. I was saying that I have no doubt, as to these Indian cases, that somewhere there are treaty stipulations, and perhaps in cases where we have taken Indian funds for the purpose of controlling them where there are damages inflicted by one tribe upon another or by one individual Indian upon another, that the Department audits the claim because of treaty obligations; but if the Senator should ask me to point out in every case the particular treaty that has been at the bottom of this auditing by the Treasury Department, I could not do that; we do not pretend to do that in the Committee on Appropriations, but we take the auditing from the Department; we take their say-so that the claim arises under a particular law or treaty.

I have no objection whatever if there are any cases here which Senators think are wrong to striking them out, and they will go over for a year, and can come in again when we shall have more time for a full explanation; but there is page after page of items in this bill as to which neither I nor any member of the Committee on Appropriations can give the statute or the date of the treaty that is at the bottom of their auditing by the Department. That is all I can say about the matter, Mr. President.

Mr. FORAKER. May I ask the Senator from Maine whether or not these claims have been audited by the Department?

Mr. COCKRELL. Yes; they have been.

Mr. HALE. They have all been audited.

Mr. FORAKER. They are all presented here and embodied in the bill on that account, are they?

Mr. HALE. They are. They are not only audited and sent in, but the committee classifies them and certifies by its classification what class of claims they are and before what auditor they came.

Mr. FORAKER. Some of them seem to be very old claims. I sent for the committee's report, but do not find any information given in that report as to the character of the claims or as to why they should be allowed. Of course, if they arise on account of treaty stipulations, I suppose they ought to be paid. I only wanted to know the nature of the Government's liability.

Mr. COCKRELL. Mr. President, the Court of Claims have jurisdiction by law of certain classes of claims. They send us their judgments. We appropriate the money without any inquiry into the validity of those judgments; we take it for granted that the Court of Claims did not assume illegal jurisdiction and that their judgments are correct.

Mr. BEVERIDGE. But these are not judgments of the Court Claims.

Mr. COCKRELL. Wait a moment. Then we have a Treasury Department to adjust all claims and demands against the Government. All claims must go through the hands of the Auditor for the particular department and then they must go through the hands of the Comptroller of the Treasury, who has absolute and final jurisdiction and authority, even over that of the Secretary of the Treasury. We do not raise the presumption that this Auditor of the Treasury and this Comptroller of the Treasury, who hold the purse strings of the seven hundred or eight hundred million dollars that are paid out—we do not assume that these officers, acting under that responsibility, are allowing claims for which there is neither law nor treaty obligation.

It would be a physical impossibility for the Committee on Appropriations to undertake to go back of the action of the Auditor, the action of the Comptroller, and then that of the head of the department who sent the claim to them to be passed upon. That would be absolutely impossible for the committee.

Here is a claim filed for a depredation committed by one Indian upon another. It first goes to the Indian Office; then it is referred to the Auditor's Office. The Auditor scans the law or the treaty giving authority for him to consider it; if he approves it, it then goes to the Comptroller, who holds the key to the whole situation; and if he approves of it, it is then an audited, adjusted, and allowed claim, and it is reported to Congress for the necessary appropriation. The Committee on Appropriations could not undertake to go back of the action of the Auditor and of the Comptroller any more than they could go back of the action of the Court of Claims in the judgments that they have rendered. We presume the court has not assumed illegal authority or jurisdiction. We must assume that the Auditor or Comptroller have had legal authority and proper jurisdiction to act upon these claims. So you will find it all the way through.

I can not recall, for example, any treaty authorizing—

Payment to estate of Aggy Daren, a Chickasaw Indian, for stock stolen from her by Comanche Indians in 1866, $2,125.

I do, however, recollect very distinctly claims that were presented, but had not gone through the hands of the Auditor and the Comptroller, for Indian depredations committed by one Indian upon another; and on investigation we found that there was authority for the auditing of such claims. Whether or not there is authority in this particular case we do not know. We took it for granted that the Auditor had not assumed illegal or improper authority and had not assumed jurisdiction to hear, audit, and adjust a claim against the Government that was not just or right, and that if he had done that the Comptroller would have discovered the error and would have rejected the claim.

The Comptroller, as a rule, rejects claims unless the authority is clear beyond a reasonable doubt; and every once in a while you find we have got to relieve some accounting officer for a claim that he has paid because the Comptroller says that he did not have strict legal authority to do it.

Mr. PLATT of Connecticut. I assume, with the Senator from Missouri, that there must be some law or treaty which allows payment of these items, but I confess that I do not know what it is, and that these items come to me as a surprise. Here is one——

Mr. BEVERIDGE. The first is on page 113.

Mr. PLATT of Connecticut. Here are five claims to pay for stock stolen from the Chickasaw Indians by the Comanche Indians, amounting in all to over $10,000.

Mr. BEVERIDGE. They amount to nearly $90,000.

Mr. PLATT of Connecticut. I am not aware that those payments have been heretofore made, but I think the matter ought to be looked into, and I will suggest that it may all be looked into by the committee if we strike out this item on page 113 and then let the committee amendments stand. That will put them all in conference.

Mr. COCKRELL. Why strike out amendments made by the Senate and leave in all similar appropriations made by the House of Representatives that have already been agreed to?

Mr. PLATT of Connecticut. No; I say strike out the appropriations made by the House and leave the amendments made by the Senate stand. That will put the whole subject into conference.

Mr. COCKRELL. Does the Senator really expect the Committee on Appropriations to call upon the Auditor to send us a statement of his authority to audit these claims, and then upon the Comptroller of the Treasury to send us a statement of his authority? Where would it end? To what would it lead? Are these two officers to be dishonored right at once?

Mr. BEVERIDGE. I withdraw any objection.

Mr. COCKRELL. I believe they are not assuming jurisdiction without some law. I have scanned their decisions for a number of years, and I have not found that they have been grasping for jurisdiction. On the contrary, the trouble is that they refuse to take jurisdiction. I have a little case here before me where the Auditor refused to entertain jurisdiction of a perfectly just claim because he said he had no legal authority to do so. They claim they had legal authority here. The Comptroller, who is very critical in his decisions, says that he had authority. Now the case comes to us, and the Senator wants us to go back of the returns and make an examination. It is impossible. You might as well strike the whole thing out and let it go.

Mr. ALDRICH. Mr. President, is there any question pending before the Senate? If so, I should like to inquire what it is?

The PRESIDENT pro tempore. There is no question before the Senate except the appropriation bill.

Mr. ALDRICH. Then I ask for the regular order, Mr. President.

Mr. BEVERIDGE. I withdraw any objection that might have been implied in my calling attention to this amendment in the bill. The only reason I had for doing so was that in examining the bill I found there were several such cases, and I thought they might constitute a class. I have no further objection.

Mr. RAWLINS. Mr. President, I simply rise to call attention to the fact that the United States entered into treaties with the Seminoles, Creeks, and Chickasaws, I think in 1857, by which it guaranteed payment to members of those tribes on account of depredations committed by other Indians under the same circumstances and on the same principle that the Government would guarantee the payment to white citizens of the United States on account of such depredations. We have included in the Indian appropriation bill an appropriation of some $600,000 based upon such treaty obligations.

Mr. FORAKER. Before proceeding with the reading of the bill, I only want to say that I had not thought at any time of opposing what the committee had recommended should be adopted, but I do think that when we are asked to make appropriations of this very unusual character there ought to be some information given in the bill that will make it intelligible to those who are to take the responsibility of voting money to make such payments.

I assume that all the officers have done their duty and that they had authority for making the United States Government pay the damage that some Indian sustained by reason of having his horse stolen by some other Indian; but it is such an unusual sort of performance, especially when these claims are nearly forty years old, that I should like to know on what authority it is done.

Mr. QUAY. Mr. President, I have no knowledge of the treaty with the Choctaws under which I have no doubt this claim is made, and lawfully made, against the Government of the United States; but I have no possible doubt that in each one of the treaties with the Five Civilized Tribes provision is found by which the United States agrees to indemnify them for all damage to property inflicted either by red people or white people in the new lands to which they were removed west of the Mississippi. There is a clause of that sort in the treaty with the Seminoles, which I have had occasion to examine and under which Congress has made appropriations to meet damages.

The reason was this: The Indians were picked up from lands east of the Mississippi and moved to land in the far West, where they came in contact with the hostile prairie Indians. It was done by the Government of the United States practically against the will of the civilized tribes, and they demanded security from the United States for their persons and property when they went there. In the case of the Cherokees a century of warfare had existed between them and the Osages and was existing when they were removed. They were taken across the Mississippi and set down within arm's length of their lifelong enemies. That was the reason for these treaty stipulations, which I have no doubt are found in every treaty made with any one of the Five Civilized Tribes.

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

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Appropriations was, on page 116, after line 18, to insert as a new section the following:

SEC. 3. That for the payment of the following claims, certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1900 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Document No. 192, reported to Congress at its present session, there is appropriated as follows:

CLAIMS ALLOWED BY THE AUDITOR FOR THE TREASURY DEPARTMENT.

For heating apparatus for public buildings, $1.59.

For salaries and expenses of special inspectors of foreign steam vessels, $25,395.29.

For contingent expenses, mint at San Francisco, $130.20.

Customs: For collecting the revenue from customs, $402.68.

For Life-Saving Service, $364.40.

Internal revenue: For salaries and expenses of collectors of internal revenue, $83.15.

For payment of judgments against internal-revenue officers, $2,093.29.

For relief of Continental Fire Insurance Company and others, act February 28, 1901, $906.80.

CLAIMS ALLOWED BY THE AUDITOR FOR THE WAR DEPARTMENT.

For pay, etc., of the Army, $4,098.90.

For regular supplies, Quartermaster's Department, $502.75.

For transportation of the Army and its supplies, $83,912.97.

For barracks and quarters, $98.40.

For headstones for graves of soldiers, $3.61.

For Medical and Hospital Department, $97.

For pay, transportation, services, and supplies of Oregon and Washington volunteers in 1855 and 1856, $51.41.

CLAIMS ALLOWED BY THE AUDITOR FOR THE NAVY DEPARTMENT.

For pay of the Navy, $127.74.

For contingent, Bureau of Ordnance, $1,784.68.

For contingent, Bureau of Equipment, $25.90.

For contingent, Bureau of Supplies and Accounts, 50 cents.

For construction and repair, Bureau of Construction and Repair, $900.

For indemnity for lost property, naval service, act of March 2, 1895, $240.31.

For enlistment bounties to seamen, $92.

CLAIMS ALLOWED BY THE AUDITOR FOR THE INTERIOR DEPARTMENT.

For surveying the public lands, $8,298.75.

Indians: For traveling expenses of Indian inspectors, $31.15.

For transportation of Indian supplies, $1.78.

For Indian moneys: Proceeds of labor, $144,

Payment to estate of Robert Cut chubby, a Chickasaw Indian, for stock stolen from him by Comanche Indians in 1867, $1,065.

Payment to estate of A. B. Johnson, a Chickasaw Indian, for stock stolen from him by Comanche Indians in 1867, $2,025.

Payment to estate of Aggy Daren, a Chickasaw Indian, for stock stolen from her by Comanche Indians in 1866, $2,125.

Payment to estate of Ho par kin tubby, a Chickasaw Indian, for stock stolen from him by Comanche Indians in 1866, $3,900.

Pensions: Army pensions, $61.

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

State Department: For pay of consular officers for services to American vessels and seamen, $89.75.

Department of Agriculture: For forestry investigations, $4.12.

Department of Justice: For salaries, fees, and expenses of marshals, United States courts, $40.65.

For fees of clerks, United States courts, fiscal year 1902, $292.25.

For fees of witnesses, United States courts, $30.

For rent of court rooms, United States courts, fiscal year 1902, $65.

For miscellaneous expenses, United States courts, $316.35.

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

For star transportation, $74.

The amendment was agreed to.

The next amendment was, on page 121, line 13, to change the number of the section from 3 to 4; and in line 15, after the word "ninety-four," to insert "and Senate Document No. 184;" so as to make the clause read:

SEC. 4. For refunding to States expenses incurred in raising volunteers, certified to Congress at this session in House Document No. 394 and Senate Document No. 184, as follows:

The amendment was agreed to.

The next amendment was, on page 122, after line 2, to insert:

To the State of New Hampshire $172,928.27.

The amendment was agreed to.

The next amendment was, on page 122, after line 5, to insert:

To the State of Connecticut $606,560.59.

The amendment was agreed to.

The next amendment was, on page 122, after line 7, to insert:

To the State of New Jersey $479,833.20.

The amendment was agreed to.

The next amendment was, on page 122, after line 10, to insert:

To the State of Rhode Island $31,289.71.

The amendment was agreed to.

Mr. QUAY. I desire to call the attention of the Senator in charge of the bill to the amendments now being agreed to. Claims of a character similar to these are pending in the Treasury Department in behalf of the State of Massachusetts, the State of New Jersey, and other States.

Mr. PLATT of Connecticut. New Jersey is provided for here.

Mr. KEAN. Pennsylvania.

Mr. QUAY. There is another State in addition to Pennsylvania and New Jersey, anyhow. I should like to know why they do not appear in connection with these amendments in the pending bill. Will the Senator from Maine please explain? I have no doubt there is a sufficient reason for it.

Mr. HALE. Yes. The explanation which I attempted to give about these audited claims a short time ago applies here. As fast as they send the claims in, audit them, and report we put them onto the bill. I have been hurrying up the Department for the last week or ten days, and we have put on everything they have audited. The claims of the other States to which the Senator from Pennsylvania alludes will be in undoubtedly, and will be upon the first bill reported at the next session.

Mr. QUAY. And they will be provided for by subsequent legislation?

Mr. HALE. Undoubtedly. They always are.

The next amendment of the Committee on Appropriations was, on page 122, after line 12, to insert:

For the following additional payments to States, namely:

To enable the Secretary of the Treasury to pay the State of Vermont the sum appropriated to that State under the act of July 1, 1902, or such part thereof as it may be entitled to, the accounting officers of the Treasury Department are hereby authorized and directed to audit, adjust, and settle the mutual claims of the United States and the State of Vermont in respect to ordnance and quartermaster's stores furnished in the years 1864 and 1865, and on payment, a receipt in full shall be taken from the proper State authorities.

The amendment was agreed to.

The next amendment was, at the top of page 123, to insert:

To pay the State of South Carolina for balance found due from the United States to said State, according to the computation made by the Comptroller of the Treasury up to January 1, 1881, as stated in his letter to the Secretary of the Treasury, dated February 21, 1903, $47,245.77, and interest upon the same at 4 per cent per annum until paid.

The amendment was agreed to.

The next amendment was, on page 123, line 10, to change the number of the section from 4 to 5.

The amendment was agreed to.

The next amendment was, on page 124, after line 20, to insert:

Settlement No. 9658, for $5,000, in favor of the Eureka Insurance Company, of Pittsburg, Pa, William L. Jones, receiver, reported in House Executive Document No. 234, Fifty-third Congress, third session.

The amendment was agreed to.

The next amendment was, on page 125, after line 2, to insert:

Settlement No. 5003, of 1885, in favor of the Phoenix Insurance Company, of New York, $5,000, reported in Senate Executive Document No. 40, Fifty-third Congress, third session.

The amendment was agreed to.

The next amendment was, on page 125, after line 7, to insert:

For the following, reported in Senate Document No. 156 at this session, namely, settlement No. 4813 of 1884, in favor of the Sun Mutual Insurance Company, New York, $5,860; the Commercial Mutual Insurance Company, $2,441.67; the Atlantic Mutual Insurance Company, New York, $5,860; the assignees of Washington Marine Insurance Company, New York, $4,500; in all, $18,661.67.

The amendment was agreed to.

The next amendment was, on page 125, after line 20, to insert:

Settlement No. 9657 of 1894, to the assignees of Washington Marine Insurance Company New York, $5,000.

The amendment was agreed to.

The next amendment was, on page 125, after line 24, to insert:

To pay the Treasury settlements reported to Congress in Senate Document No. 191 at the present session, 19,211.61.

The amendment was agreed to.

The next amendment was, on page 126, after line 3, to insert as a new section the following:

SEC. 6. That the sum of $16,933.33 appropriated to be paid to Henry V. Lester, administrator of James Barr, deceased, as surviving partner of the firm of Stewart & Barr, in the act entitled: "An act for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes," approved May 27, 1902 (p. 219 of vol. 32, U. S. Stat. at L.), shall be paid as follows: Henry V. Lester, administrator of James Stuart, deceased, $8,466.67, and Henry V. Lester, administrator of James Barr, deceased, $8,466.66: *Provided, however*, That the same shall not be paid until the Court of Claims shall certify to the Secretary of the Treasury that the administrator of said estates represents the next of kin of said James Stuart and James Barr, and the court which granted the administrations on said estates shall have certified that the administrator has given adequate security for the legal disbursement of the amounts herein appropriated.

That the amount appropriated to be paid under the clause reading as follows: "On the ship Theresa, Philip Brum, master, namely, George W. Lockwood, administrator of the estate of John A. Dubernat, deceased, $13,537.50: *Provided, however*, That the amount so appropriated shall not be paid until the Court of Claims shall certify to the Secretary of the Treasury that the administrator of said estate represents the next of kin of John A. Dubernat, or, in the event the court shall find there are no such next of kin and that there was a widow of said John A. Dubernat, then that said sum be paid to the personal representative of such widow for and on behalf of the next of kin of such widow," in the act entitled "An act for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes," approved May 27, 1902 (p. 219 of vol. 32, U. S. Stat. at L.), be paid instead to J. Stellman Hogg, administrator of the estate of Louisa R. C. Durkee, formerly Dubernat, widow of the said John A. Dubernat, deceased: *Provided, however*, That the same shall not be paid until the Court of Claims shall certify to the Secretary of the Treasury that the administrator represents the next of kin of said widow, and the court which granted the administration to the said administrator shall certify that he has given adequate security for the legal disbursement of the amount herein appropriated.

The amendment was agreed to.

The next amendment was, on page 128, after line 6, to insert as a new section the following:

SEC. 7. For payment of the salaries and expenses of the Department of Commerce and Labor, established by the "Act to establish the Department of Commerce and Labor," approved February 14, 1903, for the fiscal years 1903 and 1904, as follows:

DEPARTMENT OF COMMERCE AND LABOR.

Office of the Secretary: For compensation of the Secretary of Commerce and Labor, at the rate of $8,000 per annum; private secretary to the Secretary, at the rate of $2,500 per annum; Assistant Secretary of Commerce and Labor, at the rate of $5,000 per annum; private secretary to the Assistant Secretary, at the rate of $1,800 per annum; chief clerk, at the rate of $3,000 per annum; disbursing clerk, at the rate of $2,500 per annum; chief of the Bureau of Manufactures, at the rate of $4,000 per annum; Commissioner of Corporations, at the rate of $5,000 per annum; Deputy Commissioner of Corporations, at the rate of $3,500 per annum; chief clerk to the Bureau of Corporations, at the rate of $2,000 per annum; in all, $50,000, or so much thereof as may be necessary.

For such number of clerks of class 4, clerks of class 3, clerks of class 2, clerks of class 1, clerks at the rate of $1,000 each per annum, clerks at the rate of $900 each per annum, clerks at the rate of $720 each per annum, messengers, assistant messengers, and for the services of such other persons, at a rate of compensation not exceeding $1,000 each per annum, as the Secretary of Commerce and Labor may deem to be requisite and necessary in his office and in the Bureau of Manufactures and Corporations, in addition to the employees that may be transferred hereunder from the office of the Secretary of the Treasury, not exceeding $50,000.

For contingent expenses of the office of the Secretary of Commerce and Labor, and the Bureaus of Manufactures and Corporations, namely:

For the purchase of professional and scientific books, law books, books of reference, periodicals, blank books, pamphlets, maps, newspapers (not exceeding $2,500), stationery, furniture and repairs to the same, carpets, matting, oilcloth, file cases, towels, ice, brooms, soap, sponges, fuel, lighting and heating; for the purchase, exchange, and care of horses and vehicles, to be used only for official purposes; freight and express charges, postage, telegraph and telephone service; typewriters, and adding machines, and all other miscellaneous items and necessary expenses not included in the foregoing, $50,000.

For rent of necessary quarters for the offices of the Secretary of Commerce and Labor, and the Bureaus of Manufactures and Corporations, $16,000.

For printing and binding for the offices of the Secretary of Commerce and Labor, and the Bureaus of Manufactures and Corporations, to be executed under the direction of the Public Printer, $100,000.

For compensation of special agents in the Bureau of Corporations, and for their traveling and subsistence expenses while traveling on duty, $30,000.

That all appropriations made for the fiscal year 1904 for the Department of Labor, Fish Commission, bureaus, offices, or other divisions of whatever designation or character, transferred or that may be transferred from any executive department to the Department of Commerce and Labor under the act approved February 14, 1903, shall be available for expenditure in and by the Department of Commerce and Labor, and shall be treated the same as though said branches of the public service had been directly named in the laws making said appropriations as parts of the Department of Commerce and Labor, under the direction of the Secretary of the Department: *Provided*, That as to all general appropriations for printing and binding, rent, and contingent or miscellaneous expenses, the amounts that shall be transferred hereunder, except where the same are specifically fixed by law, shall in the case of each bureau, office, or other division be not less than the average amount expended on account of or allotted for expenditure to each of the same during the fiscal years 1902 and 1903.

That the Secretary of the Treasury is hereby authorized and directed, as soon as may be practicable and before the 1st day of July, 1903, to transfer to the Department of Commerce and Labor all chiefs of divisions, assistant chiefs of divisions, clerks, messengers, assistant messengers, watchmen, charwomen, and laborers now employed in the divisions of his office who are wholly engaged upon the work relating to the business of the bureaus and offices of the Treasury Department transferred or to be transferred to the Department of Commerce and Labor under the act of February 14, 1903; and in proportion to the number of persons in the divisions of his office whose time and labor are partially devoted to the work of said bureaus and offices he shall transfer approximately an equivalent number of clerks and other employees to said Department of Commerce and Labor, and the appropriations made for the compensation of all persons transferred hereunder shall be credited to and disbursed by the Department of Commerce and Labor.

That the Secretary of Commerce and Labor shall submit to Congress for the fiscal year 1905, and annually thereafter, estimates in detail for all personal services and for all general and miscellaneous expenses for the Department of Commerce and Labor.

That all bureaus, offices, and divisions transferred to the Department of Commerce and Labor now occupying quarters in any building owned by the United States shall continue therein until otherwise provided for by Congress.

The President may, in his discretion, direct the diversion from the appropriation of $500,000 for the enforcement of the provisions of an act entitled "An act to regulate commerce," and divers other acts, heretofore made for the Department of Justice in an act making appropriations for the legislative, executive, and judicial expenses of the Government, approved February 25, 1903, an amount not exceeding $100,000 of said appropriation, to be expended under the direction of the Secretary of the Department of Commerce and Labor in furtherance of the objects intended by the said appropriation.

DEPARTMENT OF STATE.

To enable the Department of State to comply with the requirements of section 11 of the act to establish the Department of Commerce and Labor, approved February 14, 1903: Chief of bureau, $2,250; 1 clerk of class 2, $1,400; 1 clerk of class 1, $1,200; 1 assistant messenger, $720; in all, $5,570.

Mr. HALE. In line 15, page 132, I move to strike out the word "now" and insert "after July 1, 1903."

The amendment to the amendment was agreed to.

Mr. HALE. After line 17, page 132, I move to insert what I send to the desk.

The SECRETARY. After line 17, on page 132, it is proposed to insert:

Except the Bureau of Immigration and the Steamboat-Inspection Service, which may be removed from the Treasury building to the Builders' Exchange building, 719-721 Thirteenth street NW., premises now occupied in part by the Treasury Department.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was concluded.

Mr. HALE. Now, I have a few committee amendments which I will now offer. At the top of page 6 I move to strike out all that part of the amendment beginning with "Contingent expenses" and going down to the word "salaries," in the third line.

The SECRETARY. On page 6, line 1, after the word "namely," it is proposed to strike out the following words:

Contingent expenses, foreign missions, 1891, $12.50.

The PRESIDENT pro tempore. By unanimous consent, the amendment is agreed to.

Mr. HALE. Let the clerks correct the total in line 7, page 6, by making it "$70.69."

The PRESIDENT pro tempore. By unanimous consent, the amendment is agreed to.

Mr. HALE. On page 8, I move to strike out lines 18, 19, and 20.

The SECRETARY. On page 8, it is proposed to strike out the paragraph beginning in line 18 and ending in line 20, as follows:

The Secretary of State is hereby authorized to cause, from time to time, the destruction of invoices that have been filed in the consular offices for a period of more than five years.

The amendment was agreed to.

Mr. HALE. On page 20, after line 5, I move an amendment to cover the public-buildings act.

The SECRETARY. On page 20, after line 5, it is proposed to insert:

Toward the construction of new public buildings, the extension of the cost of certain public buildings, and the acquisition of sites for public buildings, authorized in the act entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings,

to authorize the erection and completion of public buildings, and for other purposes," and within the limits specified in said act, $3,000,000.

Mr. WARREN. What is the amount the Senator proposes?

Mr. HALE. Three million dollars.

Mr. WARREN. Two and a half million is all that the bill carries, or less than that.

Mr. HALE. Yes. The committee was not able to go into detail and distribute these sums, but put in a gross amount, believing it would be all that the bill would require, and they sent to the Department for a distribution in detail to the different buildings, which will be inserted in conference. This amendment gives jurisdiction to the conference to consider that. There is no limitation that will in any way control that final action upon the specific information before the bill passes. I wish the Senator himself, if there are any matters that he thinks will not be cared for by the reports from the Department, would communicate with the committee of conference, so that nothing will be left out. It is the intention to cover everything that is provided in that bill.

Mr. TILLMAN. Do I understand that the bill which is now in conference will not be completed, and the amount added up, but that this lump sum of $3,000,000 is to be left to the discretion of the Secretary?

Mr. HALE. Oh, no. The bill itself gives all the limitations in the different classes. It gives the extension of limit, the new provisions for sites, and for any other class, but does not carry appropriations. If that bill as passed the two Houses and thrown into conference is not supplemented here, while it will stand as an existing law, it has not the breath of life breathed into it so far as any actual work, without an appropriation of the money.

Mr. TILLMAN. Would the conference with the other House allow this amount to be increased?

Mr. HALE. Oh, undoubtedly.

Mr. TILLMAN. In other words, if the public-building bill after being agreed upon and ratified by both Houses and becoming a law showed that there was more in it than the sum here appropriated, would the committee of conference on this bill have the power to increase the amount here appropriated, so as to make it correspond?

Mr. HALE. Undoubtedly. The House may disagree with our provision because we have not put enough in. So there is no limitation that in any way will control if we are met by the fact that the adding up of different provisions covered by that law amounts to more than the sum here appropriated.

Mr. WARREN. The statement of the Senator in charge of the bill is entirely satisfactory. I made the inquiry only to know if he understood the amount the public-building bill carries. As he has so well stated, the public-building bill itself carries the limit. This will provide money enough for immediate use, and if we are out of money when we meet next December the same committee will bring in an urgency deficiency bill that will provide for any shortage which may then appear.

Mr. HALE. That is true. Of course, the main thing is that the bill becomes a law with the limitation. The moneys follow after that as needed.

Mr. TILLMAN. I should like to call the attention of the Senator from Maine to two or three little amendments.

Mr. HALE. Will the Senator wait until I get through?

Mr. TILLMAN. I was going to wait until the Senator got through with the committee amendments.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The question is on agreeing to the amendment proposed by the Senator from Maine.

The amendment was agreed to.

Mr. HALE. On page 22, line 8, before the word "thousand," I move to strike out "sixty" and insert "seventy," so as to read "$1,370,000."

The amendment was agreed to.

Mr. HALE. After the word "Revenue," in line 17, on page 22, I move to strike out the period and insert a comma and the following:

But no such claim shall be paid unless presented prior to April 1, 1903.

The amendment was agreed to.

Mr. HALE. On page 26, after line 7, I move to insert:

Assessor's office: For temporary clerk hire, $500.

The amendment was agreed to.

Mr. HALE. On page 63, after line 17, I move to insert:

For payment to James Deitrick, for rent of land office at Peavy, Alaska, and for supplies furnished to R. C. Nichols, receiver of public moneys, for use of said land office, and for freight and drayage paid the land office, furniture and supplies from St. Michael to Peavy, Alaska, as per account rendered and certified to by R. C. Nichols, late receiver, $1,623.32.

The amendment was agreed to.

Mr. HALE. On page 67, after line 11, I move to strike out the period and insert a comma and the following:

And the amount reported in said Senate document for Frederick W. Pettigrew and Ernest J. Lacy, contract No. 139, South Dakota, dated April 22, 1899, shall be paid to R. F. Pettigrew, as administrator of Frederick W. Pettigrew.

The amendment was agreed to.

Mr. HALE. On page 80, after line 15, I move to insert as a separate paragraph:

To supply a deficiency in the appropriation for "Entomological investigations" for the fiscal year 1902, with which the Secretary of Agriculture is authorized to adjust and pay the claim of W. C. Heath, of Victoria, Tex., arising under a contract dated March 8, 1902, for growing cotton in connection with an investigation into the ravages of the cotton-boll weevil, with a view of ascertaining the best method of exterminating the same, $3,013.18.

The amendment was agreed to.

Mr. HALE. On page 90, line 4, before the word "hundred," I move to change the total by striking out "two" and inserting "three;" so as to read "$5,314.16."

The amendment was agreed to.

Mr. HALE. On page 95, line 19, after the word "thousand," I move to add "one hundred and twenty-five;" so as to read "$5,125."

The amendment was agreed to.

Mr. HALE. On page 101, in line 24, after the words "one hundred and eighty-seven," I move to insert "and two hundred." It refers to another document.

The amendment was agreed to.

Mr. HALE. The word "Document" should be in the plural at the end of line 23.

The PRESIDING OFFICER. That amendment will be made.

Mr. HALE. At the top of page 102 I move to make the total read $290,354.49.

The amendment was agreed to.

Mr. HALE. On page 103, in line 19, after the words "Document No. 377," I move to insert "and Senate Document No. 194."

The amendment was agreed to.

Mr. HALE. On the same page, in line 21, I move to change the total to $6,359.05.

The amendment was agreed to.

Mr. HALE. On page 104—these are simply to cure documents and totals—I move to strike out all of the amendment after the words "three hundred and sixty-nine," in line 14, and to insert a comma and the following:

Certified in Senate Documents Nos. 190 and 196, $261,767.69.

The amendment was agreed to.

Mr. HALE. I present as an amendment the following audited claims, which have just come in.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. On page 121, after line 12, insert as an additional section the following:

SEC. 4. That for the payment of the following claims, certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund, under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1900, and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Document No. 198, reported to Congress at its present session, there is appropriated as follows:

CLAIMS ALLOWED BY THE AUDITOR FOR THE WAR DEPARTMENT.

For transportation of the Army and its supplies, $8,458.91.
For headstones for graves of soldiers, $4.52.

ALLOWED BY THE COMPTROLLER OF THE TREASURY.

INTERIOR DEPARTMENT.

For salaries and commissions of registers and receivers, $272.23.

The amendment was agreed to.

Mr. HALE. On page 126 I move to insert a provision for the following audited claims, which have just come in.

The SECRETARY. On page 126, after line 3, insert:

Settlement No. 5201, of 1885, in favor of the Eureka Fire and Marine Insurance Company, of Cincinnati, Ohio, reported in House Executive Document No. 153, Forty-eighth Congress, second session, $4,574.19.

Settlement No. 5201, of 1885, in favor of the Citizens' Insurance Company, of Cincinnati, Ohio, reported in House Executive Document No. 153, Forty-eighth Congress, second session, $1,744.52.

Settlement No. 5201, of 1885, in favor of the American Insurance Company, of Cincinnati, Ohio, reported in House Executive Document No. 153, Forty-eighth Congress, second session, $1,744.52.

Settlement No. 5201, of 1885, in favor of the Magnolia Fire and Marine Insurance Company, of Cincinnati, Ohio, reported in House Executive Document No. 153, Forty-eighth Congress, second session, $2,287.10.

Settlement No. 5201, of 1885, in favor of the City Insurance Company, of Cincinnati, Ohio, reported in House Executive Document No. 153, Forty-eighth Congress, second session, $2,287.10.

For the following, reported in Senate Document No. 60, Fifty-fourth Congress, second session, namely, settlement No. 5300, of 1885, in favor of the Magnolia Fire and Marine Insurance Company, of Cincinnati, $2,333.33; settlement No. 5363, of 1885, in favor of the Magnolia Fire and Marine Insurance Company, of Cincinnati, $3,000; the City Insurance Company, of Cincinnati, $3,000; settlement No. 5068, of 1884, in favor of the National Insurance Company, of Cincinnati, $3,000; the American Insurance Company, of Cincinnati, $4,000; the Central Insurance Company, of Cincinnati, $3,000; settlement No. 5085, of 1884, in favor of the American Insurance Company, of Cincinnati, $4,667; in all, $23,000.33.

The amendment was agreed to.

Mr. HALE. On page 94, after line 11, I move to insert the following paragraph:

For compensation of officers, clerks, messengers, and others in the service of the Senate, namely, for 16 pages, at the rate of $2.50 a day during the session, $3,320.

The amendment was agreed to.

Mr. HALE. I am very glad to say that as far as I am concerned I am through.

Mr. HOAR. I move to insert on page 33, after line 2, the following:

To reimburse the Washington Market Company for furnishing and putting in place 1,072 lockers in the new armory quarters over Center Market for the service of the fiscal year 1898, $2,547.25; and to reimburse the Washington Market Company for extraordinary repairs to quarters vacated by the National Guard of the District of Columbia after being used for armory purposes, for the service of the fiscal year 1895, $800.

Mr. HALE. That item has been put on several times by the Senate. I do not object to it.

The amendment was agreed to.

Mr. SIMON. I offer an amendment which I understand the Senator having charge of the bill does not oppose.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 33, after line 19, insert:

That the military records of the Indian wars now preserved in the Interior or other Departments be transferred to the War Department, to be preserved in the Record and Pension Division of the War Department, and that they shall be properly indexed and arranged for use.

The amendment was agreed to.

Mr. TILLMAN. I desire to direct the attention of the Senator in charge of the bill to two items that I think may have escaped his notice. I ask him to turn to page 130 and examine the appropriations from line 13 to line 19, inclusive. The first is as follows:

For printing and binding for the offices of the Secretary of Commerce and Labor, and the Bureaus of Manufactures and Corporations, to be executed under the direction of the Public Printer, $100,000.

And the next three lines read as follows:

For compensation of special agents in the Bureau of Corporations, and for their traveling and subsistence expenses while traveling on duty, $30,000.

The first item appears to me to be wholly out of proportion and too much. I have not had much experience in these matters. The chairman of the Committee on Appropriations, the Senator from Iowa [Mr. ALLISON], and the Senator from Maine [Mr. HALE] may know about such matters, but I do not see where it is possible to need that much money.

In the other item it looks to me like the compensation of $30,000 for special agents is inadequate, because if this Bureau of Corporations, which is to investigate into all matters which have been provided for in antitrust bills, is to be of any use it must have correct information. If it is the demand of the President and others that we should have publicity and correct information in regard to such matters these agents will have a great deal to do. There are a great many of these corporations whose affairs will have to be investigated, and I should think that $30,000 would be so small and inadequate a sum that really there will be nothing accomplished by it, while the sum of $100,000 for printing and binding for this Bureau must be too much. I submit to the Senator whether it will not be well to increase the one and decrease the other?

Mr. HALE. The new Secretary appeared before the subcommittee after the bill had been reported and he desired a much larger sum for printing, saying that in the first steps in setting up housekeeping, as I may call it, he would need very much more printing in the way of blank books to start out with than afterwards. He desired a larger appropriation than $100,000, but we said that we thought that that would carry him through until December, and by that time he would know better really what he did want. Upon that suggestion he said he would try to get along with the $100,000. It is only a question as to when the appropriation is made.

Now, as to the other fund—compensation for special agents—we also said to him that in that regard we thought he ought to go carefully and be certain to select first-class men for this important and rather delicate duty; and we give him, in addition to the $30,000 provided here, $100,000 of the $500,000 fund that was appropriated for the Attorney-General's Department in another bill, so that he has $130,000. I should doubt whether, if the Department is conducted upon careful and conservative lines, he can set a force at work between now and December large enough and able enough practically——

Mr. TILLMAN. And honest enough.

Mr. HALE. And of course, as the Senator says, honest enough, I doubt whether he will use as much of this money as we have given him. But we did not want on this subject to confine him, and did not want it to be considered by anybody that we were niggardly upon the work of this Bureau of Corporations, which undoubtedly is largely in the public mind and has important and serious duties to perform; so that the answer to the Senator is that the $30,000 does not begin to cover what we have given.

Mr. TILLMAN. I call the Senator's attention to the bottom of page 132, where this $100,000 is transferred. The language which is used there is:

An amount not exceeding $100,000 of said appropriation to be expended under the direction of the Secretary of the Department of Commerce and Labor in furtherance of the objects intended by the said appropriation.

Now, what are "the objects intended by the said appropriation" of $500,000? If I recollect, the objects were to enable the Attorney-General to enforce the antitrust law. Is it the intention by this transfer of this $100,000 there to put it into the Department of Commerce and Labor as a fund for the purpose of prosecution?

Mr. HALE. I do not think anybody can say just how it is in furtherance of the enforcement of the statute which is referred to here, and also of the work of the Department of Justice. Whether the Secretary will use all this money in initiating suits or in disclosing and investigating subjects and facts that will result in suits I can not tell.

Mr. TILLMAN. Is there anything in this bill—I have not had time to examine it critically—authorizing this new Secretary of the Department of Commerce and Labor to institute suits against anybody for anything?

If you divert from the Attorney-General's Office $100,000 and transfer it to this new Department, then you might insert after the word "objects," in line 3, on page 133, the words "and duties of the said Department of Commerce and Labor;" so that the $100,000 would be added to the contingent fund, so to speak, provided on lines 17, 18, and 19, on page 130, to which the Senator was asking attention a moment ago as having been increased by this $100,000. So that the $130,000 would be given for the purposes involved in the creation of this Department of Commerce and Labor.

Mr. HALE. I have no objection to putting in after the words "in furtherance of the objects intended by the said appropriation" the words "and for the service of the Department of Commerce and Labor."

Mr. TILLMAN. I have merely tried to point out these apparent discrepancies or contradictions of purpose; but if the Senator from Maine is satisfied with the bill as it stands I shall not interfere.

Mr. HALE. I say I have no objection to putting in the words "and for the service of the Department of Commerce and Labor."

Mr. TILLMAN. Mr. President, the words "intended by the said appropriation," if left in the bill, would signify that to this Department was to be given the power to help enforce the antitrust law, as the original appropriation carried that duty to the Department of Justice. I suggest to the Senator in charge of the bill that some amendment should be adopted which would indicate just what is intended by this, or clarify or supplement it in some way, and I have suggested that we strike out the words "intended by the said appropriation," and amend the clause so as to read "in furtherance of the objects and duties of the said Department of Commerce and Labor."

Mr. HALE. I have no objection to that.

Mr. BAILEY. If the Senator from Maine and the Senator from South Carolina will permit me, the trouble about that is that the money could be used for any of the purposes of the Department of Commerce and Labor. As I understand the purpose of the committee, it is to transfer from the Department of Justice a part of a given sum which has been appropriated to enable that Department to perform certain services, which I suppose are described in the act, and to enable it to execute the antitrust law.

Mr. ALLISON. And in addition to that, also, to consider everything connected with interstate commerce, the original act of 1887, and all amendments to it. It has a double purpose.

Mr. BAILEY. It has a double purpose. Now, if you leave this language there as it stands in the bill, "intended by the said appropriation," then the money will be available for the Commerce and Labor Department to acquire information as to violations of the antitrust law or of the interstate-commerce law, and that information, I take it, would be, under the law as it stands, filed with the Department of Justice.

If you desire that this $100,000 shall be used for that purpose, to leave the language now employed better accomplishes that object; but if you strike that out and put in the general language that this money may be used for the purposes of this Department, then the Department could use it for printing or for any other purpose.

Mr. TILLMAN. I certainly do not want to do that. I am endeavoring to have the Department of Commerce and Labor discharge the duties which have been assigned to it, to gather information on all the subjects which have been designated, and also to participate in or assist in giving light and hunting evidence on the question of trusts and the prosecution of trusts.

Mr. HALE. That is just what they will do with this money.

Mr. TILLMAN. Then we had better let the language stand as it is.

Mr. HALE. I think the Senator is right. I think the provision is better as it stands.

Mr. RAWLINS. I send an amendment to the desk, to which I invite the attention of the Senator from Maine.

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

The SECRETARY. In line 11 on page 67, after the amendment already adopted, it is proposed to insert:

For payment to Matthew H. Dalley for surveys executed by him under his contract No. 224, Utah, $3,133.92.

Mr. HALE. The committee will look into that amendment and see if it provides for an audited claim. If so, it ought to go on the bill; but if not, it ought not to go on the bill. So I do not raise any question of order about it.

Mr. RAWLINS. Let the amendment go on the bill, and I think the Senator, on investigation, will find that it is all right.

Mr. HALE. Mr. President, I am inclined to think it is an audited claim.

The amendment was agreed to.

Mr. PLATT of Connecticut. I offer an amendment, to which I call the attention of the Senator from Maine, on page 72, after line 20.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After line 20, on page 72, it is proposed to insert the following:

Sulphur Springs Reservation, Ind. T.: The Secretary of the Interior is hereby directed to appraise, at their actual value at the time of such appraisement, all town lots upon which there were, prior to July 1, 1902, permanent, valuable, and substantial improvements, other than fencing or tillage, and held by citizens of the United States within the limits of the tract of land ceded to the United States by the Choctaw and Chickasaw nations at or near Sulphur Springs, in the Chickasaw Nation, Ind. T., and pay for the same to such lot holders, severally, 50 per cent of the appraised value of such lots by warrants drawn by the Secretary of the Interior upon the Treasurer of the United States, and the amount necessary to pay the same is hereby appropriated from any money in the Treasury not otherwise appropriated.

For fencing said Sulphur Springs Reservation and improving the same for the purposes contemplated in the establishment of such reservation, to be expended under the direction of the Secretary of the Interior, $25,000.

Mr. HALE. I know nothing whatever about this matter and the committee have had no opportunity to examine it. It is clearly a case of new legislation, and I am constrained to make the point of order on the amendment.

Mr. PLATT of Connecticut. I suppose, if the Senator makes the point of order, it lies against the amendment; but it is one which ought to have been considered on the Indian appropriation bill. It has the approval of the Secretary of the Interior by a letter which he addressed, I think, to the Committee on Appropriations, but the Senator in charge of this bill says the committee knows nothing about it. I tried to explain it to the committee, but the trouble seems to be that I did not make myself understood.

Mr. HALE. I do not mean to say that the committee know nothing about it, but we do not know enough about it to justify us in putting it on this bill. As the Senator says, the amendment ought to have gone on the Indian appropriation bill, a bill which does not come before the Committee on Appropriations.

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

Mr. KEAN. I offer the amendment which I send to the desk, to come in under the head of "War Department."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 37, after line 8, it is proposed to insert:

That the sum of $30,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended by the Princeton Battle Monument Association of New Jersey, under the direction of the Secretary of War, to aid in erecting and completing on the battlefield of Princeton, in the State, of New Jersey, a suitable monument: *Provided*, That no part of the sum herein appropriated shall be available until said Princeton Battle Monument Association shall have raised an additional sum of $30,000, to be expended in the erection of said monument and in the purchase and improvement of the site: *And provided further*, That the design for said monument shall be approved by the Secretary of War.

Mr. HALE. Mr. President, if I had not just made the point of order on the provision offered by the Senator from Connecticut [Mr. PLATT], I should let this go, but I am constrained to make the point of order on the amendment.

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

Mr. RAWLINS. I send to the desk an amendment which I desire to offer, to come in on page 76, after line 3.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 76, after line 3, it is proposed to insert:

For the construction of irrigation works for the reclamation of arid lands, as an additional appropriation to carry into effect the act of June 17, 1902, entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," $50,000,000.

Mr. HALE. That is a little matter, Mr. President, but I feel constrained to make the point of order against it. [Laughter.]

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

Mr. RAWLINS. Mr. President, I ask the Senator from Maine to withdraw his point of order for a moment, until I can make a brief explanation of the purpose of this amendment.

Mr. HALE. I must, out of courtesy, yield to the Senator; but the bill is almost through, and I hope the Senator will not consume much time.

Mr. RAWLINS. I assure the Senator that I am not seeking to delay the passage of this bill.

Mr. President, I would not have thought of introducing this amendment, but for the discussion which we had on Saturday last, arising upon the bank-deposit bill introduced by the Senator from Rhode Island [Mr. ALDRICH]. That discussion disclosed the fact that there are now locked up in the Treasury of the United States some $444,000,000, and it was said that the withdrawal from circulation of this vast sum of money was very injuriously affecting the business interests of the United States. It was pointed out that it was necessary to get this money into circulation, and that there was but one way of accomplishing that object, the way pointed out by the bill under consideration, introduced by the Senator from Rhode Island. That way is to deposit these moneys in national banks upon the basis of the securities specified in the bill containing a provision, which may or may not be retained, to the effect that the banks shall pay interest thereon at the rate of 1½ per cent interest per annum.

Mr. HALE rose.

Mr. RAWLINS. If the Senator will be patient, I am nearly through.

Mr. HALE. I yielded to the Senator because he wanted to make some explanation of his amendment. Of course, I can not control the Senator; but I hope, after having yielded to him, that the Senator will, so far as he can reasonably do so, confine himself to this bill——

Mr. RAWLINS. That is decidedly what I am doing.

Mr. HALE. Because it is being hung up, and I want to get it over to the other House and get it into conference. The Senator knows how important that is.

Mr. RAWLINS. I appreciate the importance of that, and if the Senator will be patient, I shall complete my statement in a very few minutes.

It occurred to me, Mr. President, that as the people of the United States own an outlying domain, their property of many million acres, now of no value for lack of water for its reclamation and irrigation, and as Congress has already declared by law in favor of the policy of the public reclamation of those lands by expenditures from the National Treasury, that by the application of these moneys, now locked up in the Treasury and not doing business for the people, to the construction of irrigation works, to the improvement of these lands now belonging to the people of the United States, putting them in such shape that they may serve the purpose of providing homes for all the people of the United States—the people of the East, where the population is congested, as well as the people of the West—where every dollar advanced will be an accretion to the value of the property belonging to the United States, in execution of a law which provides that when the lands are thus reclaimed and disposed of to actual settlers in limited quantities, those settlers shall reimburse the Treasury in installments, so that in the end the money will come back into the Treasury of the United States—I say that it would be far better to take a portion of this surplus money locked up in the Treasury, now doing no business, and devote it to this public end of great utility, thus benefiting all the people of the United States, than it would be to apply it, under the operation of the bank-deposit bill now under consideration, to certain banks, in the discretion of the Secretary of the Treasury, to be held and disposed of by them on terms advantageous to the banks alone, under which no poor settler seeking a home and desiring to become a good and profitable citizen of the United States would be able to obtain it; where its benefits will accrue to a very limited number who do not need any benefit; where it is a devotion of public funds, raised by taxation, to no public purpose—that it would be far better to improve this vast domain.

The States named in the irrigation act passed at the last session include about half the territory over which the jurisdiction of the United States extends, and if applied as proposed in the amendment which I have offered this $50,000,000, now serving no purpose, would pass into circulation; it would go into the hands of the people who most need it; it would tend to the upbuilding of homes; it would strengthen the Republic; it would add value to property belonging to all the people of the United States, and as we have the alternative of giving this money—I say "giving" because the contention is that the object of this bill to which I have referred is to enlarge the circulation, to increase the money——

Mr. BURTON. Mr. President, may I interrupt the Senator?

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

Mr. RAWLINS. I yield.

Mr. BURTON. Just a word. I did not quite catch the purpose of the Senator. It seems to me he must be speaking on something else; but the Senator well understands that $50,000,000 can not be used as provided in his amendment. He is prejudicing the subject of irrigation, is he not? I ask the Senator to reserve his speech and put it in on the other bill, if it is on that, because he will hurt irrigation, I am afraid.

Mr. RAWLINS. I do not think I am hurting irrigation; at least I will take chances on it. The proposition is to get this money, $444,000,000, into circulation. That is the primary object of the bill reported by the Senator from Rhode Island.

Mr. BURTON rose.

Mr. RAWLINS. If the Senator will permit me to answer the question——

Mr. BURTON. We run water through the ditches; we do not want to run money through them. Does the Senator want to fill the ditches with money?

Mr. RAWLINS. I have no doubt that the constituents of the Senator from Kansas would accept a proposition of that kind if it were offered; but I have not offered any such proposition. I am suggesting a way other than that pointed out by the bill of the Senator from Rhode Island by which this money now locked up in the Treasury might be gotten into circulation and serve a great public purpose.

Mr. SPOONER. Will the Senator allow me?

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

Mr. RAWLINS. Certainly.

Mr. SPOONER. I am quite surprised by the Senator's moderation, and I suppose he is surprised at his own moderation. Why does the Senator simply propose to appropriate $50,000,000? Why does he not make it $300,000,000?

Mr. RAWLINS. I do not wish to appropriate all the money in the Treasury of the United States. The Senator from Rhode Island, acting no doubt in the interest of the national bankers of the city of New York, because I do not understand that national bankers anywhere else want this bill—I myself am interested in a national bank, and I have no prejudice against banks—is demanding this entire fund for the bankers of the city of New York. His modesty is without limitation. I have no doubt that the imagination of other Senators from other sections and States will conceive methods by which this money can be taken out of the Treasury and applied to advantageous uses. The whole purpose of this bill of the Senator from Rhode Island is to get the money out of the Treasury and put it into circulation, and I am acting upon the suggestion of this measure, to which the majority of Senators upon the other side seem to be committed. Here is over $400,000,000 locked up which can not do business. It seems now to be impossible to get it into circulation so as to prevent stringency and panic. When put into the banks it passes into circulation; the business of the country will be conducted upon it; values will be fixed and adjusted in relation to it; and when so adjusted there will be a superstructure dependent upon that as a foundation, and we shall be unable to get the money back into the Treasury without destroying that. This money, if disposed of as provided under the provisions of this proposed legislation, I take it, can no more be reclaimed, without disaster to the country, than can the $143,000,000, which has already been deposited in banks by the Secretary of the Treasury.

Mr. President, as it can not be reclaimed, the sole question is, To what uses this surplus, so detrimental in now being locked up, can be most usefully applied? It has occurred to me that the people in the United States who desire to make homes upon land now worthless might utilize it, not only to their own advantage, but to the public weal.

Mr. ALLISON. I would be glad to have the Senator from Utah state how much money there is now in the Treasury applicable to irrigation, under the law passed a few years ago.

Mr. RAWLINS. I regret that I have not accurate information upon the subject. Doubtless other Senators have.

Mr. DUBOIS. About ten millions.

Mr. RAWLINS. About $10,000,000.

Mr. ALLISON. So I understand. I want to ask the Senator if he does not think ten millions will suffice for irrigation purposes for the fiscal year? If so, I do not see why we should appropriate $50,000,000 now, when we already have a surplus of ten millions awaiting the action of those in charge of the irrigation business.

Mr. WARREN. Without taking any part in the discussion, I desire to say that I think there is much less than ten million in the fund. At least I am so informed.

Mr. ALLISON. It is over $7,000,000, I know.

Mr. WARREN. Seven million would be nearer the number than ten.

Mr. ALLISON. There is enough there.

Mr. PATTERSON. I desire to ask the Senator from Iowa a question. How much of the public moneys have the banks of the country now?

Mr. ALLISON. Does the Senator mean how much of the public money is deposited in national banks?

Mr. PATTERSON. That is what I mean.

Mr. ALLISON. Every day we see that in the statement which is put on our desks. I do not know exactly what it was yesterday, but it is in the neighborhood of $145,000,000.

Mr. PATTERSON. Then I want to ask the Senator if he does not think that is about enough for the banks to have. Ought the remainder which is available go to the banks also, or can it not be used to better advantage in promoting the industrial interests and welfare of the country?

Mr. ALLISON. I understand there is a bill pending now on which that question is being very ably discussed on the other side and on this side of the Chamber. The question how much ought to be in the banks and how much ought not to be in the banks can be discussed upon that bill. I do not want to delay the appropriation bill for the purposes of that discussion.

Mr. RAWLINS. Mr. President, this is the last and final appropriation bill. There will be no vehicle by which to convey this money to the people of the United States if it is not placed upon the pending bill.

As to the question which the Senator from Iowa propounded to me, whether we have not a surplus of seven or ten millions in the irrigation fund, I confess I have not the figures. But it is not a surplus. That fund is so limited that the Geological Survey, which is now making investigations of various projects for the reclamation of arid lands in the West, has on hand a most serious problem. There are some six or eight States seeking the application of this limited fund within their borders, to carry into execution important enterprises. If the money is divided among the States there will be but a bagatelle to any one of them. For instance, there is the State of Wyoming. The able Senator from that State is competent to speak as to what amount of money could be utilized in that State for the reclamation of arid lands. Senators from North and South Dakota can speak for their own States. The Senator from Idaho can speak for his State. The Senator from Washington for his. The Senator from Kansas has already indicated that his people do not want their irrigation ditches filled with money, but undoubtedly they would like to have them filled with water, which might be provided by money.

So the whole irrigation scheme has been halted in the attempt to administer it for the very reason that the moneys available for that purpose are inadequate and will prove inadequate. There are two or three enterprises in my State which, if carried into execution, would be of immense value to the Government of the United States, and yet not one dollar of money will be made available out of this fund to initiate the construction of those works. That is true also in Idaho and elsewhere.

I do not want to delay the appropriation bill. Perhaps I am not so desirous of delaying the appropriation bill as I am the bank-deposit bill. I wish to invite attention to the matter of the best method of unlocking the money now tied up in the Treasury. It seems to me there are two things which are legitimate subjects for the consideration of Congress at this juncture. One is to reduce taxation—to cease to take an excessive amount of money from the pockets of the people to be tied up in the Treasury or to be disposed of in illegitimate ways. Secondly, to seek public purposes to which to devote the money in the public Treasury, objects to which that money can be applied in accordance with the purpose of those who founded the Government—in other words, the application of the fund to public uses.

No one, I take it, by any ingenuity can successfully contend that to take money wrested from the people, and now in the Treasury, and loan it to a bank—which may be a parent, with many branches to be created, to constitute itself a monopoly of the banking business of the country—is to devote it to a public purpose.

Mr. President, in addition to what I have already said, I desire to have printed as a part of my remarks sections 4 and 5 of the irrigation act:

SEC. 4. That upon the determination by the Secretary of the Interior that any irrigation project is practicable, he may cause to be let contracts for the construction of the same, in such portions or sections as it may be practicable to construct and complete as parts of the whole project, providing the necessary funds for such portions or sections are available in the reclamation fund, and thereupon he shall give public notice of the lands irrigable under such project, and limit of area per entry, which limit shall represent the acreage which, in the opinion of the Secretary, may be reasonably required for the support of a family upon the lands in question; also of the charges which shall be made per acre upon the said entries, and upon lands in private ownership which may be irrigated by the waters of the said irrigation project, and the number of annual installments, not exceeding ten, in which such charges shall be paid and the time when such payments shall commence. The said charges shall be determined with a view of returning to the reclamation fund the estimated cost of construction of the project, and shall be apportioned equitably: *Provided*, That in all construction work

eight hours shall constitute a day's work, and no Mongolian labor shall be employed thereon.

SEC. 5. That the entryman upon lands to be irrigated by such works shall, in addition to compliance with the homestead laws, reclaim at least one-half of the total irrigable area of his entry for agricultural purposes, and before receiving patent for the lands covered by his entry shall pay to the Government the charges apportioned against such tract, as provided in section 4. No right to the use of water for land in private ownership shall be sold for a tract exceeding 160 acres to any one landowner, and no such sale shall be made to any landowner unless he be an actual bona fide resident on such land, or occupant thereof residing in the neighborhood of said land, and no such right shall permanently attach until all payments therefor are made. The annual installments shall be paid to the receiver of the local land office of the district in which the land is situated, and a failure to make any two payments when due shall render the entry subject to cancellation, with the forfeiture of all rights under this act, as well as of any moneys already paid thereon. All moneys received from the above sources shall be paid into the reclamation fund. Registers and receivers shall be allowed the usual commissions on all moneys paid for lands entered under this act.

It is in furtherance of the policy of these two sections and of the execution of this law that I have offered the amendment in question. It may possibly be amenable to the point of order which the Senator from Maine indicates he will raise against it, although it is in execution of existing law.

If this appropriation is made, the $50,000,000 will not be deposited in banks. It will not draw a cent and a half per annum interest. It will construct canals, which will make lands now valueless worth $10, $15, or $25 per acre. This enhancement of value by reason of this investment of money to this end will increase the wealth of the country.

The lands will be disposed of to actual settlers, for which the settlers will pay in installments the amount of money proportionately invested by the Government for the reclamation of the land, and the land itself stands as security for the repayment of the money. There is a deficiency of money for that purpose now in the fund. If the Senator from Maine has any doubt about it, and will make inquiry of the Geological Bureau, I think he will be so advised. They have plans for great, useful enterprises which can not be carried into effect unless these additional appropriations are made. We have no rivers and harbors in my State, and I have asked nothing for such purposes. These moneys are piled up, and the covetous eyes of men in the East are upon this fund. We can not reduce taxation, it is said.

The monopoly of manufacturing interests, by reason of which they exact much higher prices from the American people consuming their goods than they exact from foreigners, forces a tribute from the American people which goes into the coffers of those corporations to the extent of the difference between the price they exact from foreigners and that which they exact of the American people. These combined interests, which have this monopoly by virtue of law, demand that there shall be no reduction of taxes, and the people in my State and in other States in this country must continue to pay more than is needed to defray the expenses of this Government.

The greed of these monopolies seems to know no end, and they have their covetous eyes on this money in the Treasury. They have received untold millions which have gone directly from the pockets of the people into their coffers. Other money in excess of what was needed by the Government has gone into the Treasury. Now they demand that that which is in the Treasury be turned over to them, too.

There is plenty of time to discuss these features, because the bill of the Senator from Rhode Island is hovering about us, patiently waiting to follow on the heels of the present appropriation bill, and the sole argument upon which it is made to rest is the surplus of money in the Treasury. Appropriation bills are designed to make a legitimate use of public money in the Treasury, and that is the object of this bill. The bill which is to follow upon its heels is to make a devotion of public funds to a private use.

Mr. BAILEY. I can not quite understand what the Senator means when he says devoting public funds to a private use; and as I support the bill to which he refers, I simply desire to ask him a question. Does he believe it is devoting to his profit and use the money of the depositors in his bank when they deposit it there? The Senator told us that he is interested in a national bank. I take it that, like all other national banks, it receives deposits. Does the Senator regard it as a devotion of that money to an improper use when the depositors place it there to their credit, with the privilege of withdrawing it any hour of any day?

Mr. RAWLINS. I am very glad the Senator has asked me that question. If I have money, I have the power and right to devote it to any legitimate use, according to my own pleasure, without any restriction or qualification. But unfortunately for the interrogatory of the Senator from Texas, when money is collected from the people under the power of law and placed in the Treasury it can be legitimately applied only to the end for which this Government was created.

Mr. BAILEY. I agree to that.

Mr. RAWLINS. And if the Senator will permit me to go one step further, it is no more legitimate for this Government to take funds from the National Treasury and deposit them in the treasury of a private banking corporation, in order to get it into circulation, than it would be to take the money from the Treasury and put it into the pocket of a private individual.

The Senator from Texas says the money may be withdrawn by the Government at its pleasure. We must not deceive ourselves. This is a currency question. I may deposit a limited amount of money in a bank, other individuals may do the same, and the chances are that it can be reasonably estimated by the bank that the daily drafts upon the money deposited by many depositors will not exceed a certain percentage of the aggregate amount of money deposited. There is devolved upon the bank the necessity of keeping only that percentage, or something in excess of it, in its coffers.

But when the Treasury of the United States deposits in a bank twenty or thirty or a hundred million dollars—and there is already deposited in banks $143,000,000—the money is put into circulation; business is fixed with relation to that quantity of money thus in circulation; values are adjusted with reference to it, and are dependent upon the continuance of its volume. If you add $400,000,000 to the money now in circulation, it will stimulate business industry; it will enlarge it; it will expand it; values will be enhanced, and already we know that many outside people are anxious to know whether this legislation is to pass, desiring to buy now in order to avail themselves of the advance of the security or of the property which may result from the passage of this bill. When you thus put money in circulation in volumes of two hundred or three hundred or four hundred million dollars, you do it with the expectation and understanding that values will be adjusted upon that basis, and when you undertake to withdraw it next year you will be confronted with the same proposition with which you are confronted to-day. If the Treasury should demand the return of the $143,000,000 in the banks there would be a crash. It would tear away the foundation on which business has been done. It would bring more ruin to the people than it would be for the Treasury to sacrifice the money.

So when the Senator from Texas says to me that this is but a temporary deposit I say if it is to be a temporary deposit, with a full right to withdraw it next week, there is no purpose in this legislation.

Mr. BAILEY. Mr. President——

Mr. HALE. Will not the Senators let me pass my little appropriation bill and then renew this entertaining debate?

Mr. BAILEY. I will say to the Senator from Maine, with the permission of the Senator from Utah, that I had no thought of leading him into a discussion of the currency question. I had supposed that this is merely a question as to the disposition of money collected, but the Senator had talked about me and other Senators who favored this bill as devoting the public moneys to private use, and by habit of thought and education that is a little objectionable to me. I thought perhaps he could enlighten me. If he can show me that I am voting to devote public moneys to private use, I shall be glad to join him in his rather indefinite criticism of this bill.

Mr. RAWLINS. I know the principle which actuates the Senator from Texas, and I never would impute to him any such intentional purpose. He views it from the standpoint that it is a temporary deposit; that it is still at the command of the Treasury; that it is still available, and will be to-morrow or next week or next year; that there will be no embarrassment in getting it back. I am not able to view it from that standpoint, because when it is put into circulation——

Mr. BAILEY. Will the Senator permit me to say that I cordially agree with him that it would be a serious embarrassment if it were withdrawn from the banks and locked up in the Treasury, just as I now conceive it will result in serious embarrassment to the business of the country if it be withdrawn from the channels of trade in the shape of taxes and locked up in the Treasury. But I hope that instead of taking it out of the banks and locking it up in the Treasury a system of taxation will be adopted whereby the Government will cease to collect a surplus and will gradually dispose of the surplus we have and let it be released from the banks and go back into channels of trade through expenditure of the Government itself.

Mr. RAWLINS. I notice that the Senator from Maine is a little impatient, and I must apologize to him for speaking longer than I had originally anticipated; but I wish to add that ordinarily we Democrats especially, and I think many Republicans, to do them the honor and credit, favor the economical expenditure of public moneys, and desire to limit them within such scope as will subserve the ends for which the Government itself was created. Some Senators seriously combated the policy of enacting the irrigation law as being rather a stretch of power upon our part in disposing of moneys raised by taxation. I shared with them in a degree that feeling. But the counterpart of economical expenditure is the restriction upon the power of taxation, so that no more money will be raised, abstracted from the pockets of the people, than is necessary to carry on the Government, honestly

and economically administered. But we find ourselves in a predicament by reason of our tax laws and other things.

The unexpected prosperity to which our friends upon the other side constantly point has filled the Treasury. Now, how are you going to get rid of the money? We are relegated to the selection of the most advantageous uses to which the money can be devoted. The purpose of this amendment is to point to one use. There is an enterprise in my State which, if it had $3,000,000, would create $25,000,000 of wealth. It can not be initiated. I know of enterprises in the State bordering upon the north where the Government could expend money upon its own property to the advancement of its value while subserving the interests of all the people.

I said I was interested in a bank. My bank does not need it. Suppose the bank is given $1,000,000 or $3,000,000. What will happen then? We pay a bagatelle in return for it. A man seeking a home comes to the bank. He has no security to offer. On the other hand, adopt this amendment and what will happen? The man seeking a home can find a home.

The bank will loan the money, if it can get proper security, and it will exact 6 or 8 or 10 or 12 per cent. That is the only way the money will get into circulation through the bank. But look at this proposition. Who will get the money? Any home seeker: many people who can not now rear families; who can not give their children that degree of education to which they are entitled; people who can not have that equal and fair opportunity with the rest of their fellow-citizens, and who wish to build up and strengthen the Republic in its brawn and muscle and honesty and hardihood. Those people desire to become good citizens. They desire to establish homes on which the strength and the stability of this Republic, together with the perpetuity of its institutions, must finally rest. What does such a person do? He asks the Government to let him take a tract of land, now worthless, to which he will give the necessary brawn and muscle, and he asks the Government to provide the other means for its reclamation, promising that he will return the money which is thus devoted to the creation of his home. The Government loses nothing and the public interest is thus subserved.

I understand a point of order was made against the amendment. I ask the Senator from Maine not to make the point of order against the amendment, but to let the Senate pass upon it on its merits.

Mr. HALE. Mr. President, I have already made the point of order.

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

Mr. McLAURIN of Mississippi. Mr. President, I desire to offer an amendment.

The PRESIDENT pro tempore. The Senator from Mississippi offers an amendment, which will be stated.

The SECRETARY. It is proposed to insert at the proper point the following:

That the sum of $1,200 is appropriated to reimburse the people of Indianola, Miss., and vicinity thereof, for moneys expended by them for carrying their mails to and from Heathman, Miss., and for handling and distributing the same, the said reimbursement to be under regulations prescribed by the Postmaster-General.

Mr. HALE. I make the point of order against the amendment.

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

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

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SAFE-KEEPING OF PUBLIC MONEYS.

Mr. ALDRICH. I ask that the unfinished business be laid before the Senate.

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

The SECRETARY. A bill (S. 7301) to further provide for the safe-keeping of public money, and for other purposes.

Mr. FORAKER. I ask the Senator from Rhode Island to yield to me for a moment.

Mr. ALDRICH. I do.

RIGHTS OF WAY FOR IRRIGATION PURPOSES IN HAWAII.

Mr. FORAKER. I ask the Senator from Rhode Island to yield to me that I may call up the bill (H. R. 11997) granting to the Hawaiian Ditch Company, Limited, the right of way over public lands in the districts of North and South Kohala, in the island of Hawaii, for the purpose of constructing and maintaining ditches or canals and the necessary reservoirs, dams, and the like, for irrigation and domestic purposes in said districts. It has passed the House.

Mr. ALDRICH. The Senator from Colorado [Mr. TELLER] is entitled to the floor.

Mr. TELLER. That bill will create some discussion.

Mr. FORAKER. I was about to say that this bill has now been agreed upon. The bill as it passed the House met with very bitter opposition. In the Committee on Pacific Islands and Porto Rico an amendment was under consideration which was prepared and introduced by myself, which I proposed to offer as a substitute for the bill, and that amendment is acceptable, as I am informed, to everybody in interest. It is an amendment which gives no advantage to anybody, and I think it is proper that it should pass.

Mr. TELLER. If that is the fact, I shall not antagonize the bill. The bill as it came from the House was exceedingly objectionable.

Mr. FORAKER. It was very objectionable. I was opposed to it myself.

Mr. TELLER. If it goes into conference I am not quite certain how it will come out, so that really——

Mr. BURTON. I wish to state that this bill simply reenacts our law on the subject of irrigation. It is in the exact language of our own law.

Mr. FORAKER. With such changes as were necessary to make it applicable in Hawaii, where they have a different land system. There is no objection to it on the part of anybody in interest.

Mr. SPOONER. I should like to ask the Senator from Ohio if this is a matter beyond the jurisdiction of the local legislature of Hawaii?

Mr. FORAKER. There was an interpretation of the local laws at one time to the effect that the authorities of Hawaii had power to deal with this question, but the Secretary of the Interior has made a ruling to the contrary. Thereupon they came to Congress as a matter of necessity in order to get a right to construct an irrigation ditch, and the House passed the bill of which I speak. The objection to the bill was that it granted a franchise which in its result would have been necessarily exclusive, as I thought. I was opposed to that. I thought that it would be sufficient to extend the laws now applicable in our Territories to Hawaii, under which all would have an even and equal chance, and the substitute which I propose to offer to the bill is to that effect.

Mr. SPOONER. Is this ditch to be constructed over Government land?

Mr. FORAKER. For a short distance it passes through a Government reservation. That is the necessity for coming to Congress for legislation. It will be largely upon private land. I think when the Senator hears the substitute for it read he will see there is no occasion to take any exception to it. I have shown it to all the parties in interest, and they have all agreed to it.

Mr. SPOONER. The object of my inquiry was to ascertain if there was any good reason why we should not leave this matter to the local legislature.

Mr. FORAKER. The reason why we should not leave it to local legislation is that it has been decided that they did not have authority to deal with the subject, and it was necessary to come to Congress in order to get relief.

Mr. CULLOM. As I understand it, there has been a controversy between the members of the committee having the bill in charge.

Mr. FORAKER. Yes, sir.

Mr. CULLOM. But I understand that all the parties are now agreed as to the bill the Senator proposes to present.

Mr. FORAKER. There was a controversy. I could not agree with the majority of the committee. I thought that the amendment I offered, simply extending our irrigation laws and making them applicable to Hawaii, ought to be the legislation we should enact.

Mr. CULLOM. The Senator is now in favor of the bill which he proposes to present to the Senate for consideration?

Mr. FORAKER. No; I propose to call up the bill and offer my amendment as a substitute, that being now accepted. It is satisfactory to all, and everybody is willing to accept it.

The PRESIDENT pro tempore. If the Senator will send his substitute to the desk and have it read, then the Chair will ask whether or not consideration shall be given.

Mr. FORAKER. Certainly.

The PRESIDENT pro tempore. The proposed substitute will be read.

The Secretary proceeded to read the substitute.

Mr. TELLER. Mr. President——

Mr. BURTON. I ask the Senator to allow the substitute to be read.

Mr. TELLER. I think the bill had better be printed and go over until to-morrow morning.

Mr. BURTON. Let it be read first.

Mr. TELLER. I am willing that the reading shall be concluded so that it may appear in the RECORD, and it need not be read again if it is not changed.

Mr. FORAKER. I can explain it to the Senator in a moment. I shall not move any amendment to it.

The PRESIDENT pro tempore. The reading of the substitute will be through in one moment.

Mr. TELLER. Very well.

The Secretary resumed and concluded the reading of the substitute, which was to strike out all after the enacting clause of the bill and to insert:

That the right of way through the public lands and reservations of the United States situate in the Territory of Hawaii is hereby granted, subject to the provisions hereinafter named, to any canal or ditch company formed for the purpose of irrigation, and duly organized under the laws of the Territory of Hawaii, which may hereafter file with the commissioner of public lands of the Territory of Hawaii and with the Secretary of the Interior of the United States a copy of its articles of incorporation and due proofs of its organization under the same to the extent of the ground occupied by the water of the reservoir and of the canal and its laterals and 50 feet on each side of the marginal limits thereof; also the right to take from the public lands adjacent to the line of the canal or ditch material, earth, and stone necessary for the construction of such canal or ditch: *Provided*, That no such right of way shall be so located as to interfere with the proper occupation by the Government of the United States of any such reservation, and all maps of location shall be subject to the approval of the department of the Government of the United States having jurisdiction of such reservation; and the privilege herein granted shall not be construed to interfere with the control of water for irrigation and other purposes under the authority of the Territory of Hawaii as may be provided by law.

SEC. 2. That any canal or ditch company desiring to secure the benefits of this act shall, within twelve months after the location of 10 miles of its canal if the same be upon surveyed lands, and if upon unsurveyed lands within twelve months after the survey thereof by the United States, file with the commissioner of public lands for the Territory of Hawaii and with the Secretary of the Interior a map of its canal or ditch and reservoir; and upon the approval thereof by the governor, and attorney-general, and commissioner of public lands of the Territory of Hawaii, and the approval also of the Secretary of the Interior, the same shall be noted upon the plats of said lands, and thereafter all such lands over which such rights of way shall pass shall be disposed of subject to such right of way. Whenever any person or corporation, in the construction of any canal, ditch, or reservoir, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

SEC. 3. That all rights of way granted under the provisions of this act shall be taken and enjoyed subject to such terms, conditions, and regulations as may be prescribed by the governor, and approved by the Secretary of the Interior; provided the compensation exacted for such rights of way, and all rentals or revenues or other monetary payment exacted on account thereof shall not exceed 2 per cent of the gross earnings of such company, and shall be payable into the treasury of the Territory of Hawaii as revenues of that government to be used for its benefit and support.

SEC. 4. That nothing in this act shall authorize any such canal or ditch company to occupy any right of way granted hereunder except for the purpose of said canal or ditch, and then only so far as may be necessary for the construction, maintenance, and care of said canal or ditch; and if any section of said canal or ditch shall not be completed within six years after the location of the same the rights granted hereunder shall be forfeited as to any uncompleted section of such canal, ditch, or reservoir to the extent that the same is not completed at the date of forfeiture.

Amend the title to read as follows: "An act to grant the right of way through public lands in Hawaii to canal and ditch companies formed for irrigation purposes, and to regulate the use of the same."

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

Mr. JONES of Arkansas. Mr. President, I have been very much opposed to the proposition which has been pending here, and I have not had time to see how this proposed substitute changes the bill as it stands. I agree with the Senator from Colorado that the matter ought to go over until to-morrow morning to give us an opportunity to see the proposition submitted by the Senator from Ohio.

Mr. FORAKER. I have not any objection to that course, although the amendment which is now offered as a substitute was introduced here at the last session and has been pending all this while. It received consideration in the committee. The parties representing the conflicting interests appeared before the committee and they have all of them expressed themselves there, except those who wanted the House bill passed, as satisfied with the amendment which is now offered as a substitute. The only difficulty about accepting the amendment was on the part of those who had secured the legislation which passed the House. They opposed it, and now they have agreed to accept it, and all the other parties in interest that I know of have been shown this substitute and they have accepted it.

This is nothing in the world except a literal copy of our own statutes on irrigation applicable to the Territories, with such changes as were necessary to make it applicable to the different condition in Hawaii. For instance, it was required under our Territorial law that certain plats and maps should be filed with the register of the land district. They have no register of a land district in Hawaii, and therefore the proposed law was so changed as to provide that they should be filed in the office of the public land commissioner.

Then, beyond that there is this further provision (and that is the only change) that the governor of Hawaii, subject to approval by the Secretary of the Interior, shall determine upon what terms and conditions a franchise shall be taken by any company in any particular case.

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

Mr. FORAKER. Certainly.

Mr. SPOONER. As the bill was read I thought I caught something providing for some payment from the treasury of Hawaii.

Mr. FORAKER. I was just proceeding to state that the governor of Hawaii, subject to approval by the Secretary of the Interior, will determine upon what terms and conditions any franchise under this act shall be taken as to payment to the government for its support or on any other account, with a limitation, however, that the compensation exacted shall not exceed in any case 2 per cent of the gross earnings.

Mr. SPOONER. Does it provide for any payment from the Treasury in aid of this improvement?

Mr. FORAKER. No, sir; this Government pays nothing. The payment referred to is a payment by the canal company that gets the franchise to the government of Hawaii, as a contribution toward the support of that government, not exceeding 2 per cent of the gross earnings.

Mr. ALDRICH. I yielded to this measure with the understanding that it would not lead to debate.

Mr. FORAKER. I know the Senator did. I will let the measure go over until to-morrow morning in order that it may be read, and I only ask that Senators, bearing in mind what I have said, will compare the substitute as offered with our own statute on the subject. They will see that they are precisely the same.

Mr. JONES of Arkansas. In view of what has been said here, I ask the unanimous consent of the Senate that I may take just one minute to make a statement.

My opposition to this original proposition was because I understood that it practically destroyed the rights of a certain charitable institution in the Hawaiian Islands called the Bishop Estate. I do not understand the facts in the case.

Mr. KEAN. Will the Senator from Arkansas yield to the Senator from Ohio? He has a statement.

Mr. FORAKER. The Senator from New Jersey [Mr. KEAN] has just handed me a printed statement, prepared by the representatives of the Bishop Estate, who were before the committee, and who, as stated, expressed themselves at that time as satisfied with the amendment which I have just offered as a substitute. They have sent this statement to the Senator from New Jersey only within the last day or two, as I understand it.

Mr. KEAN. I only received it this morning.

Mr. FORAKER. It sets forth the objections to the bill. The bill which then passed the House is not to be passed, according to the proposition now made, but the amendment which I offered as a substitute. They state, after summing up the objections to the bill, the following:

A substitute measure has been offered by Senator FORAKER which removes all of these objections, but it has not yet been reported by the committee to which it was referred.

I did not report it because the committee refused to report it. I was the only member of the committee present at the time who voted for my own proposition. I did not think fit to make a minority report. But I know this amendment is absolutely satisfactory to everybody, and particularly to the people for whom the Senator from Arkansas speaks when he refers to the Bishop Estate.

Mr. JONES of Arkansas. In reply to what the Senator has just said, I have great faith in the absolute correctness of the position taken by the Senator from Ohio all the time, and I have been inclined to be with him in this matter. But the Senator from Colorado [Mr. TELLER] hands me this telegram:

Rumor that Bishop interests have withdrawn objections to Hawaii ditch bill is unfounded.

ARTHUR S. TUTTLE.

I do not know who Mr. Tuttle is or his relation to the matter, but that is the reason why I thought the matter ought to go over until it could be better understood.

Mr. FORAKER. I can explain that in a minute. The Hawaiian ditch bill is still objectionable to those people, and on account of their continued objection to it the people who are urging the Hawaiian ditch bill have abandoned it, and after having abandoned it they are in favor of the passage of the substitute measure which I have offered.

Mr. ALDRICH. I ask for the regular order.

Mr. FORAKER. If the Senator still persists in his objection, I will let it go over.

Mr. JONES of Arkansas. Let the bill go over, and we will look at it to-morrow. I am not willing to take it up at the present time.

Mr. COCKRELL. I ask the consent of the Senator from Rhode Island and of the Senate to have a little House bill of about ten lines passed.

Mr. ALDRICH. I hope the Senator from Missouri will not press the request now. I know what his duties are upon conference committees, but I feel obliged to decline to yield at present. I will see that he gets an opportunity later on.

The PRESIDENT pro tempore. The unfinished business is before the Senate.

Mr. ALDRICH. The Senator from Colorado [Mr. TELLER] has the floor.

Mr. TILLMAN. Will the Senator from Colorado yield to me for a moment?

Mr. TELLER. I yield to the Senator.

Mr. TILLMAN. Some time back somebody, of whom I know nothing, sent me a pamphlet in regard to this Hawaiian ditch matter and the interests involved. I have not had time to examine it. I received a telegram similar to the one which the Senator from Arkansas just read from Mr. Arthur S. Tuttle. There must be something about this matter that involves very serious interests, and I propose, if the Senate will permit me, to have inserted in the RECORD the explanation given by those who are opposing the ditch bill. I have not even read it, but all Senators will then be in position to read it, if they want to do so, in the morning in the RECORD. I ask to have it inserted in the RECORD.

Mr. FORAKER. Here is a report on the subject embodying that, I suppose, as well as everything else that was taken. It is a very lengthy report.

Mr. TILLMAN. How does the Senator know that it embodies this paper?

Mr. FORAKER. I made the report myself, and I know what is in it. I want to say another thing. I was in strict accord with all that is in that paper; I opposed the bill myself in the committee; but, as the Senator from Missouri [Mr. COCKRELL] and others know who served on the committee, the Kohala ditch bill is one thing, and my substitute for it is another thing altogether. The one proposed to grant a franchise to certain individuals named. My provision is simply the enactment of a general law, and making it applicable to Hawaii, under which anybody can get a franchise to construct and maintain a ditch who complies with the law, which is just the same thing in its provisions as the law now applicable to the Territories.

Mr. BURTON. Mr. President——

Mr. TILLMAN. The Senator from Colorado yielded to me. I made a request, and if it has been refused——

Mr. FORAKER. I have no objection to the paper going into the RECORD, if the Senator wants it to appear.

Mr. TILLMAN. It can do no possible harm.

The PRESIDENT pro tempore. The Senator from South Carolina asks unanimous consent that a paper which he sends to the desk be printed in the RECORD. Is there objection? The Chair hears none, and the order is made.

The paper referred to is as follows:

Objections to the H. R. bill No. 11997 and to the amendment thereto proposed by Senator Mitchell, the same granting to the Hawaii Ditch Company, Limited, certain land and water rights on the Government lands of Hawaii, Territory of Hawaii.

THE BILL AND ITS AMENDMENTS.

The bill.—The original bill before the Senate was passed by the House of Representatives on March 14, 1902, no representation having been made to show that it threatened private interests or that it would be otherwise than beneficial to the Territory. It is designated as H. R. 11997, and bears the title "An act granting to the Hawaii Ditch Company, Limited, the right of way over public lands in the districts of North and South Kohala, in the island of Hawaii, for the purpose of constructing and maintaining ditches and canals and the necessary reservoirs, dams, and the like for irrigation and domestic purposes in said districts."

The bill first grants a right of way to construct two ditches or other lines of water carriers within an area for which an alleged boundary is named and which has an area of about 70 square miles, of which the Government owns about 42 square miles. This is followed by a further grant of the same privileges throughout all the remainder of the districts of North and South Kohala and Hamakua, having an area of about 1,000 square miles, of which the Government owns 480 square miles, or nearly one-half. These ditches are to be constructed specifically for the purpose of conserving and utilizing "waters now running waste into the sea." Permission is also given to construct reservoirs and to use such material of construction from the public lands as is available and as may be required.

The grant is subjected to the terms of the act of March 3, 1901, chapter 561, sections 18 to 21, except as to time of completion of the work, which is fixed at six years from the date when the proposed franchise is granted. It has been intimated that this reference to a previous act of Congress is such that it secures to the United States a control over the location of the ditches; that it insures all settlers upon the public land against damage, and that it does not interfere with the control of water by the Territory; but it has been shown by the chairman of your committee that the act of Congress of the date named in the bill had no relation to this subject. The bill also provides that the terms under which the water is to be sold shall be subject to the direction of the United States district court. The purpose, then, of this bill is to give outright in perpetuity to the Hawaii Ditch Company, Limited, and without compensation, a clear title to all of the water which is not already utilized, which can be collected by two ditches on nearly 500 square miles of public lands, the only reservation being in the time of completion of the work and the jurisdiction of the court concerning the use by and charge to customers.

THE AMENDMENT INTRODUCED BY SENATOR MITCHELL.

This amendment is dated June 9, 1902, and stipulates, as an addendum to the original bill, that the Hawaii Ditch Company, Limited, after the completion of the works, shall pay to the Territory of Hawaii the sum of at least $2,500 annually, as compensation for the rights granted under the bill, "and for the use of the waters of the Territory," or such other sum, not less than $2,500 per year for the first five years after the completion of the ditches, as may be fixed upon by the United States district court. It also provides that the charges for the sale of water shall be fixed by the commissioner of public lands of the Territory of Hawaii, and binds the company to preserve the forests and not to divert water from the Waimea watershed. If, in the original bill, there was any question as to the ownership and control of the water on the public lands remaining with the territorial officials, this addition removes all doubt, for its terms not only intimate that the waters upon the public lands do now belong to the Territory, but they are forthwith given to the Hawaii Ditch Company.

THE AMENDMENT INTRODUCED BY SENATOR FORAKER.

This practically substitutes for the bill the general law which is now applicable to the right of way granted on public lands to an irrigation company in any part of the United States, with the sole exception of Hawaii, modifying the same by requiring the approval of the grant by the Territorial officials as well as by the Secretary of the Interior, and also by enabling the Territory to exact a compensation for the privileges granted. This amendment has a general application, and clearly defines the course to be taken by any company desirous of engaging in irrigation; it explicitly leaves the control of water to the Territory, as has been the previous practice in such legislation, and relates to a grant of the right of way only across the public lands. It differs only from the laws which elsewhere apply, partly because of the greater familiarity of the Territorial officials with the peculiar character and formation of the islands, partly because the Territorial authorities are here the administrators of the land laws, and partly because of the great value of water on Hawaii.

SUMMARY OF OBJECTIONS.

1. The bill is misleading. Its title indicates that the grant is to be made for the purpose of constructing ditches in north and south Kohala; in the text the area is first specifically defined as that portion of those two districts and of the Hamakua district lying within certain bounds, those on the east and west being of an indefinite character for the purpose of such a grant, while the one on the south is simply a point; this, again, is followed by an additional grant which extends the range to cover the entire three districts of north and south Kohala, and Hamakua. Under the amendment the additional right to all waters of the Territory in the three districts which are not in present use is distinctly conferred. The text contains a reference to the provisions of another law which in no wise relates to the rights given, but which is so incorporated in the bill as to indicate that the privileges were subject to certain conditions protecting other interests.

2. The bill grants to a specific corporation certain extensive land and water rights in perpetuity to public lands in a distant Territory without giving the local officials of that Territory, who are otherwise charged with the administration of the public lands, any jurisdiction over the terms of the grant, the merits of the claim, or the compensation to be paid, and it ignores all private interests in the water rights affected.

3. The bill does not meet with the approval of the local plantations, the representatives of which have so placed themselves on record. In this statement they explained that their petition to Congress, under date of November 14, 1901, in favor of the Hawaii Ditch Company, Limited, was signed under a misapprehension of the facts. They express themselves as opposed to special legislation of this character, and as favoring a general law.

4. The policy of the United States Government has heretofore been to grant privileges in connection with all public lands, not to individual citizens or corporations, but under a general act applicable to any citizen, association, or corporation desirous of the same and complying with the provisions of the law. The precedent set by the passage of such a bill as is proposed will encourage requests for similar individual grants, to the disadvantage of the Territorial government as well as of all landowners, compelling the latter to secure representation at Washington to insure a protection of their interests.

5. The proposed grant is a monopoly and so sweeping in its character that the corporation to be benefited by the same is given liberty to appropriate lands for its ditches in an area of 480 square miles, or about 18 per cent of the total area of the public lands of the Territory of Hawaii, without restrictions as to the location, and the amendment to the bill further ostensibly legalizes the abstraction of all water which is unused at the present time.

6. The Hawaii Ditch Company have made no surveys of the Territory and no measurements of the stream flow. They have prepared no practical plan for the development of a project which will benefit the Territory; and their representations do not indicate any familiarity with the results of such explorations of the water resources as have been made under the direction of the Hawaiian government or with the actual needs of the adjoining districts for an irrigation supply.

7. The bill, together with the amendment, presents what is apparently a claim on the part of the government to all unused waters flowing across the public lands, disregarding the lack of local laws and of judicial decisions concerning riparian rights, which would substantiate such assertions.

It therefore discriminates against those now in possession of such waters and forces them into a litigation if they desire to retain the rights which they now enjoy.

8. The principal water supplies in the public lands affected by the bill, after leaving such lands, flow across property belonging to the Bernice P. Bishop estate and the Bernice P. Bishop Museum, where they are now partly used and where negotiations are in progress for so developing them that they will be fully used in promoting local interests. If the proposed project of the Hawaii Ditch Company could be carried out, the Bishop interests would be subjected to serious damage, partly by the obstruction of surface water before it reaches their land and partly by the drying up of the springs which now exist on their property.

9. The ownership by the Bishop interests of the gulches bounding to a high elevation on the east and west the richest portion of the water-bearing territory for which a franchise is asked by the Hawaii Ditch Company, and the lack of power of a private corporation to condemn land, necessitates that a ditch, flume, or pipe line can only be brought across this portion of the public lands at such a great elevation as to pass the head of these gulches, where the only water supplies that exist are those tributary to the lands of these private interests. Even if the Hawaii Ditch Company possessed the power to condemn private land, the depth of these gulches belonging to the Bishop Estate and to the Bishop Museum, and of other intervening gulches on the Government land, is so great as to practically prohibit crossing them with any known or used method of conveying water.

10. The mountain water supply on the public lands at the elevation where the Hawaii Ditch Company would construct their works has been measured and found to be so small in volume during the dry season, when irrigation is needed, as to prevent any possibility of success in developing a supply of appreciable magnitude. The quantity of water that may be developed for useful purposes on the lands of the Bishop interests in the valleys is much larger, owing to the cropping out of large, steady springs in the gulches, which springs maintain the volume during seasons of drought. A supply of water can not be profitably developed on the Bishop lands in the valleys, if the Hawaii Ditch Company project is carried out, for the reason that there would be a loss not only of the surface flow, but also a very serious danger of loss in the yield of the springs. The passage of this bill would, therefore, reduce the amount of water available for irrigation in the locality.

11. The project which has been shaped out for a development of the water supply on the Bishop lands is both feasible and practicable, and it has been laid out to meet the predetermined local needs. The development proposed by the Hawaii Ditch Company lacks all such features.

12. The Hawaii Ditch Company is a corporation organized purely from selfish motives and for the purpose of securing a personal profit to their stockholders by the sale of the water to be obtained under this grant. The Bernice P. Bishop estate and the Bernice P. Bishop Museum, whose properties are threatened with serious damage by this bill, are semipublic institutions, created and maintained purely for educational and philanthropic purposes. Their interests are those which appeal to and are shared by all good citizens.

IT HAS NOT BEEN THE POLICY OF THE GOVERNMENT TO GRANT FRANCHISES ON THE PUBLIC LANDS TO CITIZENS, ASSOCIATIONS, OR CORPORATIONS, EXCEPT IN A GENERAL WAY.

The joint resolution (55) passed July 7, 1898 (30 Stats., 750), "To provide for annexing the Hawaiian Islands to the United States," provided, inter alia, as follows:

"The existing laws of the United States relative to public lands shall not apply to such lands in the Hawaiian Islands; but the Congress of the United States shall enact special laws for their management and disposition: *Provided*, That all revenue from or proceeds of the same, except as regards such part thereof as may be used or occupied for the civil, military, or naval purposes of the United States, or may be assigned for the use of the local government, shall be used solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes."

The act of Congress of April 30, 1900 (31 Stats., 141), entitled "An act to provide a government for the Territory of Hawaii," provided, in section 73, "that the laws of Hawaii relating to public lands * * * shall continue in force until Congress shall otherwise direct" (p. 154).

An examination of the several acts heretofore passed by Congress in connection with the public lands of the United States, and privileges granted therein, will disclose that the uniform policy of this Government has been, during the years, not to grant monopolies or to indulge in special legislation, but to confer benefits and privileges to citizens or corporations generally complying with the terms of the particular act.

This will appear from the acts of Congress, reference to which is below given, and which acts cover all grants of rights of way through or privileges or easements in the public lands of the United States.

The act of March 3, 1875 (18 Stats., 482), entitled "An act granting to railroads the rights of way through the public lands of the United States," granted, in express terms, such right of way to any railroad duly organized, etc., which should comply with the provisions of the act.

The act of March 3, 1891 (26 Stats., 1095), entitled "An act to repeal timber-culture laws, and for other purposes," provided in section 18 (p. 1101) that "the right of way through the public lands and reservations of the United States is hereby granted to any canal or ditch company for the purpose of irrigation," duly organized, etc.

The act of January 21, 1895 (28 Stats., 635), entitled "An act to permit the use of the right of way through the public lands for tram roads, canals, and reservoirs, and for other purposes," granted such right, under the conditions therein set forth, to "any citizen or association of citizens of the United States engaged in the business of mining or quarrying or of cutting timber and manufacturing lumber."

That act was amended by the act of May 14, 1896 (29 Stats., 120), by which latter amendatory act the provisions thereof were extended to "any citizen or association of citizens of the United States for the purposes of generating, manufacturing, or distributing electric power."

The act of May 21, 1896 (29 Stats., 127), entitled "An act to grant right of way over the public domain for pipe lines in the States of Colorado and Wyoming," granted such right of way to "any pipe-line company or corporation formed for the purpose of transporting oils, crude or refined," etc.

And, finally, the act of May 11, 1898 (30 Stats., 404), entitled "An act to amend an act to permit the use of the right of way through public lands for tramways, canals, and reservoirs, and for other purposes," granted such right to "any citizen or association of citizens of the United States for the purposes of furnishing water for domestic, public, and other beneficial uses," and further provided that "said rights of way may be used for the purposes of water transportation for domestic purposes or for the development of power, as subsidiary to the main purpose of irrigation."

Mr. TELLER. Mr. President, I do not want to cut anybody else off; but this matter has gone over until to-morrow morning, and that is the time to discuss it, and not now. If the Senator from Kansas desires to make any statement, I of course yield.

Mr. BURTON. Mr. President, in view of the fact that I was on the committee and the Senator from Oregon [Mr. MITCHELL] has not been able for six weeks to be in his seat, except in the last day or two, and he was chairman of the committee that investigated affairs in Hawaii, I should like to say just a word.

The only objection any of us ever had to the Senator's amendment, which probably would have been adopted long ago, was to section 3, which is an addition to our law. The whole bill now proposed by the Senator from Ohio is practically a reenactment of the law which is in force in this country; but section 3 gives additional powers to the governor and local authorities there. However, amended as now suggested there is no objection to it.

The representatives who have been trying to get a bill say that a canal can not be built in the islands there because there is no existing law. Now, it is uncertain what the law is. The amendment as modified by the Senator from Ohio is simply a reenactment of our law, as Senators will see if they will read our law and compare it with the proposed substitute.

I should like to have said something about the Bishop estate while I am on my feet; and I say here and now that neither one of the bills affected the Bishop estate one bit, and I know it. The Bishop estate never was threatened at all by either bill, and no man who has investigated it as I investigated it will for a moment say so, providing he is sincere. That is all there is about it.

I felt like I ought to say this in view of the fact that the Senator from Oregon, who is chairman of the committee, is absent. However, all that is out of the way, and we are simply trying to apply our law to Hawaii, so that anybody can build a canal there who wants to build it in compliance with the law, just as if he wanted to build a canal now in Montana or Colorado or across the public domain; he would file the maps after making surveys, not with the local authorities, but first with the register of the land office and then with the Secretary of the Interior, and go on and build the canal.

This is what the substitute, as presented by the Senator from Ohio, proposes to do, and it came up by reason of the fact that a private bill was asked for, in the first instance, because there was no law by which a canal could be built, and all sides have reached a conclusion that it is best to enact this law, after section 3 has been modified, as it was by the Senator from Ohio. The Senator from Ohio proposes not a new bill; his amendment is a verbatim copy of our own law.

Mr. FORAKER. Mr. President, for the information of the Senator from Colorado and others who may desire——

Mr. TELLER. I do not think I need any information about this bill now. If it is a question of the statute, I will say to the Senator from Ohio that I myself have in mind the law on that question. I do not think anything is to be gained by this discussion now. The bill has gone over and I mean to look at it, and if it is what I now suppose it to be probably there will be no trouble, as far as I am concerned, in its passage, but I do not care about going into a discussion of the bill now. However, if the Senator insists upon it, of course I am not going to object.

Mr. FORAKER. I did not rise to discuss this matter further, but I thought it would be some accommodation to the Senator for me to tell him that he would find the statute of which this substitute is almost a literal copy——

Mr. TELLER. If the Senator thinks I have not read the statute, he does not know what I have been doing for the last thirty years.

Mr. FORAKER. Mr. President, I know the Senator has read the statute. I have read the statute, too. But when I undertook to look it up on Saturday in order that I might have it at hand when the bill would be called up, I had a good deal of difficulty to find it. There are irrigation laws, and irrigation laws, and irrigation laws.

The particular statute that I refer to is found on page 946 of the Supplement to the Revised Statutes of the United States, Volume I, second edition, 1874 to 1891, sections 18 to 21, both inclusive. I thought it might be some accommodation to some of the Senators who perhaps have not examined the law recently.

Mr. SPOONER. That is the act of 1891, is it not?

Mr. FORAKER. It is the act of March 3, 1891.

Mr. TELLER. With any statute concerning irrigation which has been passed in the last twenty-six years I am pretty familiar. I think I have had as thorough acquaintance with that subject as any member of the committee that reports this bill. In the State where I live the irrigation question is a live question. It is a question of more importance to the agriculturists there than any other.

I do not care now or at any other time to discuss the bill. I wish to discuss the bill I was discussing briefly Saturday night, when I was taken off the floor by the Committee on Appropriations which very properly desired to pass a bill.

Mr. PATTERSON. Mr. President——

Mr. TELLER. I yield to my colleague.

LANDS IN ALASKA.

Mr. CLARK of Wyoming submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12098) to amend section 1 of the act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for a right of way for railroads in the district of Alaska," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

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

In lines 4, 5, 6, and 7, page 1, strike out the words "excepting the commutation provisions thereof, and excepting also the provisions relating to the acquisition of title through soldiers' additional homestead rights."

Also in line 13, page 1, after the word "district," insert the following: "except as now provided by law: *And provided further*, That no more than 160 acres shall be entered in any single body by such scrip, lieu selection, or soldier's additional homestead right: *And provided further*, That no location of scrip, selection, or right along any navigable or other waters shall be made within the distance of 80 rods of any lands along such waters theretofore located by means of any such scrip or otherwise: *And provided further*, That no commutation privileges shall be allowed in excess of 160 acres included in any homestead entry under the provisions hereof."

Also in line 11, page 2, after the word "proof," insert "except as to commuted lands as herein provided."

Also in line 10, page 3, after the word "years," insert "or at such date as the settler may desire to commute."

Also in line 18, page 3, after the words "United States," insert "as heretofore and herein amended."

Also in line 1, page 4, after the word "receiver," insert "except $1.25 per acre on land commuted."

And the Senate agree to the same.

C. D. CLARK,
ROBERT J. GAMBLE,
A. J. McLAURIN,
Managers on the part of the Senate.

JOHN F. LACEY,
F. W. MONDELL,
F. M. GRIFFITH,
Managers on the part of the House.

The report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House insists upon its amendments to the bill (S. 7414) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MERCER, Mr. GILLET of New York, and Mr. BANKHEAD managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

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

A bill (H. R. 16842) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1904, and for other purposes; and

A bill (H. R. 17046) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

TERRITORY OF NEW MEXICO.

Mr. PATTERSON. Mr. President, I suppose there will be no more statehood literature. I want to state that during the progress of the debate Delegate RODEY, from New Mexico, addressed me a letter, in which he gave attention to certain statements of fact as to conditions in the Territory that he represents, made by several Senators who opposed the bill. It was my purpose, if I had made remarks upon the measure, to have had this letter read, but as that opportunity will not arise, believing that common justice to the Delegate of the Territory and to the people of New Mexico requires that what that Delegate has to say should go upon the record, I ask unanimous consent that the letter to me be printed in the RECORD.

Mr. KEAN. As a part of the remarks of the Senator from Colorado on the statehood bill?

Mr. PATTERSON. Yes; I am quite willing to allow it to be part of my remarks.

The PRESIDING OFFICER (Mr. PERKINS in the chair). Is there objection to the request made by the junior Senator from Colorado? The Chair hears none, and such is the order. It will be printed in the RECORD.

The letter referred to is as follows:

COMMITTEE ON THE POST-OFFICE AND POST-ROADS,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., February 15, 1903.

HON. THOMAS M. PATTERSON,
United States Senate.

DEAR SENATOR: The action of the opponents on the omnibus statehood bill is such that my duty as the voteless representative of about 330,000 people in New Mexico impels me to ask you to cause to be read in the Senate this statement in behalf of the people of New Mexico:

I have lived in New Mexico for twenty-two years. I have traveled over every part of it many times. I know whereof I speak, and affirm the following facts as the truth, for the information of Senators and the country; and I assert these facts, the census, or any other source of information, to the contrary notwithstanding. I assert that no person, even though he or she be a citizen of New Mexico, unless he or she travels over it, as I have done, can know the vast resources or possibilities of the Territory, much less can Senators, who make but a cursory race through the Territory, or who never have been there, have any adequate idea of these things.

I assert that New Mexico has to-day between 330,000 and 350,000 people living within its borders, practically all of whom are citizens of the United States. This is proved by the fact that we registered at the election in November of last year, 1902, 64,000 voters (males only vote in the Territory). It is impossible to register much more than three-fourths of our voters because of the vast distances they have to travel at times in order to do so. Therefore it can safely be estimated, considering that the native families average from 7 to 8 per family—even if the people who come from the States will not average more than 4—that there is an average of 5 persons to every voter in the Territory. And if we have at least 75,000 voters, that would give us a population of 375,000 people, which is much more than we are claiming. The census was practically not taken at all in the Territory. Contrary to what has been stated here, the people took no interest in it. The more intelligent young men were too busy to stop for the sake of the month's wages that could be had for doing it, and, therefore, it was taken, as a general thing, by incompetent people.

Two or 3 cents per capita were paid for enumeration and $5 per day for a team to travel over the country. A team in that country costs $10 per day in most cases, and as a consequence the enumerators, having a dread of violating the law, erred on the sure side and failed to enumerate. In his report for 1901, made up shortly after the census was taken, the governor of the Territory called attention to this census matter and calculated the population of the Territory from data he had then at hand at a little over 296,000 people, exclusive of Indians. Although since that time the Territory has had built within it nearly 1,000 miles of railroad, and has had established more than 100 new post-offices for the accommodation of the increasing population, and 1,271,000 acres of land have been entered as homesteads, the governor, in his report for 1902, for some reason which is not stated, calculates the population of the Territory at 246,000 people. I disagree with him, and so do many others of the people of the Territory on that point.

I assert from a personal knowledge gained from a long residence and from an investigation carefully made that the present population of New Mexico is made up about as follows: About three-fifths of its inhabitants are people from the States and their descendants, who speak practically no language but English. The remaining two-fifths of the people are American citizens of Spanish descent, a good one-half of whom speak, read, and write the English language reasonably well. The remainder do not speak English very well. A considerable percentage of the population speak both English and Spanish. The statement of the census that there is 32 per cent of illiteracy in the Territory is a gross libel upon our people.

The Territorial superintendent of education made a speech at the Normal University at Las Vegas in the month of December, 1902, wherein he stated that from the data in his possession and the intimate knowledge he had of the people, gained not only from his work in his official capacity, but from a life-long residence in the Territory, there was not to-day to exceed from 12 to 15 per cent of illiteracy among the people of the entire Territory. This corroborates my own idea gained from my own observation in the Territory. There is hardly a person in the Territory more than 10 years of age who does not speak some English, and three-fourths of the people speak it reasonably well. Great stress is laid upon the fact that, owing to the disinclination of the people from the States to serve upon juries, interpreters are used in a few counties, and this, even though the use of interpreters is fast passing away. I assert that in my twenty-two years of residence in New Mexico I never saw or knew of an interpreter being sent into a jury room but once, and even the hearings taken by the Senate subcommittee did not show that any interpreter ever knew of its occurring but once or twice.

The Territory now supports about 90 newspapers. It has a capitol building, a university, two normal schools, a military institute, an agricultural college, a school of mines, an insane asylum, a deaf and dumb asylum, a penitentiary, a science hall, and has 15 cities and towns that are modern, up-to-date places, each having from one to seven large, commodious stone or brick school buildings, costing anywhere from a few thousand to thirty and forty thousand dollars each. Last year the Territory collected from taxes and other sources of revenue more than a million of dollars for school purposes. It has a school population of about 65,000 children. It has in all about 900 schoolhouses and employs nearly 1,100 teachers. It has more than two millions and a quarter of dollars invested in school buildings.

The legislature now in session will compare in intelligence with that of any State in this Union. The Territory had but two business failures, with liabilities of $7,300, in the year 1901, out of 2,100 business concerns; and in the year 1902, just closed, was the only State or Territory in the nation that did not have a single business failure of any kind. The Territory possesses about $300,000,000 worth of taxable property, as was shown before the Committee on Territories of the House of Representatives. It has about 7,000,000 sheep, about 1,250,000 cattle, and hundreds of thousands of horses and other live stock, and is confessedly the greatest pasture country in the nation.

Practically the whole northern half of the Territory is a coal field. Its timber tracts are larger than many of the New England States. Its lumber product since the taking of the census has increased immensely, and some of the largest plants in the world are located there and are now being erected there. The Territory's mineral product is never taken account of, but goes in as the mineral output of other States, because there are practically no reduction works in the Territory, and its ores are shipped out for treatment. The Territory has shipped to the steel works at Pueblo, Colo., from 600 to 1,000 tons of iron ore per day for the last three years continuously. The Territory possesses iron ore in sufficient quantity to gridiron China with steel rails. Of the other minerals it has in abundance gypsum, salt, sulphur, lead, gold, silver, copper, tin, petroleum, and, in fact, almost every product produced anywhere else in the nation.

We protest most emphatically against the claim that we have reached our limit of irrigation. I assert that the Pecos Valley in New Mexico alone has an irrigable area larger than the entire area of the State of Massachusetts. There was shipped from that valley last year to the Chicago market alone more than 200 carloads of fine apples and about an equal quantity was shipped into Colorado from the San Juan Valley, in the northwestern corner of the Territory. New Mexico took the first prize for wheat and the second prize for oats against all the world at the World's Fair in Chicago in 1893.

The Rio Grande Valley from a few miles south of Santa Fe to El Paso, a distance of 250 miles in length by from 1 to 5 miles in width, is every acre of it subject to irrigation and cultivation when the flood waters of that stream are properly impounded. I have calculated that when the irrigation possibilities of New Mexico are properly exploited there will be under actual irrigation between 10,000,000 and 12,000,000 acres of land, which would then, with its other manifold resources, enable it to easily support a population as large as the present population of the State of New York. There still remains more than 55,000,000 acres of unappropriated public land in the Territory. Criticism has been made of the alleged small quantity of land that is now under irrigation in the Territory, but I call attention to the fact that even (which I deny) were it true that there is but about 370,000 acres of land under irrigation in the Territory, that would be, if the census is right, about 2 acres per capita for every man, woman, and child in the Territory, a better showing, considering that it is irrigated land, 1 acre of which is equal to 4 or more acres in the East, than is made by any State or Territory in this Union.

Much has been said about our area, and comparisons have been made as to the density of population being low as compared with Oklahoma; but I call attention to the fact that Oklahoma's density of population would be reduced down from fourteen times as dense to not much more than twice as dense were Oklahoma's population spread over an equal area. New Mexico could give up to the deserts and to barren rocks a tract of country twice as large as the State of New York and still have an area larger than all of New England left upon which to support a population. I assert that there is not to exceed a thousand square miles of the vast area of New Mexico that has not its uses, either for pasture, for timber, or for minerals. I further assert that in the crops which it produces New Mexico, according to her population, surpasses even the great State of New York in the production of everything save, perhaps, the one crop for which New York is famous, that is, chestnuts.

I most emphatically protest against having the good, patriotic, and Christian people of the great Territory of New Mexico made the butt of jokes and thoughtless assertions. I object to having them compared with the Indians, and to having their patriotism questioned, as has been done. A Senator the other day set forth many things which have transpired during the last one hundred years all over the world, and which he asserted the New Mexicans never heard of, and that they would not hear of his speech save through an interpreter.

I reply by saying that one of the most essential things they did hear of was that this country's flag was assailed, and they needed no interpreter to inform them of it, either, but went out 6,500 strong and drove the invader from their soil. They needed no interpreter when the three Territories who are asking for admission raised two-thirds of the President's regiment, went with him to Cuba, were with him at Las Guasimas, El Caney, San Juan Hill, and Santiago—did their full part in giving Cuba a free flag, and took as large a part as any other equal number of troops in the making of a President of the United States.

We protest against our American citizens being called "Mexicans"—we are all American citizens, entitled to all the rights of every other American citizen, although they have long been unjustly denied us—and against the assertion that our people do not want statehood, and point to the action we took in 21 succeeding Congresses begging for our rights. We point to the record of the 46 bills we have had before Congress asking for admission to the Union. We call attention to more than 50 memorials by our legislatures, our

conventions, and our people on file with the Senate and House of Representatives asking that we be granted our rights. We point to the fact that for fifty years our land titles remained unsettled, thus retarding our progress. We point to the broken pledges of this nation in its treaties and in its political platforms made with us and for our benefit. We point to the fact that for thirty years we were a thousand miles away from all adequate communication with the outside world, and resent the imputations cast upon us because of our lack of progress under such conditions while we were fighting the Indians for our very existence.

We deny the statement that mining populations and pastoral populations do not create a State and point to many examples in the nation where the contrary is proven. We object to alleged facts being taken from private almanacs and random newspapers to prove slanders against us. We deny that the small amount of internal-revenue taxes collected on whisky and tobacco among us is any proper indication of our civilization, and assert that we have, according to our population, in New Mexico more churches than any State or Territory in this Union. We deny that the Mormon question cuts any figure with us at all, and we assert that there is not to exceed 500 Mormons in all of the Territory of New Mexico, and that these people are the best kind of citizens as we know them.

We deny that there is any sentiment whatsoever favoring polygamy or bigamy in New Mexico, and we assert that no constitution will ever be adopted by the people of the Territory as a State unless it shall have as strong an antipolygamy provision in it as can be put in language, as was contained in the constitution we adopted in the year 1889, when Congress failed to give us an enabling act. We assert that more than a million of dollars collected last year in taxes for schools is a better argument of our progress and morals than $50,000 collected as a tax upon whisky sold in any one year. We point to the fact that we have more than 2,600 miles of railroad in operation and 400 post-offices in our midst, and that these things show a progress which in proportion to our population is as good as can be found anywhere in the nation.

We protest against the use of newspaper interviews dictated by those who have been among us but a few months, as an argument against the granting to us of our rights; and against being called foreigners, and assert that there is in New Mexico a smaller percentage of foreigners in proportion to the population than there is in the State of New York, the State of Indiana, the State of Vermont, the State of New Hampshire, or the State of Minnesota. We protest against any slurs of any kind or character being put upon the American citizens of Spanish descent living in New Mexico, who have proven themselves as law abiding, as moral, and as patriotic as any people in this nation, and who have endured hardships and disadvantages the like of which no other people under our flag have ever experienced.

Our people were taken by conquest into this nation while speaking a foreign language and nothing was done for them or toward their education for half a century, but instead the revenue laws were enforced against them and the money turned into the National Treasury. Even the Indians were better treated, in that they were and are now being educated at Government expense; our new possessions are having large numbers of teachers shipped to them and are being permitted to use their own revenues for their own education and betterment.

We protest against any comparison between our people and foreign immigrants coming to the Atlantic coast. We assert that it is unfair and unjust that all these foreigners can come to this country and enjoy all the blessings of citizenship in five years, when our people have been denied their rights for more than half a century.

We protest against the assertion that the Senators our people would send to the United States Senate would not compare favorably with those from other States in this Union; and against the comparison of our progress with the progress of the Atlantic coast States and the Middle States, and submit that the conditions never were and are not now the same; and we assert that it is unfair in the extreme for anybody to make the good and patriotic people of New Mexico the butt of questionable jokes when we are here for the twenty-second time before Congress making the fight of our political lives for our political rights.

We protest against having the fact that some of the documents are translated into Spanish in the Territory made an argument against the granting to us of our rights, and point to the fact that there is not a State in the Union but what translates its governor's message and other important documents into several languages; and against the fact that one member of our legislature wished to modify our splendid Sunday law being used as an argument against our morality, when the fact is that the bill was killed and our good law permitted to stand, which is an argument in the other direction.

Finally, we protest against the ex parte examination of Professor Newell, and against the statements made in his evidence and against arguments based upon them, and we ask that our rights be protected upon the floor of the Senate in a manner that will comport not only with the dignity of the nation but with the rights of our people.

I subjoin some verses, which I hope will not be construed as another evidence of our illiteracy.

NEW MEXICO.

[G. Cathcart Bronson.]

We're going to be a State, I say!
And trust not one will vote us nay.
We ask a place among the stars
That glow amid the blue and bars
Of our dear flag, beneath whose wave
Our sons have battled, true and brave;
"New Mexico shall be a State!"

Our mountain peaks all proudly lift
Their hoary heads from snowy rift,
And ask in their majestic pride
That "statehood may not be denied."
Our ruby plain bespeaks the breeze—
An anthem soundeth from the trees—
Our emerald rivers scintillate,
"New Mexico shall be a State!"

Strong in our numbers, true and tried,
In wealth and enterprise beside;
And health, the greatest gift of God,
Exhaleth freely from our sod.
Yes, we have earned the right to be
A part of your community!
We must not, shall not, be denied,
The consummation of our pride.

Not after while, but now, we ask
(And we are equal to the task)
To stand with our fair sisters, all,
And with them rise or nobly fall!
Our star of statehood gilds the east;
Prepared, my people, for the feast;
Let every hut and villa glow
With peace and plenty's gen'rous flow.

Come, rally round our worthy cause;
New Mexico rings her applause.
Come, Roosevelt, brave, and add your seal,
Nor lend your veto to repeal.
E'er Senate's session terminate,
"New Mexico shall be a State."

All of which I respectfully submit.

B. S. RODEY,
Delegate in Congress from New Mexico.

Mr. PATTERSON. Mr. President, at the suggestion of the Senator from Illinois [Mr. CULLOM], I ask unanimous consent that, in addition to Delegate RODEY's letter being printed in the RECORD, it be printed as a document for information.

The PRESIDING OFFICER. Is there objection to the request made by the junior Senator from Colorado that, in addition to printing in the RECORD the paper submitted by the Senator from Colorado [Mr. PATTERSON], it also be printed as a Senate document? The Chair hears none.

Mr. BEVERIDGE. Mr. President, I was on my feet to object. I do not know what is in this paper. I made no objection to its being printed in the RECORD, as is frequently done in such cases, but I think I shall object to its being printed as a document until I can look at it. If it goes into the RECORD where I can examine it, possibly I shall have no objection whatever to its being printed as a document. I think that is perhaps the better thing to do, so that we may all see it. I think I shall object to the request until I can examine the paper.

Mr. PATTERSON. I want to say to the Senator from Indiana that I have carefully edited the letter.

Mr. BEVERIDGE. I have no doubt that will be an additional reason why I shall withdraw my objection to its being printed as a document when I have an opportunity to examine it.

Mr. PATTERSON. With the consent of the Delegate from New Mexico, I made some changes in the letter which I thought were wise. I think the Senator from Indiana can now have no objection either to the tone of the letter or to its contents. It was my aim when I went over the letter to expunge anything from it that might be objectionable to any Senator.

Mr. BEVERIDGE. It is very probable that after I have had an opportunity of examining the letter I may have no objection to its publication as a document. I want to say in this case that this is rather an unusual matter, because the Delegate had an opportunity to get his remarks into the proceedings of the other House in the CONGRESSIONAL RECORD, without the necessity of coming to the Senate and asking to have his observations printed as a Senate document and also to have them inserted in the RECORD.

Mr. CULLOM. I only wish to remark that I myself suggested to the Senator from Colorado [Mr. PATTERSON] that it would be well to print the paper of Delegate RODEY as a public document. I happen to know Mr. RODEY very well. I think he is a very sincere and candid man; and whilst I do not know what is contained in the paper, I think it is just as well that he should have an opportunity to be heard in that way.

Mr. BEVERIDGE. I have no doubt that the sincerity of Delegate RODEY is equal to his enthusiasm, but I also have no doubt——

Mr. ALDRICH. I ask for the regular order, Mr. President.

The PRESIDING OFFICER. This debate is proceeding by unanimous consent. The Senator from Colorado [Mr. TELLER] is entitled to the floor.

Mr. QUAY. Will the Senator from Colorado yield to me?

Mr. TELLER. I yield to the Senator from Pennsylvania.

PROPOSED VOTE ON STATEHOOD BILL.

Mr. QUAY. Mr. President, as the ghost of the statehood bill stalks the Chamber again, I rise to request unanimous consent that at 9 o'clock this evening, if the Senate be then in session, or, if not, immediately upon the convening of the Senate after that hour, a vote be taken on the final passage of the omnibus statehood bill and on the amendments then pending or that may then be offered, without further debate. I think a vote upon that bill—the Senator from Rhode Island will understand my intention—will facilitate the public business.

Mr. SPOONER. I should like to ask the Senator, before we either act or omit to act upon his request, whether this is his farewell request on that subject? [Laughter.]

Mr. QUAY. I am not prepared to answer that question, Mr. President.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. QUAY] asks unanimous consent that at 9 o'clock this evening a vote be taken upon what is known as the omnibus statehood bill, on the amendments then pending, and on the amendments that may then be offered. Is there objection to the request?

Mr. QUAY. Or that the vote be taken at the first convening of the Senate after that hour if the Senate should not then be in session.

The PRESIDING OFFICER. Is there objection?

Mr. BEVERIDGE. The Senator from New York [Mr. DEPEW] not yet having completed his remarks and the Senator from New Jersey [Mr. KEAN] not having completed his remarks, I feel constrained to object.

Mr. QUAY. The remarks of the Senator from New York are printed in full in the CONGRESSIONAL RECORD.

The PRESIDING OFFICER. Objection is made to the request of the Senator from Pennsylvania. The Senator from Colorado [Mr. TELLER] is entitled to the floor.

SAFE-KEEPING OF PUBLIC MONEY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 7301) to further provide for the safe-keeping of public money, and for other purposes.

Mr. TELLER. Mr. President, before commencing my remarks, I wish to send to the desk and have read an amendment which I intend to propose as an additional section to the bill.

The PRESIDING OFFICER. The amendment proposed by the Senator from Colorado will be stated.

The SECRETARY. It is proposed to add the following as a new section:

The Secretary of the Treasury may, with the written approval of the President, make use of so much of the $150,000,000 of the gold reserve provided for the redemption of national and Treasury notes by act of March 14, 1900, as is not required for the faithful execution of the provisions of that act, not exceeding, however, $140,000,000; and the amount not withdrawn shall hereafter be maintained for the redemption of said notes, according to the provisions of said act of March 14, 1900.

The PRESIDING OFFICER. There is already an amendment pending, so that this amendment will be an amendment to that amendment, as the Chair understands.

Mr. TELLER. Mr. President, on Saturday last I was taken off the floor, as I have before stated, when I was about to conclude the few remarks I desired to make on this bill. I am not now going to take any considerable time.

I notice that it was stated in the public press this morning that some sort of an arrangement has been made for the defeat of this bill by continuous speech-making. I want to say, if there is any such thing proposed, I am not a party to it; that what I shall say will not be with any such view, and I want to add that I know nothing of any such arrangement as that referred to.

I stated on Saturday that I have some objections to this bill. Those objections were largely based on the ground that the bill dealt with a subject which it seemed to me ought to have been dealt with more fully and carefully than it has been by the Committee on Finance, because I thought some amendments ought to have been made, which I understand are likely to be made, but not all which I think ought to be made.

I think it is very reprehensible to bring here in the last hours of the session a bill of the character and of the importance of that which is now presented to us. We are practically at the close of this session, with various appropriation bills to be considered, with treaties to be disposed of, and appointments by the President to be confirmed or rejected; and yet we are called upon to discuss and act upon one of the most important bills which has been presented during this session, involving a policy which, of course, I know has been in existence for many years, but a policy which is to be intensified and broadened, a policy that was born of necessity, and I am afraid a policy that will be strengthened by the passage of this bill—a policy which I can not see how we can get rid of without great detriment to the public interest.

Mr. President, I do not see the necessity for the immediate passage of this bill. The Secretary of the Treasury has practically the authority, it seems to me, to put all the money that we ought to put out in the way of deposits in the national banks. I doubt very much whether he will be able, if this bill becomes a law, for the present, at least until the next session of Congress, to materially increase the deposits in the national banks.

If we take no account of the deposits in the national banks, the Government has from about seventy to eighty million dollars of money which can be used for current expenses or for appropriations that shall now be made. Funds are coming into the Treasury at the rate of about $4,000,000 a month in excess of the normal expenses of the Government.

I saw a statement made in another place which put the surplus at $70,000,000. I think I made it the other night $78,000,000; but I suppose the statement depends upon just when the calculation is made. The sums in the banks vary from about a million to a million and a half, and the revenues increase and decrease from time to time.

So we start with seventy-five or seventy-eight million dollars in the Treasury. We have appropriated $40,000,000 for the Panama Canal, and we are about, I suppose, within a few days to appropriate $10,000,000 more to be paid to Colombia, making $50,000,000 in the aggregate. Then in the bill that made it possible to take the Panama route we appropriated $10,000,000 for the work on the canal.

Of course the last $10,000,000 will not be at once used, but it will be set apart as a fund, I suppose, by the Department for the purpose of building the canal, and will not be available for any other purpose. So, Mr. President, it seems to me there is not any immediate necessity for the passage of this measure.

It is said that this is a needful measure, because we are gradually tying up in the Treasury the money that we are collecting from the people and depriving them of its use. But we have in the National Treasury now as a reserve fund the $150,000,000 of which I spoke on Saturday, and in regard to which I have offered an amendment that it may be used. I know very well that the Senator who has this bill in charge will say that this is a fund reserved by law—a sacred fund reserved for what?

For the purpose of the redemption of the greenbacks and Treasury notes amounting, according to the last Treasury statement, made on the 1st day of February, a copy of which I have here, from which it appears that the Treasury notes and greenbacks amounted to $363,000,000 in round numbers, of national-bank notes $362,000,000 and a trifle over, or a total of national-bank notes and Treasury notes and greenbacks of $725,000,000. That is the paper money of this country, against which stands in circulation or in the Treasury the sum of $1,250,000,000 in gold. If we add to that——

Mr. ALDRICH. The Senator in his calculation has left out $400,000,000 of gold certificates.

Mr. TELLER. No; I have not. I am coming to that.

Mr. ALDRICH. Well, the Senator has left it out so far. I beg the Senator's pardon. The gold certificates were, on the 1st day of February last, $376,034,814.

Mr. TELLER. If you put in the gold certificates, which I have now accounted for, you will still have a quantity of gold greater than the entire amount of commercial paper money. There is not anybody here or anywhere else who believes that it is necessary to maintain $150,000,000 of gold in the Treasury of the United States for the redemption of Treasury notes and greenbacks. I will admit that all of the gold certificates that are in circulation are a call upon this gold; but they are no more a call upon the gold in the Treasury than are the greenbacks, because the Government has agreed to redeem them in gold, and the Government has practically redeemed them in gold since 1879.

I know that at one time in the history of this country there was a good deal of fright amongst the people as to whether the Government would be able, if the demand was made in any considerable quantity, to exchange gold for its greenbacks; and for that reason, I suppose, we established this reserve of $150,000,000 in gold. But aside from that, there is in the Treasury to-day nearly $100,000,000 of gold outside of that, which belongs to the Government and which can be used for any purpose for which the Government sees fit to use this money.

We are told that we want to enlarge the power of the Government to put money that it has in the Treasury derived from customs duties into the national banks for fear there will be some day a stringency in the money market that will make a demand for more money and the Government will have it locked up there and can not use it.

In the amendment which I offered a few moments ago, I propose to allow, in an emergency of that kind, the Secretary of the Treasury, with the written approval of the President of the United States, to use at least $140,000,000 of that money, and that thereafter if he did use it, he should maintain a reserve of $10,000,000, instead of $150,000,000. I should like to have some Senator stand up here and say as a Senator that he believes there is a public necessity to maintain more than $10,000,000 for the purposes for which you have locked up and devoted $150,000,000.

What did you think last summer when the Secretary of the Treasury was appealing to the national banks for $16,000,000 additional circulation with your $150,000,000 locked up there, having no influence whatever upon the commerce or the credit of the American people? I have no reason to suppose that there will anything happen that will require this Government to put any more money in the national banks than it has there now.

I think it has as much as ought to be there in normal times; but I have no hesitation in saying that if I were President of the United States or Secretary of the Treasury and such a condition should occur as required it, I would put more money, if I had it, in the national banks, so as to get it into circulation and give the people the benefit of an increased currency and increased circulation. I have never criticised the Secretary of the Treasury for putting that money there.

With my views on this question, the money ought not to have been in the Treasury, but it ought to have been in the hands of the people. The Secretary of the Treasury is not responsible for that. If there is any responsibility anywhere it rests upon this body and the other House. It is the legislative department of the Government that is to blame if more taxes are collected yearly than ought to be collected, and it is not the fault of the Secretary of the Treasury.

Normally and properly I do not think the Secretary of the Treasury ought to have anything to do with public affairs in the way

of putting money on the market to-day or of drawing it from the market to-morrow—that is, putting it in circulation or withholding it from the circulation of the country. There ought to be, if possible, a fixed condition as to the amount of money in circulation, so regulated as the growth of the country and the increase of the business of the country might demand that the circulation might be increased, unless you are prepared to say that the Treasury of the United States shall take in hand this question of currency and issue all and the only currency that we have aside from gold and silver.

It would be a very different thing if the Secretary of the Treasury had the power of creating money or issuing money—I speak of creating money in the way of issuing it as we did the greenbacks—and if there is a hundred and fifty millions there that ought not to be there, it is a fault which rests on the legislative and not on the executive department of the Government.

I submit now, whatever may have been the views of Senators when that money—three years ago, within a few days—was reserved and declared a perpetual fund, the time has come when we know that it would be a public blessing to allow the President of the United States to relax that feature of the law and put that money in circulation if the demands of the business of the country demand it.

I have no hope, Mr. President, that that will be done. I thought when the one hundred and fifty millions was locked up it was a mistake. I did not vote for it. I did not believe it was then necessary to reserve any sum. I believed with the plain declaration of the statute that the Government would redeem in gold every greenback presented to it, the Administration would always see to it that it had gold enough to do that without such a reserve, and every Secretary of the Treasury who properly understood his business would do that.

I have one or two other amendments which I want to offer, provided one I have offered is not accepted by the chairman of the committee, which I have not really any hope of his doing. But I desire to say a word or two more about the revenues of this Government. We are now collecting each month not far from four and a half million dollars of money more than is required for the ordinary expenses of the Government.

On Saturday the Senator from Rhode Island [Mr. ALDRICH], who has this bill in charge, wanted to know if I would assist at the next session in revising the revenue system, to the extent that we might reduce this taxation of the people. I am not willing to say now that you can reduce very much the revenue and not take chances of suffering if business should prove slack or if some condition should arise, now unforeseen, in the commercial world. I know that to collect $50,000,000 a year more than you need is a misfortune in some respects, but it is infinitely better than to collect $50,000,000 less than you need.

Mr. PLATT of Connecticut. Mr. President——

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Colorado yield to the Senator from Connecticut?

Mr. TELLER. Certainly.

Mr. PLATT of Connecticut. Does not the Senator remember that when we last reduced taxation a good many Senators thought we had so far reduced it that there would not be as much receipts as expenditures?

Mr. TELLER. I know that is a fact. I am not ashamed or afraid to confess that I shared in that feeling. I was very much afraid we had gone so far in that reduction that there would be a deficiency instead of a surplus. I remember that Gen. Fred Grant once said it was easier to deal with a surplus than with a deficit.

Mr. ALDRICH. I hope the Senator from Colorado will bear in mind that I made the suggestion to him with this modification, that if it should appear in December that the surplus was sufficient to warrant it, we should join and reduce the revenue. I agree with him that circumstances may arise under which, instead of having a surplus we may have a deficiency. For that part of the fiscal year which has already elapsed we have had a surplus of about $32,000,000. If that rate should continue until December I am sure all of us will be found cooperating to reduce the revenue.

Mr. TELLER. Mr. President, I do not care to go into that subject very extensively. I recall that since I have had a seat in this body we came perilously near a deficit, and with it came all the suspicions and distrust that always come when the Government is not collecting enough money to pay its current expenses and have at least a small surplus.

I want to treat this subject fairly. I am not complaining now that the law was improperly made providing for this reduction of revenue. I myself, and I am willing to say it, thought at the time we were in danger of a deficit under it and not a surplus. It is beyond the ken of man so to regulate the revenues that you will always have just what you need. That is why I thought years ago that we ought to have a law to enable us to pay upon our debt any surplus that we might get in the course of business in the years to come.

Mr. President, we are about to ratify a treaty—I suppose it is not out of order for me to speak about what is going to be done in executive session. The treaty is public and when we ratify it it will put upon us a very large expenditure. I do not care to prophesy how much it will be, but it will be a large amount. How much of it will be every year I do not know, but I should say anywhere from ten to twenty-five million dollars a year for some years to come. I refer to the treaty with Colombia, and I have no doubt that treaty is to be ratified, either before the close of this Congress or at a later period.

You are also about to ratify another treaty, I am told—certainly not with my approval, but very likely without it—which will take out of the revenues of the Government the first year not less than $6,000,000, and before the expiration of my term, which commences on the 4th of March, you will live to see $10,000,000, and even more than that, taken out of the revenues by the reduction of duty on Cuban sugar.

I am not in favor of the Cuban treaty, and I am going to say why I am not in favor of it. It will not be out of order, because the treaty is a public document which we all have on our tables. I am not going to enter upon any line of treaty discussion of which the most sensitive Senator can complain.

The doctrine of reciprocity is one which naturally grew out of the protective system. Reciprocity means protection. It means protection to the things that we produce and an interchange of articles that somebody else produces and we do not.

When Senators tell me that reciprocity was the doctrine of James G. Blaine, Garfield, and McKinley, I want to say that you can not find anywhere an utterance of those three men, or of any other political economist worthy of note, in favor of a treaty or a law for reciprocity in which you concede to your competitors in production something that you do not concede to the rest of mankind.

Reciprocity, I understand, rests upon this doctrine. There is a people who produce something that we do not. We let down our bar as to our tariff upon those articles when they bring them to our ports, and they let down the tariff bar upon our products when they go to their ports. I refer to noncompetitive articles and not competitive articles. Here it is proposed to let in the sugar of Cuba at special and reduced rate. I do not know that I can say what a few years ago we said here, that Cuba can produce sugar more cheaply than any other country in the world, but I will say there is but one place in the world where sugar can be produced as cheaply as it can be in Cuba, and that is in the Philippine Islands.

You not only propose that Cuba shall have a reduction of one-fifth of the present tariff duties upon a quantity of sugar which last year amounted to 840,000 tons, and will amount this year to a million tons, but you propose to reduce the duty on Philippine sugar, a community that will be able in five or six years—with the encouragement you propose—to raise all the sugar that the American people want. They will raise it by Chinese labor. They have a million of them there now, and with that labor and those whom they will secure by methods which we understand—in violation of law—they will have a labor there to compete with the American sugar grower, whether he lives in Louisiana or Colorado, Nebraska or Kansas.

Mr. President, I said the other day, when somebody intimated that I was not a protectionist, that I had been in favor of the protection of American labor and American capital when brought in contact with the cheap labor or cheap capital of Europe. I am just as much in favor of protecting American labor and American capital against the labor and capital of Cuba as I am of any other portion of the world.

I have never heard the most violent and enthusiastic free trader whom I have known make a proposition so baseless and outrageous as this one, that you will reduce the duty on Cuban sugar coming into the United States, and it is not for the benefit of the American consumer.

On the contrary, you admit that it is not for his benefit. Well, then, who is? There are only two parties who can. One is the man who grows the sugar in Cuba and the other is the man who buys at our ports for refining—the sugar trust. If you are honest and believe that the Cuban is going to get this bounty—for bounty it is—then for the first time in the economic history of any people in the world it is proposed to give to the Cuban a bounty upon a product as to which he is competing with the American producer, whether it be of beet or cane sugar.

I want some man who is in favor of the Cuban treaty to tell me if that is not a fair and honest statement of the result of the reduction of the duty on Cuban sugar. If the Cuban gets the reduction of 20 per cent, he will get about $7.50 a ton as an absolute bounty. One of the ways of reducing revenue in this country is by putting down the duty upon Cuban sugar and stimulating the Cuban planter to increase his product. If he can send us this year a million tons, he can send us next year a million and a half, and so on, almost indefinitely, and in a few years he will

furnish all the sugar we need, and he will furnish it at a rate at which no man can furnish it in the United States.

Mr. President, the beet-sugar industry of the great West has enabled the farmers in that section of the country to do something besides raising wheat and corn. Those farmers have found the raising of beets a profitable industry—the most profitable of all agriculture. I do not care if the men who make sugar in the factories are here saying the reduction of duty on Cuban sugar will not hurt the beet-sugar industry of this country.

They are not the men in whose interests my sympathies have been enlisted. I refer to the men who grow the beets on the farms. And if the reduction of duty does affect the sugar business, then the manufacturers will make a reduction in the price paid to the farmer for the beets. Very likely for some years it may not. It may not just so long as the combination can maintain the price of sugar in the United States, as some of the beet-sugar men and importers and the refiners of foreign sugar are now banded together to do.

That is all out of the line of this bill, excepting incidentally you may say it will reduce revenue. I have made these few remarks on this subject simply because I want the country to understand that there is no principle of decent reciprocity in this proposition. I want them to understand that it is a question whether the American people are now prepared to give a bounty to the people who are competing with thousands and tens of thousands of American farmers who are raising beets. I think myself that the duty might profitably be reduced, but it should be reduced to every man who brings sugar to our ports.

Every foreigner who raises sugar for our consumption should raise it on the same basis. The producer of one country should have no preference over any other foreign producer when the sugar is brought to our ports. But if you say to the sugar growers of Jamaica and the islands of the sea, of Java and Madagascar, and all over the world, "You must pay seven dollars and a half a ton more than the Cuban does when he delivers sugar at our ports," you will turn the attention of the Cubans so to raising sugar that they will raise nothing else. They can outsell all the rest of the world's sugar producers.

Mr. President, should the question whether we are to lower the tariff on sugar from the Philippine Islands come before the Senate, I shall take occasion to say something more upon the question than I have done to-day. I have made these remarks simply because I have a very strong belief that we shall not have the Philippine tariff bill before the Senate at the present session.

The question whether we have a right to change our revenue system by treaty is one which I would not at this time consider it quite fair to debate, because I think if I should take that up I should be charged with a desire to delay the passage of this bill. I shall not vote for the pending bill. I do not myself think it contains so much danger as some of my associates do. Yet I can not bring myself to vote for it as it stands. But I do not desire to interfere in any way with the majority of this Chamber. If there is a majority for this bill I am willing they should have an opportunity to vote on the bill.

Mr. CARMACK. Mr. President, I ask the Secretary to read the article I send to the desk.

The PRESIDING OFFICER. The Senator from Tennessee sends to the desk an article, which will be read.

The Secretary read as follows:

While it is largely a waste of time to refute the base slanders uttered by defamers of the Army in the United States Senate, the atrocious statement of Senator CARMACK, a member of that body, on February 9, can not be permitted to pass unrebuked. That he, a Senator of the United States, should seriously declare that "murders by American soldiers in the Philippines have become so common that they will not bear investigation" is almost unbelievable. This wicked libel is the topmost note in all the malevolent chorus of misrepresentation with which the "anti-imperialist" demagogues have assailed the honor and manhood of the United States Army. It is a foul insult to every patriotic man and woman. It is a vile affront to the national sense of truth and justice, and will bring upon its author the blistering contempt of an outraged people. Senator CARMACK has a serious matter to explain to his own conscience. (Army and Navy Journal, February 14, 1903.)

Mr. CARMACK. Mr. President——

Mr. ALDRICH. Mr. President——

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

Mr. CARMACK. With pleasure.

Mr. ALDRICH. I ask the Senator from Tennessee to yield to me that I may make a personal appeal.

Mr. CARMACK. I will yield for the personal appeal.

Mr. ALDRICH. It is that the Senator make his Philippine speech upon the Philippine tariff bill, which is quite likely to follow this bill in course of time, and not upon the pending bill. I know the Senator from Tennessee is always courteous and yields to requests of this kind when he can, and I hope he will yield in this particular case and let us go on with the discussion of the pending bill, which, if it is to pass at all, must pass within a very few hours.

Mr. CARMACK. I am going to occupy only a very few moments in what I have to say at the present time.

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

Mr. CARMACK. Mr. President, it has not been my habit to pay any attention whatever to newspaper detraction or abuse. I have always endeavored, according to the nature of the case, either to receive it with all humility and to make it profitable for instruction, or else to endure it with patience and serene contempt. If the article in question concerned only myself, I should pass it, as I have a hundred others, without any notice whatever.

I take note of it now not to repel any personal attack that has been made upon myself, but to deal with it as a pointed illustration of a deliberate policy of misrepresentation and misstatement and suppression of the truth on the part of the newspaper advocates of imperialism. Throughout the whole of this discussion they seem to have acted as with a set purpose to overwhelm all legitimate criticism and all plain telling of the truth by the sheer force of impudent and industrious mendacity.

The author of this article pretends to give a precise and exact quotation of a passage from a recent speech made by me upon the floor of the Senate, and then proceeds to vituperate after the fashion of his kind. He could just as easily have given my language as it was uttered; but that, Mr. President, would not have suited his purpose. If he had done so it would have revealed the fact that I was not making an independent statement upon my own authority, but that I was giving the purport of an official paper signed by a distinguished judge-advocate in the Philippine Islands in which he recommended that an investigation, then in progress, concerning the murder of prisoners be summarily stopped, on the express ground that, if it were continued, it would establish the truth of the accusation and involve many others in the commission of the same crime.

If he had told the exact truth, if he had printed my exact language with the immediate context, the author of that article knew very well that he could not have disposed of it by simply denouncing it as a "foul insult" and a "wicked libel," and, by characterizing the author of it as an "anti-imperialist demagogue." His readers would have made embarrassing inquiry with respect to the official communication referred to, and they would have asked if it was really true that a judge-advocate of the United States Army in the Philippine Islands had made such an astounding recommendation, and if it was really true that this had been approved by the commanding general of the army in the Philippines, and had been acquiesced in and accepted as a satisfactory conclusion of the investigation by the Department of War.

If they had investigated it and found that this was the actual truth, that it did not rest, as he would have them believe, upon the malignant vaporings of an "anti-imperialist demagogue," but that it was an official fact, officially established, and to be found in the archives of the War Department itself, they would have seen how utterly irrelevant was all this denunciation of every man who dared to ask for information and to tell the plain truth with reference to what has been done and is being done in the Philippine Islands.

I want to say right now, Mr. President, that although this astounding communication has been read and commented upon with emphasis again and again upon the floor of the Senate, no hint of it has ever appeared in any organ of this Administration, nor has it ever been referred to by any Senator upon the other side of the Chamber.

Now, Mr. President, I wish to read to the Senate the exact language used by me in that speech:

It was proposed to make a vicarious sacrifice of a poor private soldier, one of the men who, under orders, had executed the prisoners; but when this was brought to the attention of the judge-advocate he saw that you could not kill even a private soldier or put him in the penitentiary without a trial, and he said that the soldier on that trial would bring out the fact that he acted under the orders of his superior officer, and that the facts developed would implicate too many others.

So, Mr. President, it was decided—it was officially decided—that there were so many engaged in this bloody business that it was better to wink at the crime of murdering prisoners of war than to expose the actual condition of affairs, and that lame and impotent conclusion was accepted by the War Department without a protest.

The Department itself had ordered an investigation of a charge that American officers had murdered prisoners of war. The answer came back that there had been so many men engaged in this practice, it was too common a practice to bear investigation; and that answer seems to have been entirely satisfactory to our noble and generous and humane Secretary of War.

I made substantially the same statement at the last session of Congress, and it passed unchallenged and undenied. I made it again at the present session of Congress and no man denied it. I wish now again, Mr. President, for the third time in the presence of this Senate to state as briefly as I can the facts in this case.

First, a letter from a private soldier by the name of Brenner, written to his people at home, was published in the newspapers, charging that prisoners of war had been murdered after the battle of Caloocan. A demand for information was made upon the Secretary of War and an investigation was ordered by him. The investigation was conducted by Major Mallory, the inspector-general of the district, who made his report to General Otis showing that there had been a murder of prisoners, and setting forth the

substance of the testimony, strongly implicating a Captain Bishop as having ordered the killing of these prisoners, his language in stating his own conclusion upon this evidence being as follows:

The evidence as to whether Captain Bishop was present at the killing of the prisoners, as to whether he was appealed to for advice——

Mr. RAWLINS. What is the Senator reading from?

Mr. CARMACK. I am reading from page 134 of the hearings.

Mr. SPOONER. Before the Philippine Committee?

Mr. CARMACK. Before the Philippine Committee.

Mr. SPOONER. What is the number of the document?

Mr. CARMACK. Senate Document No. 331, part 2, Fifty-seventh Congress, first session.

4. The evidence as to whether Captain Bishop was present at the killing of the prisoners, as to whether he was appealed to for advice, and as to whether he made such answer as was construed as advising or suggesting that they be killed is conflicting, his assertions in the negative contained in his letter hereto appended being at variance with the statements alleged under oath to have been made by him on previous occasions.

It is also shown in that report that a private by the name of Putnam admitted that he was one of the soldiers who, acting under orders, had killed these prisoners, though he did not remember, or affected not to remember, who gave the order. That was the report which was sent to General Otis. These papers were sent to Judge-Advocate Crowder for his comment and remark.

And now, Mr. President, comes the astounding part of this business, to which I referred in my speech, and which provoked the article which I have had read at the Secretary's desk.

General Otis in sending these papers to the judge-advocate recommended that court-martial proceedings be had against the soldier who had written the letter revealing these facts and against this private soldier, Putnam, entirely ignoring the grave charges against Captain Bishop.

After Colonel Crowder had considered the matter he wrote back to General Otis, stating that if this soldier should be put upon trial his only defense would be the order of his superior officer, and the probabilities were that the facts developed would implicate many others, and he therefore recommended that no further action be taken in this case, and that recommendation was approved by the commanding general and it was acquiesced in by the Department of War, and that was the conclusion of this investigation, which the Secretary of War himself had ordered.

I have made this statement now for the third time on the floor of the Senate, and while for making it I have been denounced in imperialist papers all over the country as a liar, no Senator upon this floor has ever called it in question, and I challenge any one of them to do it now.

That, Mr. President, is a correct statement of this case from the official record. I will put this recommendation of Colonel Crowder into the RECORD as part of my speech, and I will also publish the order on that subject.

The papers referred to are as follows:

The offense of Private Putnam, if he has committed one, is manslaughter. His only defense would be a lawful order of his superior officer. If put on trial, it is probable that facts would develop implicating many others. I doubt the propriety of his trial and am of the opinion that considerations of public policy, sufficiently grave to silence every other demand, require that no further action be taken in this case.

E. H. CROWDER,
Lieutenant-Colonel and Judge-Advocate, U. S. Volunteers.

[Sixth indorsement.]

HEADQUARTERS DEPARTMENT OF THE PACIFIC AND EIGHTH ARMY CORPS,
Manila, July 13, 1899.

Respectfully forwarded to the Adjutant-General of the Army. After mature deliberation I doubt the wisdom of a court-martial in this case, as it would give the insurgent authorities a knowledge of what was taking place, and they would assert positively that our troops had practiced inhumanities, whether the charge should be proven or not, as they would use it as an excuse to defend their own barbarities; and it is not thought that this charge is very grievous under the circumstances then existing, since it was very early in the war and the patience of the men was under great strain. Nothing of the kind has happened of late, and the attendance we give to captured and wounded Filipinos is now giving rise to a great deal of comment on the part of the friendly Filipinos, who think we carry our kindnesses to an unnecessary extent. I hear the best of them criticise our action as the result of too much sentiment.

E. S. OTIS,
Major-General Commanding.

Mr. CARMACK. Now, Mr. President, I say from that it appears beyond any question or denial that the policy adopted by this Government in the Philippine Islands was to suppress the truth wherever an investigation would reveal the fact that crime and outrage had been committed. They were not concerned, Mr. President, to avoid guilt, but simply to avoid shame. They were not trying to suppress crime, but simply to suppress the knowledge of it from the American people.

What I have said here is a part of the record in the War Department itself. No man has ever denied it, and no man can truthfully deny it. I said again in that speech that distinguished newspaper correspondents and the agent and representative of the Associated Press in the Philippines, Mr. Robert M. Collins; Mr. Davis, representing the New York Sun, and Mr. Bass, representing Harpers' Weekly, had gone in person to General Otis and told him that they had themselves seen wounded prisoners of war murdered by being stabbed with bayonets, and he did not deny the statement. But no effort was made to punish them. That letter of his was published broadcast in the newspapers of the United States, and no effort was made by the War Department to have an investigation made of the charges.

It is easy, Mr. President, it is so easy, to denounce Senators as liars, slanderers, and defamers of the American Army, and it is not so easy to take issue with a plain statement of facts. That is what I have demanded that Senators should do. It is easy for newspapers to put language into the mouths of Senators which they did not utter and omit the important parts of their statements, and then denounce them as slanderers of the American Army.

No organ of the Administration has ever printed or will dare to print this official recommendation made by Judge-Advocate Crowder, to stop an investigation for fear it would prove the truth of the charge, or will let its readers know that it was approved by the commanding general and acquiesced in without protest by the Department of War.

In the speech I made here, Mr. President, I did not deal in generalities. I made specific accusations, no one of which was challenged by any Senator upon the other side of the Chamber except one by the Senator from Wisconsin [Mr. SPOONER], and that unsuccessfully in my opinion. I invite them to challenge the truth of a single statement I made in that speech. Every charge I made rests upon the record and can be proven by the record, and when next these newspapers denounce me as having slandered the American Army I invite them, if they dare, to publish the fact that when an investigation was in progress concerning a charge of the murder of prisoners of war that investigation was stopped upon the express ground that if it were continued it would prove the truth of the accusations and involve many others in the crime.

As I have said, Mr. President, I make that statement upon the record. I have made it three different times upon the floor of the Senate. It has never been challenged or denied. I have challenged and I now challenge any Senator upon the other side of the Chamber to make denial of the truth of the statement I have made, and I will pause for a reply. [A pause.] None being forthcoming, Mr. President, that is all I have to say.

The PRESIDING OFFICER. The pending question is on the amendment offered by the senior Senator from Tennessee [Mr. BATE].

Mr. ALDRICH. I ask that the amendment may be read.

The PRESIDING OFFICER. Several amendments have been proposed. The Chair is under the impression that the amendment proposed by the senior Senator from Tennessee is first in order. It will be read.

The SECRETARY. It is proposed to add as a new section the following:

SEC. —. That all the laws of the United States imposing any tax on bank notes issued by banks or corporations or associations chartered or authorized by any State in the Union be, and the same are hereby, repealed.

Mr. ALDRICH. Question.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. BATE. Mr. President, I expected to have something to say on the amendment.

Mr. DUBOIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Clay,	Heitfeld,	Patterson,
Alger,	Cockrell,	Hoar,	Perkins,
Bacon,	Cullom,	Kean,	Pettus,
Bailey,	Deboe,	Kearns,	Platt, Conn.
Bard,	Depew,	Kittredge,	Quarles,
Bate,	Dillingham,	Lodge,	Quay,
Berry,	Dolliver,	McEnery,	Simmons,
Blackburn,	Dryden,	McLaurin, Miss.	Simon,
Burnham,	Dubois,	Mallory,	Spooner,
Burrows,	Elkins,	Martin,	Stewart,
Burton,	Foraker,	Millard,	Teller,
Carmack,	Gallinger,	Morgan,	Tillman,
Clark, Mont.	Hanna,	Nelson,	Wetmore.

Mr. BAILEY. My colleague [Mr. CULBERSON], owing to a spell of sickness, has left the city and is now on his way to Texas.

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. A quorum is present.

RECESS.

Mr. ALDRICH. I move that at 6 o'clock the Senate take a recess until 8 o'clock this evening.

The PRESIDING OFFICER. The question is on the motion

of the Senator from Rhode Island that the Senate take a recess from 6 o'clock until 8 o'clock this evening.

Mr. DUBOIS. I should like to inquire of the Senator from Rhode Island for what purpose the recess is desired?

Mr. ALDRICH. For the purpose of transacting the public business.

Mr. DUBOIS. For the purpose of considering the bill now under discussion?

Mr. ALDRICH. For the purpose of considering whatever bill the Senate may wish to act upon, or whatever business may be before the Senate at that time, I suppose.

Mr. DUBOIS. I want to suggest to the Senator from Rhode Island at the same time——

Mr. ALDRICH. I suggest that debate is not in order, Mr. President.

Mr. DUBOIS. I suggest that I trust the Senator will have his quorum here and be prepared to keep them in the Chamber.

Mr. McLAURIN of Mississippi. I call for the yeas and nays on the motion of the Senator from Rhode Island.

The yeas and nays were ordered.

Mr. PATTERSON. I inquire upon what question the yeas and nays are demanded?

The PRESIDING OFFICER. Upon the motion of the Senator from Rhode Island [Mr. ALDRICH], that the Senate take a recess from 6 until 8 o'clock this evening.

Mr. PATTERSON. I appeal to the Senator from Rhode Island not to insist upon that.

Mr. LODGE. The Senator from Rhode Island did not call for the yeas and nays.

Mr. PATTERSON. It is a well-known fact that there is no public business pending before the Senate at this time, except the bill of the Senator from Rhode Island.

Mr. ALDRICH. Debate is not in order, Mr. President.

The PRESIDING OFFICER. Debate is not in order except by unanimous consent.

Mr. BURROWS. Let us have the regular order, Mr. President.

The PRESIDING OFFICER. The regular order is the taking of the yeas and nays on the motion of the Senator from Rhode Island. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I have a pair with the junior Senator from Maryland [Mr. McCOMAS], who has been called home by death in his immediate family, and therefore I withhold my vote.

Mr. CLARK of Montana (when his name was called). I am paired with the junior Senator from Indiana [Mr. BEVERIDGE], and therefore withhold my vote.

Mr. COCKRELL (when his name was called). I am paired with the Senator from Iowa [Mr. ALLISON], and will therefore withhold my vote.

Mr. HEITFELD (when his name was called). I am paired with the senior Senator from New York [Mr. PLATT]. As I do not see him in the Chamber, I withhold my vote.

Mr. McLAURIN of Mississippi (when his name was called). I inquire if the junior Senator from Washington [Mr. FOSTER] has voted?

The PRESIDING OFFICER. The Chair is informed that the Senator has not voted.

Mr. McLAURIN of Mississippi. I have a general pair with that Senator, and therefore withhold my vote.

Mr. MALLORY (when his name was called). I have a pair with the senior Senator from Vermont [Mr. PROCTOR]. I do not see him in the Chamber, and therefore I withhold my vote.

Mr. NELSON (when his name was called). I have a general pair with the junior Senator from Missouri [Mr. VEST]. I transfer that pair to the Senator from Nebraska [Mr. DIETRICH] and vote. I vote "yea."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. In his absence, I withhold my vote.

Mr. TALIAFERRO (when his name was called). I am paired with the junior Senator from West Virginia [Mr. SCOTT]. In his absence I withhold my vote.

The roll call was concluded.

Mr. BLACKBURN. I transfer my pair with the junior Senator from Maryland [Mr. McCOMAS] to the junior Senator from Montana [Mr. GIBSON], who is paired with the Senator from Utah [Mr. KEARNS]. That will enable both the Senator from Utah and myself to vote. I vote "nay."

Mr. KEARNS. That arrangement is satisfactory to me. I vote "yea."

Mr. TALIAFERRO. I transfer my pair with the Senator from West Virginia [Mr. SCOTT] to the Senator from Texas [Mr. CULBERSON], and vote. I vote "nay."

Mr. PATTERSON (after having voted in the negative). I am paired on all votes connected with this measure with the Senator from Nevada [Mr. JONES], and so I withdraw my vote, as I believe that Senator has not voted.

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. DUBOIS (after having voted in the negative). I notice that the junior Senator from Oregon [Mr. MITCHELL] has not voted. I am paired with that Senator, and therefore withdraw my vote.

The result was announced—yeas 35, nays 14; as follows:

YEAS—35.

Aldrich,	Dillingham,	Hoar,	Proctor,
Alger,	Dolliver,	Kean,	Quarles,
Bailey,	Dryden,	Kearns,	Quay,
Bard,	Elkins,	Kittredge,	Simon,
Burnham,	Fairbanks,	Lodge,	Spooner,
Burrows,	Foraker,	Millard,	Stewart,
Cullom,	Frye,	Nelson,	Warren,
Deboe,	Gallinger,	Perkins,	Wetmore.
Depew,	Hanna,	Platt, Conn.	

NAYS—14.

Bate,	Clay,	Pettus,	Tillman,
Berry,	McEnery,	Rawlins,	Turner.
Blackburn,	Martin,	Taliaferro,	
Carmack,	Morgan,	Teller,	

NOT VOTING—39.

Allison,	Dietrich,	Heitfeld,	Money,
Bacon,	Dubois,	Jones, Ark.	Patterson,
Beveridge,	Foster, La.	Jones, Nev.	Penrose,
Burton,	Foster, Wash.	McComas,	Platt, N. Y.
Clapp,	Gamble,	McCumber,	Pritchard,
Clark, Mont.	Gibson,	McLaurin, Miss.	Scott,
Clark, Wyo.	Hale,	McLaurin, S. C.	Simmons,
Cockrell,	Hansbrough,	Mallory,	Vest,
Culberson,	Harris,	Mason,	Wellington.
Daniel,	Hawley,	Mitchell,	

So the motion for a recess was agreed to.

ANTHONY R. RAVENSCROFT.

Mr. QUAY. I move that the Senate proceed to the consideration of executive business.

Mr. DOLLIVER. Will the Senator from Pennsylvania yield to me for a moment, in order that I may secure consideration of a bill which will not consume any time?

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Iowa?

Mr. QUAY. I yield if the bill does not provoke debate.

Mr. DOLLIVER. I ask unanimous consent for the present consideration of the bill (H. R. 6745) for the relief of Anthony R. Ravenscroft.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that Anthony R. Ravenscroft shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a captain of the Twenty-second Regiment of Indiana Infantry Volunteers on the 22d of August, 1864, by reason of the expiration of his term of service, and it directs the Secretary of War to issue a certificate of honorable discharge for him in accordance with the terms of this act; but no pay or other allowances shall be due or payable to any person by reason of the passage of this act.

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

MARINE FISHERIES ON THE GULF OF MEXICO.

Mr. TALIAFERRO. I ask unanimous consent for the present consideration of the bill (S. 7285) authorizing, empowering, and directing the Commissioner of Fish and Fisheries to establish in the State of Florida, on the Gulf of Mexico, a station for the investigation of problems connected with the marine-fishery interests of the region.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Commissioner of Fish and Fisheries to establish at some suitable point in the State of Florida, on the Gulf of Mexico, a station for the investigation of problems connected with the marine-fishery interests of the region, and appropriates $25,000 for necessary surveys, purchase of land, erection of buildings and other structures, and for the proper equipment of the station.

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

CITIZENS' BANK OF LOUISIANA.

Mr. McENERY. I ask unanimous consent for the present consideration of the bill (S. 1133) for the relief of the Citizens' Bank of Louisiana.

The PRESIDING OFFICER. The bill will be read to the Senate for information.

The Secretary read the bill, which had been reported by the Committee on Claims with an amendment, in line 4, after the

word "Louisiana," to strike out "$242,842.67" and insert "$215,820.89;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to the Citizens' Bank of Louisiana $215,820.89, in full for the claims found due said bank by the Court of Claims; and the money to pay the same is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. KEAN. How much money is proposed to be appropriated by that bill?

The PRESIDING OFFICER. Two hundred and fifteen thousand eight hundred and twenty dollars and eighty-nine cents.

Mr. ALDRICH. I object to the further consideration of the bill, Mr. President.

The PRESIDING OFFICER. Objection being made, the bill goes over, retaining its place on the Calendar.

EXECUTIVE SESSION.

Mr. QUAY. I am now compelled to insist on my motion for an executive session. There are but twenty minutes remaining for that business.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania 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 fifteen minutes spent in executive session the doors were reopened.

CHANNEL IN SABINE LAKE, TEXAS.

Mr. BAILEY. I ask for the present consideration of a bill.

Mr. ALDRICH. I ask that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. Without objection, the unfinished business will be temporarily laid aside.

Mr. BAILEY. I ask unanimous consent for the present consideration of the bill (H. R. 17243) to amend "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902.

The PRESIDENT pro tempore. The Senator from Illinois [Mr. MASON] has had a notice placed on this bill that he desired to be present when it was considered.

Mr. BAILEY. I believe the rule which has been adopted provides that no business shall be considered by unanimous consent in the absence of a Senator who objects.

Mr. BERRY. No.

Mr. BAILEY. Of course, I should like to oblige the Senator from Illinois [Mr. MASON], but this is a matter of considerable consequence to that community. An appropriation of $125,000, which has not been used, was made by Congress, and under the opinion of the officers of the Department it can not be judiciously used because of a proviso in the act. This is simply a bill to remedy that defect. It is approved by the Department and was reported unanimously from the Committee on Commerce.

Mr. BERRY. It has passed the House of Representatives?

Mr. BAILEY. It has passed the House of Representatives, and has been reported from the Senate committee with an amendment which relates merely to the title. Of course I do not want to take advantage of the absence of any Senator, but there is some question about my right to tie up a hundred and twenty-five thousand dollars, which is necessary to prosecute a public work, merely to——

Mr. MASON entered the Chamber.

Mr. PLATT of Connecticut. Here is the Senator from Illinois.

Mr. BAILEY. Here is the Senator from Illinois.

The PRESIDENT pro tempore. The Senator from Illinois is now present. The Senator from Texas asked unanimous consent for the consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (H. R. 17243) to amend "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902.

Mr. MASON. I object to the consideration of the bill.

The PRESIDENT pro tempore. The Senator from Illinois objects.

Mr. BAILEY. If it is in order, I move that the Senate proceed to the consideration of the bill.

Mr. BERRY. I hope the Senator from Illinois will withdraw his objection.

Mr. BAILEY. I do not appeal to the Senator because I know the friends who have asked him to intervene.

Mr. MASON. I am informed by some constituents of mine that the proposed change in the river and harbor act would, in their judgment, work a great hardship to their interests in this locality. I have asked for a statement, so that I could show to the Senator from Texas and others who are pressing the bill where it will work this injury to those constituents of mine who are heavy investors in his State. I have not been able to see my mail for the past day or two, but I intend to see all of it this evening, and unless there is some good reason for it I shall have no objection to the bill passing.

Mr. BAILEY. In order to save the time for Senators who wish to call up uncontested bills, I will withdraw my motion now, but I will say to the Senator from Illinois that as soon as we reconvene I shall move to proceed to the consideration of the bill. I am not willing for private interests to obstruct an important public improvement in my State.

Mr. MASON. I do not think the Senator from Texas has a monopoly on public interest. I am just as much interested in the public as he is, and while I do not represent his State, I do represent people living in my neighborhood who have great interests in that State. I hope the Senator will not charge that I am putting forward anyone's private interest——

Mr. BAILEY. I simply charge that an individual constituent of the Senator from Illinois has telegraphed him to hold up this bill. I do not mean to charge that the Senator from Illinois would interfere with the public good to serve a private interest. That was not my intention, and I disclaim any such purpose. But I do say that a purely private interest there has declined to permit the Government to connect with a canal being built, and that in holding up this money it is preventing the application of public money to a public use.

Mr. MASON. As I understand the act, it provides a way in which the canal or the connection shall be made between these two rivers, and that it is satisfactory to the people who are the owners of the railroad that ends at Port Arthur.

JOHN D. CHADWICK.

Mr. PETTUS. I ask unanimous consent for the consideration of the bill (H. R. 8186) for the relief of John D. Chadwick. It involves almost a hundred dollars of an account proved by record.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to John D. Chadwick, of Madison County, Ala., $97.04, in full of an account held by him against the Government of the United States, arising from certain transactions in the administration of justice in the Federal courts at Huntsville, Ala.

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

PINTSCH COMPRESSING COMPANY.

Mr. KEAN. I ask unanimous consent for the present consideration of the bill (S. 7283) to amend an act entitled "An act to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington," approved May 19, 1896.

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment, on page 2, line 6, after the word "Commissioners," to insert:

And under the conditions named in said act, approved May 19, 1896.

So as to make the bill read:

Be it enacted, etc., That the act entitled "An act to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington," approved May 19, 1896, be, and the same is hereby, amended by adding a new section, to stand as section 4, as follows:

"SEC. 4. That the Commissioners of the District of Columbia are hereby authorized to permit extensions of the pipe lines of the said Pintsch Compressing Company to reach the site of the union passenger station or the terminals connected therewith. And the said Commissioners are further authorized to permit the relaying of the pipes of said company to accommodate changes in the authorized grades of streets: *Provided*, That all such work shall be done according to regulations to be approved by the said Commissioners, and under the conditions named in said act, approved May 19, 1896."

The amendment was agreed to.

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

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

RECESS.

The PRESIDENT pro tempore. The Senate, under the order heretofore made, will now take a recess until 8 o'clock p. m.

Thereupon (at 6 o'clock p. m.) the Senate took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

PETITION.

The PRESIDENT pro tempore presented a joint memorial of the legislature of Montana, in the nature of a petition, praying for the enactment of legislation to confirm forest lieu selections made under the act approved June 4, 1897; which was referred

to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

OFFICE OF SECRETARY OF STATE, HELENA, MONT.

Senate joint memorial No. 2.

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

Whereas the lieu selection clause of the act of June 4, 1897 (30th statutes, 36), provides: "That in cases in which a tract covered by * * * a patent, the * * * owner thereof may, if he desire to do so, relinquish the tract to the Government, and may select in lieu thereof a tract of vacant land, open to settlement, not exceeding in area the tract covered by his * * * patent," and

Whereas many citizens of the State of Montana, being desirous of securing public lands, purchased the rights of owners of lands within certain established forest reserves for the purpose of exchanging said forest-reserve lands for "vacant land open, to settlement," as provided by said act; and

Whereas certain citizens of Montana to the number of 80 or 81, approximately, residing and living within the limits of the Blackfeet Reservation, embracing all that portion of the State of Montana lying north of the Missouri and east of the Marias rivers, have, by virtue of the surrender to the United States of, approximately, fifteen thousand six hundred (15,600) acres of forest-reserve lands under said act, "vacant land, open to settlement," but situate within the above-described limits; and

Whereas the State of Montana, through its land department, has also selected through the same medium, approximately, eight thousand eight hundred (8,800) acres of "vacant land, open to settlement," within the heretofore described limits; and

Whereas the honorable Commissioner of the General Land Office, by letter of October 20, 1902, did reject forest-reserve lieu selection No. 1149, of George L. Ramsey, embracing 80 acres situated in the district heretofore described, for the reason that the act of May 1, 1863 (chapt. 213, 25 Statutes, 113 to 133), provided that lands within said district should be subject to entry under the homestead laws except section 3301, Revised Statutes (Note: This is known as the preemption section), the desert-land, the town-site, and the coal and mineral laws of the United States only; and

Whereas a bill (S. 6339) has been introduced in the United States Senate and another (H. R. 15965) has been introduced in the House of Representatives of the United States, of which the following is the text:

"A bill to confirm forest lieu selections made under the act approved June 4, 1897 (30 Stats., 36).

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all bona fide selections under the act approved June 4, 1897 (30 Stats., 36), of lands in Montana which lie within the territory opened to entry under the provisions of the act approved May 1, 1888 (chap. 213, 25 Stats., 113 to 133), entitled 'An act to ratify and confirm an agreement with the Gros Ventre, Piegan, Blood, Blackfeet, and River Crow Indians in Montana, and for other purposes,' made prior to the decision of the Commissioner of the General Land Office, dated October 20, 1902, in the case of George L. Ramsey, holding that such lands are subject to disposal only under the forms of entry provided by the said act of May 1, 1888, be, and the same are hereby, confirmed, no other valid objection to the acceptance of such selections appearing;" and

Whereas nearly all of these lands so selected have been transferred in legal form to innocent holders, many of whom have placed permanent and expensive improvements upon their lands; in many cases have reclaimed, cultivated, and fenced the same; in some cases desert wastes, which before selection would grow nothing but scrubby grass, are now, by reason of irrigation, in a state of cultivation; and

Where these innocent purchasers and holders will be placed under almost inestimable hardship and privation unless relief is afforded by Congress; and

Whereas it can not be said that any of these lands have been selected for the purpose of timber speculation, for it is a patent and notorious fact that there is not a stick of merchantable timber in the whole of the prescribed district or limits, but, on the contrary, all of the lands selected therein are valuable only for grazing or agricultural purposes, some of the land selected being worth intrinsically not more than $1 per acre, except, perhaps, a water hole at which sheep or cattle might be watered; and

Whereas the bill heretofore mentioned, now before the Congress of the United States, is along the strictest lines of justice and equity, can harm no one, and will inure to the benefit of many worthy, although unfortunate, settlers:

Resolved, therefore, That we, your memorialists, the legislative assembly of the State of Montana, earnestly pray and petition the Congress of the United States to approve said bill, or an equivalent thereof, for the purpose set forth; and be it further

Resolved, That the secretary of the State of Montana be, and is hereby, instructed to furnish a copy of this memorial to the President of the United States Senate, Speaker of the House of Representatives, and our Senators and Representatives, and the chairman of the Committee on Public Lands of the United States Senate and House of Representatives.

W. M. BIGGS,
President pro tempore of the Senate.

B. F. WHITE,
Speaker of the House.

Approved February 24, 1903.

J. K. TOOLE, *Governor.*

Filed February 24, 1903, at 3.15 p. m.

GEORGE H. HAYS,
Secretary of State.

GEORGE A. ROGERS.

Mr. WARREN. I ask consent to call up a little bill of four lines, House bill 6703.

Mr. DUBOIS. Mr. President, I move that the Senate do now adjourn.

Mr. MASON. Will the Senator withhold that motion, that I may present a conference report?

Mr. DUBOIS. I move that the Senate do now adjourn.

The PRESIDENT pro tempore. The Senator from Idaho moves that the Senate adjourn. [Putting the question.] The noes appear to have it. The noes have it it.

Mr. DUBOIS. I ask for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDENT pro tempore. The Senate determines not to adjourn.

Mr. WARREN. I now ask leave to call up the bill (H. R. 6703) for the relief of George A. Rogers.

The PRESIDENT pro tempore. The Senator from Wyoming asks that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of the bill he has indicated. Is there objection?

There being no objection, the Senate proceeded to consider the bill as in Committee of the Whole. It proposes to appropriate $1,951.01, to pay the damages inflicted upon George A. Rogers, a contractor with the Government, while drilling from the lighter *Daylight*, in the East River, New York Harbor, the damages being occasioned by the running of the United States torpedo boats at an unwarranted and illegal rate of speed.

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

Mr. MASON. Mr. President——

Mr. DUBOIS. Mr. President, I suggest the lack of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll and the following Senators answered to their names:

Aldrich,	Clay,	Hanna,	Morgan,
Alger,	Cullom,	Hansbrough,	Nelson,
Allison,	Deboe,	Heitfeld,	Perkins,
Bacon,	Dillingham,	Jones, Ark.	Platt, Conn.
Bailey,	Dryden,	Kean,	Platt, N. Y.
Bate,	Dubois,	Kearns,	Quay,
Berry,	Elkins,	Kittredge,	Spooner,
Beveridge,	Fairbanks,	Lodge,	Stewart,
Blackburn,	Foraker,	McEnery,	Tillman,
Burnham,	Foster, Wash.	McLaurin, Miss.	Warren.
Burton,	Frye,	Mason,	
Clapp,	Gallinger,	Millard,	

Mr. McLAURIN of Mississippi. My colleague [Mr. MONEY] is absent because of sickness.

Mr. PLATT of Connecticut. My colleague [Mr. HAWLEY] is absent also on account of sickness. The Senator from Mississippi [Mr. MONEY] and my colleague [Mr. HAWLEY] are paired. I make this announcement for the evening.

The PRESIDENT pro tempore. Forty-six Senators have responded to their names. A quorum is present. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 6895) to authorize the promotion of Maj. William Crawford Gorgas, a surgeon in the Army of the United States.

The message also announced that the House had passed a bill (H. R. 17546) to provide for a Delegate to the House of Representatives of the United States from Porto Rico; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 12098) to amend section 1 of the act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for a right of way for railroads in the district of Alaska;" and it was thereupon signed by the President pro tempore.

POST-OFFICE APPROPRIATION BILL.

Mr. MASON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16990) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 6, 7, 8, 9, 17, 21, 22, 26, 32, 33, 35, 36, and 41.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, 14, 20, 23, 24, 25, 28, 29, 34, 37, 38, 39, and 40, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Page 2, line 11, after the word "offices," strike out the following: "one at $3,500, one at New York, N. Y., $4,000, one at Chicago, Ill., $4,000," and insert in lieu thereof the following: "two at $3,500: *Provided*, That the salary of the assistant postmaster at Chicago shall be fixed at $3,500 per annum;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Page 2, line 24, strike out the amount named and insert in lieu thereof "$94,100;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: Page 10, line 15, strike out the amount named and insert in lieu thereof the following: "one superintendent of money-order division, one superintendent of registry, one superintendent of mails, and one superintendent of delivery, at $3,000 each, $24,800;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: Page 10, line 23, strike out the amount named and insert in lieu thereof the following: "$13,900;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows:

Page 12, lines 3 and 4, strike out the amount named and insert "two hundred and fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: Page 12, line 4, after the word "dollars," strike out the amendment and insert in lieu thereof the following: "of which not more than $190,000 shall be expended in rental of machines: *Provided*, That no canceling machine shall be rented at an annual rental exceeding the rate now paid by the Department: *And provided further*, That the Postmaster-General shall, whenever in his opinion it is advisable, purchase canceling machines, and shall report fully to the next Congress in regard to said machines, whether they should be purchased or rented, all facts connected therewith, and what steps ought to be taken to protect the interests of the Government therein;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: Page 14, line 13, strike out "ten" and insert "eight;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: Page 14, lines 14 and 15, strike out the amount named and insert "nineteen thousand two hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: Page 16, line 8, strike out the amount named and insert "twenty-one thousand seven;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: Page 17, line 22, strike out in the paragraph all after the words "Postmaster-General" and in lieu thereof insert the following: "$2,000: *Provided*, That not exceeding $200 of this amount appropriated may be used for necessary traveling expenses of the First Assistant Postmaster-General within the District of Columbia: *And provided further*, That a sum not exceeding $300 may be used for the purchase of city directories and books of reference;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Page 23, line 24, after "four," strike out the paragraph and insert in lieu thereof the following: "Compensation and expenses of United States delegate to the Universal Postal Congress, to convene at Rome, Italy, not to exceed $7,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: Page 25, after line 8, strike out the matter inserted and insert the following: "For the employment of special counsel to be appointed by the Attorney-General, when requested by the Postmaster-General, and at compensation to be fixed by the Attorney-General, not exceeding this temporary appropriation, to prosecute and defend on behalf of the Post-Office Department all suits now pending or which may hereafter arise affecting the second-class mailing privilege, $25,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Page 25, line 9, after the word "items," strike out the matter inserted and insert the following: "$1,000: *Provided*, That not exceeding $200 of this amount appropriated may be used for necessary traveling expenses of the Third Assistant Postmaster-General within the District of Columbia;" and the Senate agree to the same.

W. E. MASON,
A. S. CLAY,
Managers on the part of the Senate.
E. F. LOUD,
GEO. W. SMITH,
CLAUDE A. SWANSON,
Managers on the part of the House.

The report was agreed to.

Mr. ELKINS. I never can understand one of these reports from the reading, and I do not know who else can. I should like to ask the chairman of the committee if the provision for Fort Scott is stricken out?

Mr. MASON. It is.

Mr. ELKINS. Is the provision for $2,000,000 mail pay restored?

Mr. MASON. It has passed as it came from the House.

Mr. ELKINS. As to the amendment providing that there should be no deficiencies, is that stricken out?

Mr. MASON. Yes; it has been stricken out.

Mr. ELKINS. I am satisfied, Mr. President.

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

The report was agreed to.

KENOVA AND BIG SANDY RAILROAD.

Mr. HANNA. I ask the Senate to proceed to the consideration of the bill (H. R. 16138) granting the right of way to the Kenova and Big Sandy Railroad Company through the Government lands at Lock No. 2, Big Sandy River, and at Lock No. 3, Big Sandy River, both in Wayne County, W. Va.

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

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

PORTO RICO.

The bill (H. R. 17546) to provide for a Delegate to the House of Representatives of the United States from Porto Rico was read by its title.

Mr. FORAKER. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. The bill will be read at length.

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

Be it enacted, etc., That the qualified voters of Porto Rico shall, on the first Tuesday after the first Monday of November, 1904, and every two years thereafter, elect a Delegate to the House of Representatives of the United States, whose term of office shall commence on the 4th day of March next succeeding the date of his election. Such Delegate shall have a seat in the House of Representatives, with the right to debate, but not to vote, and shall be entitled to the same compensation for salary and other allowances and to the same rights and privileges as the Delegates from the Territories of the United States. No person shall be eligible to such election who is not a bona fide citizen and voter of Porto Rico, who is not 25 years of age, and who does not read and write the English language.

SEC. 2. That the Delegate herein provided for shall be elected in lieu of the resident commissioner from Porto Rico to the United States, provided for by section 39 of the act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900: *Provided*, That all the provisions of this act shall apply to the present resident commissioner from Porto Rico to the United States.

SEC. 3. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

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

Mr. SPOONER. Mr. President, I wish to say one word about the bill.

I am utterly opposed to the bill, as the Senator from Ohio knows, and I think my opposition to it is shared by a good many Senators upon both sides of the Chamber. The Senator from Ohio has an amendment which he desires to offer to the bill, and which I think is important, and to which I have no objection whatever. I have no objection to the bill coming up in order to enable him to strike out all after the enacting clause and insert his amendment. But I want to debate at some length——

Mr. ALDRICH. I shall have to object to it.

Mr. SPOONER. It will take but a moment.

Mr. ALDRICH. I thought the Senator said he wanted to debate it at some length.

Mr. SPOONER. I shall want to debate the proposition contained in the bill as it passed the House.

Mr. FORAKER. On another occasion.

Mr. SPOONER. I do not desire to prevent the Senator from Ohio from amending the bill by incorporating in it provisions which are not objectionable.

Mr. FORAKER. I hope there will be an opportunity to debate at length, as the Senator suggests, the proposition embodied in the bill. I understand that the Senator is opposed to it, and therefore I shall not insist on the proposition as it came from the House, but, consent being given to the consideration of the bill, I move to strike out all after the enacting clause and to insert what I send to the desk.

Mr. BACON. It is recommended by the committee?

Mr. FORAKER. Oh, yes; it is recommended by the committee.

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

The PRESIDENT pro tempore. The proposed substitute will be read.

The SECRETARY. It is proposed to strike out all after the enacting clause and to insert:

That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, a commission of three persons, whose duty it shall be to make careful investigation into titles and claims, legal and equitable, of the Holy Roman Catholic Church in and to any and all real property situate within Porto Rico and claimed, respectively, by said church and the Government of the United States, or the government of Porto Rico or any local or municipal government thereof, and to make findings and conclusions with respect to the said property or any part or parts thereof, and to advise such recognition, disposition, and settlement as may to said commission seem just and equitable and in conformity with the provisions of the treaty of Paris.

The said commission shall make full report of its examinations and findings, together with its opinion and recommendations, to the President within one year after its first sitting; and if the President approve such report, or any part thereof, he is hereby authorized and empowered to deliver possession to the said church or to the government of Porto Rico, or any local or municipal government thereof, any and all real property, or any part thereof, described in said report as property which properly belongs to said church or said government of Porto Rico, or any local or municipal government of Porto Rico, as the case may be; and thereafter any property so delivered by order of the President may be registered as church or other property, in accordance with the findings and recommendations of said commission and the action of the President in pursuance thereof, in the same manner and with the same effect as other property of the same kind under the laws in force in the said island.

The commission shall have full power to subpœna witnesses and to compel the production of all necessary documentary evidence. The commission shall be allowed to employ all necessary clerical help, and all the necessary expenses of the commission, including such compensation for each commissioner as the President may prescribe, not exceeding, however, the sum of $5,000 for each commissioner, shall be allowed and paid on the warrant of the commissioners out of any funds in the Treasury not otherwise appropriated. The commission shall organize at San Juan within sixty days after their appointment, and it is hereby made the duty of the governor of Porto Rico to furnish a suitable place for them to hold their sessions.

SEC. 2. That all the applicable provisions of the naturalization laws of the United States shall apply to and be held to authorize the admission to citizenship of all persons not citizens who owe permanent allegiance to the United States, and who may become residents of any State or organized Territory of the United States, with the following modifications: The applicant shall not be required to renounce allegiance to any foreign sovereignty; he shall make his declaration of intention to become a citizen of the United States at least one year prior to his admission; and residence within the jurisdiction of the United States, owing such permanent allegiance, shall be

regarded as residence within the United States within the meaning of the five years' residence clause of the existing law.

SEC. 3. That the provisions of the act approved August 30, 1890, being "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of an act of Congress approved July 2, 1862," be, and the same are hereby, extended to Porto Rico.

SEC. 4. That the Secretary of War be, and he is hereby, empowered to authorize the construction or extension of any wharf, pier, dolphin, boom, weir, breakwater, sea wall, bulkhead, jetty, or other structure on any of the lands belonging to the United States which underlie the harbor areas and navigable waters and streams lying in or surrounding the island of Porto Rico and the islands lying adjacent thereto, and to authorize the filling in or dredging of such lands, and to authorize any of the above obstructions in the said harbor areas and navigable waters and streams: *Provided, however*, That the plans for such work be first recommended by the Chief of Engineers.

Mr. FORAKER. I offer what has just been read as an amendment.

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

The amendment was agreed to.

Mr. SPOONER. I should like to ask the Senator from Ohio if there is any provision in the bill changing the status of the Porto Rican, granting him citizenship? I heard something of that kind read.

Mr. FORAKER. There is nothing whatever changing the status of the Porto Ricans, but there is a provision that they may become naturalized. Under the decisions of the court they can not now become naturalized under any statute. There is nothing in the substitute that will affect the question the Senator has in mind.

Mr. PLATT of Connecticut. If I caught the reading of the bill aright, there is nothing in it as amended about a Delegate.

Mr. FORAKER. Nothing whatever. That is stricken out.

Now, Mr. President, if it is in order at this time, I will move to amend the title.

The PRESIDENT pro tempore. That is not yet in order. If there be no further amendments, the bill will be reported to the Senate.

Mr. ELKINS. I should like to have the Senator from Ohio explain the provision in the bill about church property.

Mr. FORAKER. The provision is simply that the President of the United States shall appoint a commission consisting of three persons, who shall be confirmed by the Senate, to hear all testimony and everybody interested, and then make a finding of fact in settlement of the question as to title.

Mr. TILLMAN. Mr. President, do I understand that the bill is before the Senate for consideration now, or on its passage?

Mr. FORAKER. It is up now for consideration on its merits.

Mr. TILLMAN. I thought the Senator wanted to amend it, in order that it might be printed and let us see what it is. Who can catch the meaning of a four-page bill upon just hearing it read from the desk in this way?

Mr. FORAKER. The amendment I have offered I have taken simply from a bill that has been long pending on a former report, and a unanimous report, from the Committee on Pacific Islands and Porto Rico. There is a printed report in support of it. There is not anything new at all in the proposed substitute.

Mr. TILLMAN. I understood the Senator from Wisconsin to say that he intended to discuss this question at some length. Otherwise, I should have objected to the bill having been even amended, and I object now to its being considered. If I have to talk on it I will have to talk; that is all.

Mr. ALDRICH. I ask that it may go over.

Mr. TILLMAN. I hope the bill may go over until to-morrow, so that we can read it and see what it means.

Mr. FORAKER. I have no objection to the Senator seeing what is in the bill. It can go over until to-morrow.

Mr. TILLMAN. That is all I want. I want to have an opportunity to read it for myself.

Mr. FORAKER. I ask that the Senator may allow the bill to be reported to the Senate with these amendments, and then it can stop there and be ordered printed as amended.

Mr. TILLMAN. That is all right; just so it goes over until morning for consideration.

The PRESIDENT pro tempore. Does the Senator from Ohio say that he has other amendments?

Mr. FORAKER. No other amendment except to amend the title.

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. The bill is in the Senate and open to amendment.

Mr. ELKINS. I should like to ask the Senator from Ohio if there is any report accompanying the bill?

The PRESIDENT pro tempore. The Senator from Ohio stated that there is a report.

Mr. FORAKER. What is the question?

Mr. ELKINS. Is there a report accompanying the bill?

Mr. FORAKER. There is a printed report accompanying the bill, as reported from the Committee on Pacific Islands and Porto Rico.

Mr. ELKINS. But as to this amendment, which is a substitute?

Mr. FORAKER. As to this amendment. The bill as it came from the House provided that the resident commissioner representing Porto Rico here should hereafter be denominated a Delegate and should have the privilege of the floor of the House and be treated as Delegates representing Territories. The Senator from Wisconsin objected to that provision, and stated that he wanted to debate it. Recognizing that it was impossible to debate it at this stage of the session, I moved to strike out all after the enacting clause and to insert as an amendment, by way of substitute, the provisions of the bill which had been reported favorably some time ago from the Committee on Pacific Islands and Porto Rico, and in support of which there is a printed report on file.

The amendments as they are now offered provide, first, for the settlement of titles to the lands claimed by the Roman Catholic Church in the island of Porto Rico, which has been an exceedingly troublesome question with which we have been concerned ever since the acquisition of that island. We are pursuing the same method there as was pursued in Cuba.

Mr. ALDRICH. Mr. President——

Mr. FORAKER. If the Senator from Rhode Island will bear with me for a moment, I shall detain him but a little longer.

This is, in the judgment of the Committee on Pacific Islands and Porto Rico, where the subject has been long considered, the only practical way in which to settle this very troublesome question.

The other provisions of the bill I know the Senator will not object to. One simply provides that the citizens of Porto Rico may become naturalized if they wish to come here. Now they are in a worse situation than aliens, for aliens may become naturalized citizens of the United States and Porto Ricans can not. Another amendment, I will say, in order that Senators may have it all before them, is a provision that all provisions of law applicable to all the Territories of the United States may be extended to Porto Rico as to the benefits of the agricultural college law. Under that law they would get the same as a Territory gets—that is, $25,000 a year for educational purposes in the way of aiding agricultural colleges.

The last provision is an amendment which was offered by the Senator from Massachusetts [Mr. LODGE], providing that the Secretary of War shall have authority to grant permits on submerged lands which belong to the United States for the erection of piers and docks and other necessary conveniences.

Mr. PLATT of Connecticut. I simply want to say now that it seems to me this commission, if it is going to be appointed for the purpose of making a report, should make that report to Congress, and if the matter is coming here again I think I shall move that amendment.

Mr. FORAKER. Very well. I have no objection to having it made in that way—that the report shall be made to Congress.

The PRESIDENT pro tempore. The Senator from Connecticut, then, does not desire that this amendment shall be agreed to in the Senate?

Mr. PLATT of Connecticut. No.

Mr. FORAKER. I simply ask that the amendments be agreed to in Committee of the Whole, and the bill as amended be reported to the Senate.

The PRESIDENT pro tempore. The bill has been reported to the Senate.

Mr. FORAKER. And that it shall remain open for amendment, and be taken up to-morrow.

The PRESIDENT pro tempore. The bill will lie over.

Mr. BACON. Mr. President——

Mr. TILLMAN. If the Senator from Georgia will permit me, I wish the Chair to explain the parliamentary status of this bill for to-morrow.

The PRESIDENT pro tempore. The bill will be on the Calendar to-morrow.

Mr. TILLMAN. And will have to come up by unanimous consent?

The PRESIDENT pro tempore. Yes; or by motion.

Mr. TILLMAN. Well, one or the other?

The PRESIDENT pro tempore. That is correct.

REGULATION OF IMMIGRATION.

Mr. PENROSE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12199) to regulate the immigration of aliens into the United States, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 5, 9, 28, 29, 38, 41, and 42.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24,

25, 26, 27, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 46, 47, 43, 44, 45, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, and 115, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93 and agree to the same with two amendments, as follows:

On page 24, line 12, after the word "deported," strike out the words "in all cases the burden shall be on the alien to show clearly and beyond a doubt that he is entitled to land."

On page 25, line 2, strike out the words "*Provided*, That nothing in this section or in this act shall be construed to prevent the Secretary of the Treasury from arranging from time to time, and it shall be his duty so to arrange in accordance with existing contracts with railroad and steamship companies in foreign contiguous territory, or in accordance with such contracts as he may enter into in the future with such or other transportation lines, for the examination and payment of head tax of aliens landing at ports in said foreign contiguous territory and destined for the United States. Such examination to be held at such ports or places in said foreign contiguous territory as the Secretary of the Treasury may designate. Such examination shall, in the discretion of the Secretary of the Treasury, dispense with the necessity for further examination at United States border ports under this act;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: On page 29, line 21, after the word "and," insert the word "if;" after the word "it" strike out the word "seems" and insert the words "is proved;" and in line 23, after the word "came," insert the words "and is so certified by the examining surgeon at the port of arrival;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: On page 30, line 16, after the word "prescribe," change the colon to a period and strike out the words "*Provided*, That no such person shall be allowed to enter as an immigrant;" and the Senate agree to the same.

BOIES PENROSE,
CHAS. W. FAIRBANKS,
H. C. LODGE,
A. S. CLAY,
A. J. McLAURIN,
Managers on the part of the Senate.
W. B. SHATTUC,
ROBERT ADAMS, JR.,
Managers on the part of the House.

The PRESIDENT pro tempore. Will the Senate agree to the conference report?

Mr. GALLINGER. Mr. President, I think a very brief statement ought to be made concerning this report. I confess I am in the same predicament that every other Senator is when a report of this kind is made.

Mr. LODGE. As the chairman of the committee was unable to be present at the whole of the conference and I was there during the entire conference, if it is agreeable to the chairman, I will explain the matter.

Mr. PENROSE. I wish the Senator from Massachusetts would make a statement in regard to the matter.

Mr. LODGE. The conferees have agreed substantially on the bill as it passed this body. The educational clause is stricken out entirely. The House agreed to take the amendment of the Senate, and they have agreed to all the essential Senate amendments. The amendments from which the Senate receded are a half dozen small verbal amendments of no importance to the bill. I can not say more except that it is a bill with which the Senate is entirely familiar, and that all of the important amendments which were discussed here have been agreed to by the House.

Mr. GALLINGER. Mr. President, just an inquiry.

Mr. LODGE. If there is any special amendment about which the Senator would like to ask, I will tell him.

Mr. GALLINGER. Just one inquiry, and then I will be through. I have no disposition to delay the matter a moment. I notice that the proviso on page 35, which was a portion of a Senate amendment, has been stricken from the bill. I think I myself, perhaps, might answer the question, but I wish to have the Senator assure me that the elimination of that proviso from the bill does not prevent the Secretary of the Treasury in his discretion from having examinations made at the ports of St. John, New Brunswick, Quebec, Halifax, and other seaports.

Mr. LODGE. It does not. That point was raised particularly in conference, and in order to make sure we asked the solicitor of the Department in regard to it, and he said it had no effect whatever. The proviso was simply stricken out because it was surplusage, all that it contained being in another section of the bill.

Mr. GALLINGER. With that statement I am content, but I simply wish to make the suggestion that, in my judgment, this is a bill which is going to make a good deal of trouble. I think there are a good many insidious things in the bill which have not been exploited during the limited time we have had in which to discuss it. But of course that can not be taken up now, and with this simple statement I am content that the conference report shall be agreed to.

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

The report was agreed to.

ADDITIONAL DISTRICT JUDGE FOR SOUTH CAROLINA.

Mr. BACON. I am instructed by the Committee on the Judiciary, to whom was referred the bill (S. 7445) to provide for the appointment of a district judge for the western judicial district of South Carolina, and for other purposes, to report it favorably with an amendment, and to ask for its present consideration.

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

Mr. MALLORY. I should like to inquire of the Senator from Georgia how many judicial districts there are now in South Carolina?

Mr. BACON. This bill does not create any new judicial district. There are now two judicial districts in South Carolina; but there is only one judge. It is desired to have a judge for each district.

Mr. MALLORY. As I understand, there are two judicial districts and only one judge?

Mr. BACON. Yes.

Mr. SPOONER. Do I understand the Senator from Georgia to say that there are now two judicial districts in South Carolina?

Mr. BACON. There are now two judicial districts, and there have been since 1823.

Mr. SPOONER. And only one judge?

Mr. BACON. And only one judge.

Mr. SPOONER. This is for an additional judge?

Mr. BACON. Yes; a judge for the western judicial district.

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

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, on page 1, section 1, after the word "shall," at the end of line 5, to strike out "reside at Greenville, S. C., and in the said western district shall;" so as to make the section read:

That the President of the United States, by and with the advice and consent of the Senate, shall appoint for the western judicial district of South Carolina a district judge, who shall possess and exercise all the powers conferred by law upon district judges of the United States, and who shall, as to all business and proceedings arising in said western district, succeed to and possess the same powers and perform the same duties as are now possessed and performed by the district judge for the two judicial districts of said State.

The amendment was agreed to.

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

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

ROBERT BRIGHAM.

Mr. QUAY. I ask unanimous consent for the present consideration of the bill (H. R. 1517) for the relief of Robert Brigham.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Robert Brigham, late postmaster at Franklin, Pa., $2,266.89, that being the amount lost through the failure of Venango National Bank, where the money was deposited by order of the Postmaster-General.

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

AGRICULTURAL APPROPRIATION BILL.

Mr. PROCTOR submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16910) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1904, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 14, 15, 18, 19, 20, 21, 22, 34, 37, 53, 54, 62, and 74.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 16, 23, 24, 25, 26, 27, 29, 32, 35, 39, 40, 43, 44, 47, 48, 49, 50, 51, 52, 56, 57, 58, 59, 60, 61, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 75, 76, 77, 78, 79, 80, 81, 84, and 85, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: Restore the matter stricken out; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,248,520;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$130,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$37,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Strike out of said amendment "for the establishment in the State of California of experiment stations" and in lieu thereof insert "in cooperation with the experiment station of the State of California;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$35,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the

Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$290,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$674,930;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$312,860;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$170,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$212,480;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: On page 39 of the bill, in line 18, after the word "thousand," strike the words "five hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$65,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows; In lieu of the sum proposed insert "$35,000;" and the Senate agree to the same.

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

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

The report was agreed to.

JAMES W. FOLEY.

On motion of Mr. HANSBROUGH, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of James W. Foley, accompanying Senate bill 1460, Fifty-seventh Congress, first session, copy of same having been left in the files, as provided by clause 2, Rule XXX.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 17493) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. BARNEY, and Mr. LIVINGSTON managers at the conference on the part of the House.

DEFICIENCY APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 17493) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. I move that the Senate insist upon its amendments and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. HALE, Mr. ALLISON, and Mr. TELLER were appointed.

PORTLAND, VANCOUVER AND YAKIMA RAILWAY COMPANY.

Mr. NELSON. I ask unanimous consent for the immediate consideration of Senate bill 7425.

Mr. ALDRICH. I shall not object to the consideration of the bill of the Senator from Minnesota, but I desire to give notice that after that bill is disposed of I shall call for the regular order. I feel that I must do so.

Mr. CULLOM. I hope the Senator will allow me to call up a little bill, the consideration of which I have been requested to secure.

The PRESIDENT pro tempore. The bill referred to by the Senator from Minnesota [Mr. NELSON] will be read to the Senate for its information, subject to objection.

The Secretary read the bill (S. 7425) authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Vancouver Barracks and Military Reservation, in the State of Washington, to the Northern Pacific Railway Company; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Military Affairs with an amendment, on page 1, line 6, after the word "Reservation," to insert "if in his judgment it can be done;" in line 8, before the word "purposes," to strike out "any" and insert "military;" on page 2, after the word "granted," at the end of line 1, to insert "during the pleasure of Congress;" in line 2, after the words "to the," to strike out "Northern Pacific Railway Company" and insert "Portland, Vancouver and Yakima Railroad;" after the words "State of," at the end of line 4, to strike out "Wisconsin" and insert "Washington, its successors and assigns;" and in line 12, before the words "by the Secretary of War," to strike out "submitted to and approved" and insert "prescribed;" so as to make the section read:

That the Secretary of War is hereby authorized and empowered to locate a right of way, not exceeding 100 feet in width, through the lands of the Vancouver Barracks and Military Reservation if in his judgment it can be done in such a manner as not to interfere with the uses of said reservation for military purposes by the United States; and when said right of way shall be so located it is hereby granted during the pleasure of Congress to the Portland, Vancouver and Yakima Railroad, a corporation organized under the laws of the State of Washington, its successors and assigns, for the purpose of constructing a railroad and telegraph line thereon: *Provided*, That the said right of way and the width and location thereof through said lands, the compensation therefor, and the regulations for operating said railroad within the limits of the said military reservation so as to prevent all damage to public property or for public uses shall be prescribed by the Secretary of War prior to any entry upon said lands or the commencement of the construction of said works: *Provided also*, That whenever said right of way shall cease to be used for the purposes aforesaid the same shall revert to the United States.

Mr. NELSON. I move to amend the amendment in line 3, on page 2, after the word "Yakima," by striking out "Railroad" and inserting "Railway;" so as to read "Portland, Vancouver and Yakima Railway."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SPOONER. I heard some reference to Wisconsin in that bill.

Mr. NELSON. That was a mistake. It should be the State of Washington, and that correction has been made.

Mr. SPOONER. Very well.

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

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

Mr. NELSON. I ask that the title be amended so as to correspond with the changes which have been made in the bill.

The title was amended so as to read: "A bill authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Vancouver Barracks and Military Reservation, in the State of Washington, to the Portland, Vancouver and Yakima Railway Company, its successors and assigns."

NATIONAL BANK RESERVES.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7659) to amend section 1 of an act entitled "An act to amend sections 5191 and 5192 of the Revised Statutes of the United States, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, and 4.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the word "thirty," inserted by said amendment, insert the word "twenty-five;" and the Senate agree to the same.

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

CHARLES N. FOWLER,
E. J. HILL,
Managers on the part of the House.

The report was agreed to.

C. W. COLEHOUR.

Mr. CULLOM. I ask unanimons consent that the unfinished business may be temporarily laid aside and that the Senate proceed to the consideration of the bill (H. R. 7361) for the relief of C. W. Colehour.

Mr. ALDRICH. I ask for the regular order, Mr. President.

The PRESIDENT pro tempore. The Senator from Rhode Island demands the regular order.

Mr. CULLOM. I hope the Senator will yield to me to pass this little bill. It will only take a moment.

Mr. ALDRICH. I yield to the Senator.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill named by the Senator from Illinois?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to C. W. Colehour, his legal representatives or assigns, $1,020 for sheltering and subsisting Eighth Regiment Illinois Volunteer Infantry, war with Spain.

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16990) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904, and for other purposes.

ENROLLED BILLS SIGNED.

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

A bill (H. R. 6703) for the relief of George A. Rogers;

A bill (H. R. 6745) for the relief of Anthony R. Ravenscroft; and

A bill (H. R. 14050) to amend an act to regulate the height of buildings in the District of Columbia.

SAFE-KEEPING OF PUBLIC MONEY.

Mr. ALDRICH. Mr. President, I now ask for the regular order.

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

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 7301) to further provide for the safe-keeping of public money, and for other purposes.

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

Mr. McLAURIN of Mississippi. Mr. President, I hope the Senator from Rhode Island will not raise any objection to the request I am going to make. I have tried to get the floor for a considerable while, but I have been unable to do so. A number of other bills have been passed without objection, and I ask unanimous consent that the regular order may be temporarily laid aside and that the Senate proceed to the consideration of the bill (S. 6225) in aid of the common schools of Mississippi.

Mr. ALDRICH. Mr. President, it is evident that that bill can not become a law, as it is a Senate bill. I think we had better go on with the consideration of the regular order and after a while there may be an opportunity to take up the Senator's bill.

The PRESIDENT pro tempore. The Senator from Rhode Island demands the regular order.

Mr. McLAURIN of Mississippi. I did not understand what the Senator said.

Mr. ALDRICH. I said the bill named by the Senator from Mississippi was a Senate bill, and could not become a law at this session.

Mr. McLAURIN of Mississippi. Is not the Senator's bill that we are considering a Senate bill?

Mr. ALDRICH. Yes; but I hope it will become a law.

Mr. McLAURIN of Mississippi. And I hope the bill I have called up will become a law, and I think there is about as much hope for mine as there is for the bill of the Senator from Rhode Island. [Laughter.]

The PRESIDENT pro tempore. Objection being made, the bill named by the Senator from Mississippi retains its place on the Calendar.

Mr. MORGAN. Mr. President, the little colloquy between the Senator from Rhode Island [Mr. ALDRICH] and the Senator from Mississippi [Mr. McLAURIN] has made, as sometimes happens in small fissures, accidental disclosures and immense revelation of what is going on in this body to-night. There is evidently an arrangement made by which the bill that is now before the Senate is to be passed through the other House under a rule for its consideration, and that there is nobody in that House, particularly a Democrat, who will ever be permitted to have a word to say about it.

Mr. MALLORY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Florida?

Mr. MORGAN. Yes, sir.

Mr. MALLORY. I desire to offer an amendment to this bill, which I should like to have read and printed.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After line 14, on page 3, it is proposed to insert:

Said national banking associations shall preserve said deposits of public money separate and apart from the other moneys of said associations and other moneys in their possession or custody, and on loans of said public money made by them shall in no case charge or receive interest at a greater rate than 4 per cent per annum.

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

Mr. MORGAN. Mr. President, I should like to know the exact parliamentary situation of this bill in respect of the amendments that have been adopted, and I would ask that they be stated. They have not been printed separately, and I want to know what they are.

The PRESIDENT pro tempore. Quite a number of amendments have been offered. All the committee amendments have been agreed to, and the pending amendment is that offered by the Senator from Tennessee [Mr. BATE].

Mr. ALDRICH. Let us have a vote.

The PRESIDENT pro tempore. And the bill is now in Committee of the Whole and open to further amendment.

Mr. BLACKBURN. I rise to a parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator will state his parliamentary inquiry.

Mr. BLACKBURN. I do not understand that amendments are now in order.

The PRESIDENT pro tempore. Yes; and there is one pending.

Mr. BLACKBURN. Are there not more amendments already presented than can be entertained at one time?

The PRESIDENT pro tempore. No additional amendments would, of course, be now in order. The Chair said that the question before the Senate was on the amendment offered by the Senator from Tennessee.

Mr. BLACKBURN. I notice, Mr. President, that the Senator from Florida [Mr. MALLORY] has just submitted an amendment.

The PRESIDENT pro tempore. The Senator from Florida simply submitted it to have it printed. The amendment will have to be offered. It has not been offered for action.

Mr. BLACKBURN. So I understood. I have an amendment to offer to this bill, Mr. President, but I was waiting until it would be in order under the rule for consideration. It does not need to be printed. It is already in print. I will offer it now, and ask that it may lie upon the table.

Mr. CARMACK. I should like to have the amendment read for information, if it be in order.

Mr. BLACKBURN. I did not intend to ask to have it read, because it is in print and I think has been read by all Senators.

Mr. CARMACK. I should like to have the amendment read for the information of the Senate.

The PRESIDENT pro tempore. The amendment of the Senator from Kentucky is, of course, not before the Senate. It is simply offered to lie upon the table when it may be in order.

Mr. BLACKBURN. To be taken up in its order.

The PRESIDENT pro tempore. To be taken up in its order, and the Senator from Tennessee [Mr. CARMACK] demands that it shall now be read. Is there objection?

Mr. ALDRICH. The Senator from Tennessee can read it as a part of his remarks that he commenced this afternoon if he desires to do so.

Mr. CARMACK. I will do that, Mr. President.

The PRESIDENT pro tempore. Objection is made to the reading of the amendment.

Mr. MORGAN. Mr. President, I am a little regretful that in the discussion of this question to-night, or, rather, in rising for the purpose of having myself informed about it more than discussing it for the information of the Senate, I do not know precisely the shape in which the bill is now before the Senate; so if I make any blunder it may be attributed to the fact that I have not had an opportunity to ascertain.

I will refer again, Mr. President, to the incident or the interlude that occurred between the Senator from Mississippi [Mr. McLAURIN] and the Senator from Rhode Island [Mr. ALDRICH]. It is an object lesson, or at least it is a fact which has transpired in the Senate, that shows that this bill does not stand on the same footing with other legislation of Congress, but it is to have, and it is expected to have, and doubtless it is arranged to have, some peculiar advantages.

I take it, therefore, that it is a party measure, and that the Senator from Rhode Island has arranged with his conferees in the House that if this bill can get over there at any time to-morrow, perhaps in two hours' time from the moment that it strikes the door of the House it will be passed as it has passed the Senate—without amendment. There will be no opportunity afforded to the people's particular representatives, as they call themselves and as they are, in the House of Representatives to consider this measure on its merits.

In my estimation it is the most far-reaching and in that sense the greatest and the most dangerous measure connected with the finances of the country that has been before the Senate since I have been in this body. I see that the Senator from Rhode Island smiles at that proposition. Perhaps he is smiling at my want of knowledge of the situation in respect of finance or at the absurdity of my statement, I do not know which.

Mr. ALDRICH. No; I was not. I was supposing that the Senator from Alabama had for the moment forgotten the Panama Canal treaty.

Mr. MORGAN. That is not connected with finance, except the stealing part of it, which is in Paris, and we have no control over that. [Laughter.]

This measure, Mr. President, has had its incubation really within the last five or six days. We have been for ten weeks here deliberating upon a question that seemed to excite all of the abilities and all the strategic and tactical cunning of the great men of the Senate on the other side of the Chamber. We on this side of the Chamber have been quiet spectators, looking on to see what the battle of the giants would result in. It has turned out to be a battle of pigmies, instead of a battle of giants, and the defeated party is about as happy as the party that won, it seems to me. Neither side has lost anything; but one side in that controversy has gained a great deal.

They have shut out from the Senate of the United States, the great focal point of political power for some years to come and perhaps for an age, the right of representation which belongs naturally to that area of country and belongs rightfully also to the people who inhabit it—an area of the country that was covered by the provisions of the treaty that we made in 1853, having previously made one in 1850, in which we made a solemn pledge to the governor of Mexico and to the people of that great area of country that they should be admitted as States into the Union. Not being satisfied with that and not being satisfied also with Mr. Trist's credentials in regard to the making of the treaty called the Guadalupe-Hidalgo treaty, in 1849 or 1850 we sent Sevier, Clifford, and another gentleman down there for the purpose of introducing into the treaty of Guadalupe-Hidalgo a provision in lieu of the tenth article, which provision was the same that was found in the treaty made with Napoleon Bonaparte, under which we acquired what is called the Louisiana purchase, which contained a very express provision, placed in that treaty by French sagacity and French foresight, for the purpose of compelling the United States to agree that the citizens in that country should not be wandering about like these poor Porto Ricans, without home or nativity or allegiance or anything of that sort, pariahs of that political part of the world, without anybody to own them or anybody to acknowledge them. So we transferred the Napoleon treaty into the treaty with Mexico, thereby making the obligation conspicuous, complete, and that was done at our instance.

Now, that obligation has been neglected. After ten weeks' debate it has been trampled under foot and dismissed as a thing of no consequence, and in the meantime there has been settled in favor of the New England States the balance of power in the Senate of the United States, which now amounts under their control to two-thirds of this body. You have 60 Senators. If you had a Vice-President to decide by a casting vote, you would have 61. You have the South and West in the place you want to hold them. You have determined that they shall not get up. You secured that by postponing indefinitely the statehood bill, destroying it, and making it impossible for the Democratic party or such allies as it may muster among the gentlemen of the Republican party who live in the West or Northwest or have interest in and feelings for that section of the country, in years and years to come—perhaps an age yet to come—even to approach the question of the restoration of the equilibrium between the sections.

Having done that, here comes another proposition to throw the financial power of the United States, every bit of it, all of it, in the same direction. You have mastered the subject of territory. You have stricken down the representation of these large and valuable areas in the Senate. You have gotten rid of that, and now you come forward with a proposition to unite all of the financial power of the United States, through the power of tax collection, whether it is internal revenue or tariff revenue, in the hands of a single man.

Mr. President, the method which has been adopted in this bill of transferring the power, the whole financial power, of the United States to the money centers of the East is limited to the action of corporations. There is no individual mentioned in this bill. There is no man, unless he is a member of a corporation, who can get any possible advantage under it. We have been hearing a great deal of trusts, and we all know that the combinations of corporations and the immunities from personal liability for debt in connection with corporations are the real cause of this calamitous condition which is described as a trust, imposed like a plague upon the security and prosperity of the country and the people.

These are arrogant combinations. What are they, after all? They are the mere creatures of the law. They have no existence except by statute. They are fictitious persons. They are allowed to accumulate wealth to any amount that the statute will allow; and when the statute puts a restriction upon one or two or three or four or five or ten of them, and they still want to increase their capital, they will make a combination together and will go to New Jersey, or they will go to West Virginia or to Delaware or some other place, and there the whole bunch of corporations, like a bunch of firecrackers, will be incorporated under a new corporation with an enormous amount of capital.

Mr. ELKINS. What is the objection to West Virginia?

Mr. MORGAN. I have understood that it is a very profitable place to which to go to get a corporation charter.

Mr. ELKINS. It is a very proper and correct place to which to go. The Senator, I hope, does not want to reflect upon West Virginia.

Mr. MORGAN. Not by any means. West Virginia is always able to take care of itself, and it never fails to do it when the opportunity is presented.

Mr. ELKINS. I thank the Senator.

Mr. MORGAN. But these trusts consist most largely to-day, in the greater number of cases, to say the least of it, in these combinations of bunches of corporations, which go to different States and get themselves incorporated into another corporation. It is a double-barreled concern.

So this corporation—I will say it is in New Jersey or in Delaware; I could not say it is in Alabama, because we do not tolerate such things with us—embodies all these different corporate interests into one mass, with one agent, and the corporators raise the corporation capital just as high as the State will give them an opportunity to do, and there is no limit upon the amount of capital stock they can put out.

These fictitious persons are exempt from all obligations for debts due from their respective corporations, except to the extent that obligations are imposed by the charter itself, and they rarely, I believe never, exceed the amount of the stock actually held in the corporation. So one of these corporations can go out on speculation and engage in enterprises of any magnitude or any description, create debts without restriction or limit, and when they come to wind up the creditors have to lose all that is to be lost, except the private obligation that is put upon a stockholder that he will pay the amount of money to the creditor that he put into the concern.

He may be rich as Crœsus. Crœsus did not compare in wealth with some gentlemen we have in the United States. But I do not want to call names, because it is now invidious and considered disrespectful to speak of a man in the United States as being rich. It seems to be a sort of a slam at him. So I will mention Crœsus's name. He has been dead a great many years, but he died very rich.

This man may be as rich as Crœsus. He may have a thousand dollars or a hundred thousand dollars of stock in a corporation that owes millions of dollars. He may have got the benefit of its earnings from year to year, with the increase in the value of his stock, with dividends, vast dividends, which may have been paid to him. But from some motive or design or accident the corporation may go under, it may become insolvent, and then his liability comes back and is settled by the amount of his original subscription to the stock of the company. He pockets all he got out of the people. He pays for the amount of his original stock. That is what the corporation law requires, and he goes scot free for the balance.

These fictitious persons, these creations of law, abound in all parts of the United States. If the number of corporations in the United States were known to the people, they would be absolutely astounded. It is nearly equal to the population in some parts of the country. The authors of this bill have picked certain corporations out of this vast swarm of artificial creatures, with these limited responsibilities, and they say that if you will take the bonds of corporations which have been in existence a certain length of time and have been paying at least 4 per cent dividend on their stock for ten years and put them in the hands of a national bank, the national bank may draw the amount of money represented by those bonds on their face. There is no limit in this bill to the amount of money which may be put into a national bank or with the national banks. There is no pro rata; there is no percentage; there is no distribution among the banks as to the respective amounts they may receive.

A bank out in the West or in the South may have a little capital of $25,000, and under this bill the Secretary of the Treasury can put a millon dollars in one of those banks, provided the bank can make arrangements with a railroad company which has been making money out of the people at the rate of 4 per cent per annum for ten years, and the Secretary of the Treasury can just pile in the money. What have we got? The proposed statute says we have a lien on the current assets of the bank for the repayment of that money. There is no limit at all.

Mr. President, that astounds me. I can not understand how a Senator can draw a bill of that kind and undertake to defend it. He must surely have supposed that nobody would ever discover it, for it is utterly indefensible that you can take a bank with $25,000 or $100,000 capital and that the Secretary of the Treasury can put into the vaults of that bank under this arrangement as much money as he chooses to put there.

Now, this bill repeals an act passed on the 3d day of June, 1864. It is an act that had 64 sections in it. It was an act entitled "An act to provide a national currency, secured by a pledge of United States bonds, and it provides for the circulation and redemption thereof." It was the great national-bank act, and the present bill before the Senate picks out the forty-second section of that act and amends it and changes it. At the time that act was passed this country was involved in the throes of a great civil war, an event to which I do not allude with the slightest degree of pleasure. At the same time it is my duty to do it in trying to ascertain the purposes of the legislation. What was intended by the passage of the forty-second section of the act of 1864? At that time General Lee and General Grant were wrestling for military victory and supremacy between Fredericksburg and Richmond, if I recollect history correctly, and at that time United States bonds were worth about 60 cents on the dollar for gold; not more than that.

It was very necessary to have a means of receiving the money due to the Government of the United States in various places and by various agents, because it did not always happen that the collectors of money, whether they were collectors of internal revenue or collectors of customs, could find their way to Washington City with safety, and it was necessary to have, therefore, in places where there were national banks, the opportunity of making deposits of public money, and the best security that was available at that time was the bonds of the United States. So the Secretary of the Treasury was authorized to designate a national bank as a depository, and he was authorized to take bonds of the United States to the amount of the deposit placed with the national banks.

But the bonds themselves were not absolute security. They lacked about 40 per cent of being proper security for deposits, rated at the gold standard. There was a discount on the bonds of about that much. Therefore this language was put into that statute:

The Secretary of the Treasury shall require the association thus designated to give satisfactory security—

Now, the security must be satisfactory—

by the deposit of United States bonds and otherwise.

The United States bonds themselves might not be satisfactory security, for they were not the par of gold. If gold was collected by a customs-house officer or by an internal-revenue collector to the extent of a thousand dollars, and he had a thousand-dollar United States bond, that bond would fall about 40 per cent short of being good security for the thousand dollars in gold. So the section was made to read:

To give satisfactory security by the deposit of United States bonds and otherwise."

Not "or otherwise," but "and otherwise."

Mr. SPOONER. How do you construe it?

Mr. MORGAN. It does not admit of any construction. There are many things in the English language that do not admit of any construction.

Mr. ELKINS. Does the Senator understand that the words "and otherwise" mean any other securities than United States bonds?

Mr. MORGAN. In addition to them.

Mr. ELKINS. In addition to United States bonds?

Mr. MORGAN. Yes; not "instead of" but "in addition to."

Mr. ELKINS. He must have some Government bonds.

Mr. MORGAN. Yes; he is bound to have some Government bonds, and if they are not enough——

Mr. ELKINS. What would be the Senator's construction of this situation? Suppose a man took up $10,000 of Government bonds, could he take up also a million of State or railroad bonds?

Mr. MORGAN. The Secretary would have the discretion to require the deposit of other bonds in addition to the Government bonds.

Mr. ELKINS. When was the act passed?

Mr. MORGAN. In 1864; right in the midst of the war.

I was about to observe that that statute stood from 1864—nearly forty years—just in that shape, and nobody ever thought about altering it until the speculative idea struck the Senator from Rhode Island. It did not strike him first. It is a carom on him. It first struck the Secretary of the Treasury.

Mr. ALDRICH. I suppose the Senator from Alabama is aware that in October or November of last year the Secretary decided that the words "and otherwise" meant that he could take other classes of securities in addition to Government bonds, and he did take certain county and municipal bonds. I should like the Senator to state whether he agrees with the Secretary.

Mr. MORGAN. No; and nobody else does. Nobody agrees with him who can read the English language.

Mr. ALDRICH. What do the words "and otherwise" mean?

Mr. MORGAN. They mean simply that the Secretary of the Treasury could require additional security if he was not satisfied with United States bonds as security for deposits when the bonds were 40 per cent below par. It is as plain as a flagstaff.

Mr. ALDRICH. If he took them at 40 or 50 per cent, that would not be "and otherwise."

Mr. MORGAN. I do not know whether it would or not.

Mr. ALDRICH. It strikes me not.

Mr. MORGAN. At all events he had the right to require additional security. Unquestionably he had, for it says, "by the deposit of United States bonds and otherwise," not "or otherwise."

Mr. ALDRICH. The Senator from West Virginia asked a pertinent question. Suppose a bank deposits $10,000 of Government bonds and $100,000 of city bonds, does that answer the requirement of the law?

Mr. ELKINS. That is the question.

Mr. MORGAN. If the United States bonds deposited are security for the amount deposited in the bank, then it is legal.

Mr. ELKINS. If the United States bonds are equal to the money deposited, they would not need any city or other bonds.

Mr. MORGAN. Why not, when United States bonds were 40 per cent below par?

Mr. ELKINS. That was forty years ago. We are dealing with the present and are not forty years behind.

Mr. MORGAN. We will get up to date presently. I want to get the reasons of this act. I want to see why they put in the words "and otherwise." It is perfectly plain, Mr. President.

I was in hopes that it would never happen to me that I would find it necessary on the floor of the Senate to criticise the action of the Secretary of the Treasury on this subject, but the matter has come up to-night.

The Secretary of the Treasury found the Wall street brokers and the Wall street gamblers in a tight place, and as all Secretaries of the Treasury, including Mr. Carlisle, have found it necessary from time to time to do, whenever those gentlemen get into trouble, all the powers of the United States were drawn on to help them out, as is always alleged, to avoid a panic. They got the panic. That was the situation. They were the sailors on the ship. If the sailors get the panic, the ship is mighty apt to turn over or sink in a storm.

So the Secretary of the Treasury found that the market for money in New York was getting a little precarious, a little dangerous. They had been overworking, overspeculating, overtrading, and everybody in the world knew it. It became a very serious question as to whether they could make the ends meet. For a solution of the difficulty a liquidation was called for.

Why, Mr. President, a liquidation in New York last fall was as dangerous a thing as a bubonic plague and to be avoided by every possible remedy that was in the reach of human beings.

I rather applauded the generosity of the Secretary of the Treasury, and what we sometimes call the patriotism, but it is only a mock patriotism, for there is no sincere patriotism that violates the law of the land. I admired the generosity of the Secretary of the Treasury in flying to the relief of those people and in opening a congestion that might have produced a panic sufficient to wipe perhaps five or eight thousand of them out of financial existence and bury them beneath the ashes of bankruptcy. I rather sympathized with him in that. But how very unjust it was, what an awful breach of duty it was, that a man should take the conjunction "and," for the sake of carrying a point, and transfer it to the disjunctive conjunction "or" in a statute. "Or other securities in place of bonds," not "and other securities to supplement bonds."

There the Government of the United States and the tax-paying people of this country were robbed of their right, by a grammatical construction of a statute by a Secretary of the Treasury, and he never dared and nobody else has ever dared to carry that before any court of judicature. They would know where they would land when they got to a court. They would know that no court in this country would have the cheek to give the construction to that statute which was put upon it by the Secretary of the Treasury.

Now, this is a healing act that I am discussing to-night. It is intended to heal that very breach of the law, to carry it out, and to make it entirely possible that hereafter the Secretary of the Treasury can do just as he pleases about this business. And you have given him license enough here; I do not care if he is as honest as Paul, you give license enough to that man even by a mistake or by an accident, a misjudgment, to ruin this country.

How much money does the bill carry into the depositaries of the United States guaranteed by these corporation stocks that I have been talking about? How much is it? Not less than $600,000,000 a year, unless it is intercepted by the Secretary of the Treasury and thrown into the Treasury of the United States instead of going there, for these men have the right to receive the public money up to the standard prescribed to them as depositaries,

and there is no standard prescribed in this act whatever. There is no upward limit. There is no difficulty in construing this remedial or this healing act so as to permit the Secretary of the Treasury to receive $500,000,000 a year and transfer it into the hands of these banks. There is no limit in it.

This is a new act. It supplements and it repeals the act of 1864 for the reason that they can not stand together. You can not reach them together.

All national-bank associations designated for that purpose by the Secretary of the Treasury shall be depositories of public money, under such regulations as may be prescribed by the Secretary.

That is the end of it and that is the beginning of it and that is the whole of it. There is nothing else to it, as our friends say up in the northeast.

Now the statute is revised and amended so as to read as follows: Therefore it is plain that it not only repeals but supplants the other statute. They are not to be construed in pari materia. They are to be construed as if this was the only law on the statute books, and it is the only law on the statute books regulating the liability of these depositories. This is all of it, and there is no limit whatever to the deposit.

What kind of money can go there? Money from the sale of public property, lands, personal property, or any other kind. Money collected on the judgments of courts by marshals of the United States. Money received by even postmasters, unless the Postmaster-General orders it to be sent elsewhere. All moneys collected by the internal-revenue collector, I believe considerably larger—very much larger—than all the sums collected by the collector of customs, and all the moneys collected by custom-house officers. There is no dollar reserved except such as the Secretary of the Treasury may choose to order out of the custody of these people.

There is no penalty prescribed upon a depository for the abuse of his trust. You can not impose a penalty upon a man for using money that he has borrowed in his own way. You change the deposit by this act entirely, in its whole character, from a deposit in trust for safe-keeping to a deposit called a deposit, a loan, for interest, a fixed interest 1½ per cent. You change the whole of it. The law of 1864 is absolutely repealed, and it is changed from a deposit as it was made under that law to a loan at 1½ per cent.

Not only is it a loan, but you take a lien, a lien by law, a lien operative through the statute upon the current assets of the bank for the reimbursement of the loan. Under the act of 1857 that deposit was required to be ready to answer the call of the Government. They might call for it at any time. There was no fixed time named, no fixed conditions upon which they could be made. It was a mere call for the money, and if it was not forthcoming I will read you what the statute says about it. The statute was enacted in March, 1857. It is section 5489 of the Revised Statutes of the United States, and it reads as follows:

SEC. 5489. If the Treasurer of the United States, or any assistant treasurer, or any public depositary, fails safely to keep all moneys deposited by any disbursing officer or disbursing agent, as well as all moneys deposited by any receiver, collector, or other person having moneys of the United States, he shall be deemed guilty of embezzlement of the moneys not so safely kept, and shall be imprisoned not less than six months nor more than ten years, and fined in a sum equal to the amount of money so embezzled. [See sec. 3639.]

Now you change that from a deposit to a loan and that statute does not affect him. You turn him loose and retain nothing for your lien except upon the current assets of the bank. I should like to have the Senator from Rhode Island tell me what are the current assets of the bank.

Mr. ALDRICH. I do not agree at all with the construction which the Senator is putting upon this act, of course.

Mr. MORGAN. I am asking now what the current assets of the bank are?

Mr. ALDRICH. Whatever they may be. It is difficult to specify them.

Mr. MORGAN. What description of property is the current assets of the bank?

Mr. ALDRICH. All the property belonging to the bank.

Mr. MORGAN. Oh, not its real estate. That is not current assets.

Mr. ALDRICH. Certainly.

Mr. MORGAN. Not its bonds put up to secure circulation. That is not current assets. That is assets in the Treasury of the United States.

Mr. ALDRICH. All the property which they have would be assets of the bank.

Mr. MORGAN. Current assets? What is the use of putting "current" in there?

Mr. ALDRICH. It was put in at the suggestion of some Senator.

Mr. MORGAN. But that Senator may not——

Mr. ALDRICH. I explained at the time why it was put in.

Mr. MORGAN. That Senator may not be as high authority in finance as Lord Bacon was on the laws of England. Let us have a reason for it, so that we can understand it.

Mr. ALDRICH. I stated the reason at the time. Originally the Senator from Virginia prepared this amendment, and as originally prepared it established a lien upon the assets of the bank for the security of the deposits. The question was raised whether that permitted a bank in its current business to dispose of one class of assets over another, and it was thought best by the Senator from Virginia to change the phraseology so that the assets at the time the lien was to be enforced should be held for the debt of the United States or the deficiency after the security was sold.

Mr. MORGAN. Then this act, if I rightly understand the Senator from Rhode Island, means that if a depository receives a million dollars to-day, the Government has got for security for that million dollars not the assets that it had in hand, but those that it might thereafter accumulate.

Mr. ALDRICH. After the deficiency, undoubtedly. If the bank had a million dollars deposited for which it had deposited in the Treasury of the United States a million dollars of 2 per cent bonds or 4 per cent bonds, and those bonds should be sold and there was a deficiency, the deficiency would become a lien upon the current assets of the bank at the time.

Mr. MORGAN. At and after the time of the deposit?

Mr. ALDRICH. No; not at the time of the deposit, but at the time the lien was enforced.

Mr. MORGAN. When is that to be?

Mr. ALDRICH. The bank would want to do business in the meantime. Otherwise the provision of the act might close the bank.

Mr. MORGAN. The Government of the United States in regard to this great revenue that its people pay would be in a beautiful fix! It would have to go into a lawsuit to get the money out of the hands of the receiver, and to trust to its rights to current assets in order to condemn them to the satisfaction of the debt.

Mr. President, I would as soon have a note of a pigeon roost or a wild-cat bank. It is all a shinplaster transaction. That is all you can make out of it.

Mr. ALDRICH. I suppose the Senator from Alabama is aware that the Government has now no lien at all upon the assets of a bank any more than any other creditor.

Mr. MORGAN. I knew that if there was anything the Government could take off the banks in the way of lien or embarrassment, it would do so. It never hesitates to put embarrassments and liens and prohibitions upon the people; but this pet class of corporations, that is now run up to the number, I think, of 5,500, has always had the favor and indulgence of the Government.

And here is the Senator from Rhode Island, who was very aptly described here the other evening as a king of finance in the United States. He is an uncrowned king. I do not see any crown on his head. But he is a king of finance, and he says that the Government of the United States has got no lien upon the assets of the bank for anything.

Mr. ALDRICH. For its deposits; and I am trying to find out whether the Senator from Alabama now objects to a lien being established. I would be glad if he would state whether he thinks that is an improvement on the existing law.

Mr. MORGAN. I do not think it is necessary. I have got lately to objecting to everything that is not absolutely necessary. There are so many new schemes started up that have dead falls and pitfalls that I want to escape the whole of them. A lien on the current assets of the bank! Well, that is better than a lien on a last year's bird's nest, and it may be better than a lien on a next year's bird's nest, but it seems to me that they are pretty much of the same character.

They are trifling excuses for liens, for if the Government of the United States has lost its power to put the depositary in the penitentiary for not paying that money, pressing in answer its calls, and must go to a lien upon the current assets of the bank and work out that lien, I can not conceive that the Government could be robbed any more effectually or that it could be paralyzed with greater certainty than that.

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

Mr. MORGAN. Certainly.

Mr. ALDRICH. Which would he consider the better security if he were the party making the deposit, the right to shut the cashier up as an embezzler or a lien upon the assets of the bank? That is, supposing the Senator was right in his contention, to which I do not agree.

Mr. MORGAN. The right to shut up a cashier, that could be enforced by United States court officers, I would have considered the best lien the Government of the United States could have, the security it could have for the honesty of its administration. That is what I think about it.

Now, let us work out a case. Here is $100,000 deposited in a

little $25,000 bank in my State, and the bank lends it out. I will put it $100,000 loaned to a bank of $25,000 capital in Alabama, and when the Government comes to call for its money the banker defaults. You look at the statute and see what can be done with that man who does not observe his contracts and his statutory obligations and duties, and you find that you can not do anything, because you have excepted him from this provision of law. That is wiped out. What, then, have you got? You have got a lien on the current assets of the bank.

Now, let us see what the current assets of the bank are. First of all, the bonds deposited by the bank as security for the deposits that might be put in its vaults do not belong to the bank. They are all required by this act to belong to the bank. The bank may borrow the bonds. They may make an arrangement with some railroad company, some county, or some city, or some State to borrow the bonds and put them up, report them to the Treasurer of the United States as bonds to guarantee deposits that may come from tax collectors into the bank vaults.

The bank does not own them. The act does not require the bank to own them. Now, ought not this act to require a bank to be the proprietor of these bonds? When you come to look at the current assets of the bank, instead of going upon these bonds, you must go and fish out the current assets according to the fine definition given by the Senator from Rhode Island, if you can understand it. I can not understand it.

Now, Mr. President, you have abandoned this penal statute and thrown that out of gear entirely by converting this deposit into a loan, for you can not apply that statute to a man who borrows money and who is paying interest upon it. To a depositary who pays no interest to the Government and keeps it in answer to demands of the Government you can apply it. Having abandoned that, gotten rid of it, then we turn to realize out of the bank assets what we can.

Well, I will suppose that this money is loaned to a county in Missouri that I know of, and I might with equal aptness suppose that it was issued upon the county bonds of the county of Chambers, in Alabama, that I know all about. Here is a county bond. They are deposited with this bank. They amount to $100,000, and the county has complied with all of its obligations prescribed in its statute literally for the time required, so that the county is rectus in curia as to being a safe statutory security. The county is all right. You start with your proceeding and the first thing you do is to sue the county upon the bonds.

If you have as much success as was had against some gentlemen in Alabama, and particularly against a county in Missouri, you would be a long time getting your money. It has been twenty years in Missouri, in a county there, since a judgment was rendered against the county, and the county was ordered to levy a tax upon the people in order to realize the money to pay that judgment of the district or the circuit court of the United States. As fast as a mandamus would come to the judge he would resign and they would elect another, and when a mandamus reached him he would resign.

After a while the plaintiff got a decision made that they could not resign so as to escape an obligation; that they were liable for it whether they resigned or whether they did not; and there is a county jail in Missouri now that for twenty-one years has been the private residence, the dungeon, or the lockup or keep of the probate judges of the county. They put them in jail. A man is elected to the county judgeship, goes to jail, serves a term there, and then they send him to the legislature, and the first thing we may know we will have a lot of them here in Congress.

Now, I have been watching this proceeding. The gentleman who owns this judgment lives in this city, and he makes visits to Missouri for the purpose of locking up county judges. Perhaps he will find out some of these times that on account of rheumatics, or in some other way, he will get so sick he can not stand it and require the county to pay.

Now, that is a fine pursuit we are making when we bring our suit upon the county bonds. The county puts in every defense it knows how, and the Treasury of the United States is bereft of its gold in order to get this kind of obligation to be enforced as a current security of that bank under this act.

I have said that this was a bill for the benefit of corporations. There is nobody else mentioned in it. Nobody else has got any right or privileges under it at all. There is a little difference between the 1½ per cent interest that the bank has to pay and the 6, 8, 10, 15, or 20 per cent that they make out of the people by making short loans and doubling up interest, discount, and premium. I know how it runs, because I have had to undergo it. Look at the contrast. When did we ever give to a private citizen of the United States such privileges as that under the law?

Why, the banking act, Mr. President, from the time of its first enactment down to this day has contained a provision that a bank shall not loan its money on a mortgage of real estate. I have known men who had to go and borrow money in other States upon the credit of themselves and their friends who had plantations unincumbered worth $100,000, and they wanted only a few hundred dollars, five hundred dollars or a thousand dollars. There is not a farmer in the United States to-day who can go and mortgage the best piece of land he has got in the world to a national bank and get a dollar on it. The banks are prohibited from letting him have any.

Here we stand. Here is a bill that speaks of nobody but corporations. It gives them enormous advantages, unheard of advantages, and the farmers through the country can not get a penny out of one of those banks upon a guaranty of the best piece of real estate in the country.

Who has done that, Mr. President? Not this Democratic party that I happen to belong to, but that party of princes and headsmen and monopolists and contrivers of new laws to rob the people. The great financial kings are the men who get the profits. The farmer has to earn the money to pay it.

How did we get this vast amount of money locked up in the Treasury that we are now trying to find some way to get rid of—not back into the hands of the people who paid it, but into the hands of the corporations? How did it happen to be there? Senators have explained that. It is unnecessary for me to do more than to allude to the subject, because it is a subject that is pretty nearly as well known as the family Bible or Webster's spelling book in every house in this country.

How did it get there? By excessive taxation of the laboring people of this land, the producing people of this land, you have housed up this vast sum of money until you are afraid that we will appeal to it, point out your golden god that you have got in your Treasury, and say to the people, "Do you still want to contribute to him?" You want to hide him. You want to divide him up and send him out amongst the people, but never amongst the people themselves, but into the hands of the corporations. That is where we are. That is what we are doing here to-night.

I do not believe in the power of the United States Government to lend its money to corporations or to the people either. I believe that the Government of the United States ought to have the money necessary for its expenses and pay them out in the current course of business, leaving as far as it is possible to do no surplus in the Treasury. A surplus in the Treasury poisons the whole country. Everybody is after it.

I received 12 telegrams last night and my colleague in the Senate received 16 from a single town, urging us to stand by and force an appropriation of $40,000 into the omnibus public building bill. It passed here and I suppose it has passed the other House. People are begging for a little of this money in public conveniences for themselves, and demanding that their Senators shall go on watch and quit the balance of their duties in order that they may see that they are justly dealt with in respect of $40,000.

This shows, Mr. President, not a desire to rob on the part of these people, but a desire to have a little justice done to them. I could not get it; I can not get it; I never will get it, at least not from a Republican Congress.

But if one of these corporations comes and says, "Here, we know what we are doing; we belong to the great and exclusive class of this country; we are fictitious persons who comprise the corporation, and we want you to help us," of course we will help you. We will help you in the tax on sugar. We will help you by refusing to repress the trusts. We will help you any way in the world that we can. We will take the money of the people paid in taxation and hand it out to you at 1½ per cent interest during the year, and you can lend it to these same people at from 6 to 20 per cent and make all the money you please out of it.

They are not going to be protected. It is true that they do not demand it much. They are men who do not like to beg for their rights, and because they do not beg for them or buy them they do not get them.

They call this a safe bill—very safe. Some of the States have not repudiated within ten years, and they are entitled to put in their bonds.

Suppose they repudiated twenty years ago and have not had credit enough to borrow anything since that time. How would it be then? If they have not repudiated in ten years, though twenty years ago they had repudiated, and since then, not having credit enough to borrow any money, they have not made any debts or issued any bonds, can they put them in?

Why, Mr. President, this is a hothouse for the creation of bonds. Of course, if that statute goes on the statute books a very large part of the money that goes into these depositories will never come back. It will be loaned out for bonds and securities of that kind which are applicable to the act, and after that they will commence breaking, and there will be nothing collected.

I recollect in 1842 or 1843 in my own State, when we had a State-bank system there, the members of the legislature got very fond of their constituents, and they concluded to loan out the large

surplus in the banks. After a while they struck the capital in the banks with the same enthusiasm, and they loaned it on promissory notes with two indorsers, certified by two members of the legislature of the county which they represented.

In that way they scattered the money all through the State, and for three years we did not collect a dollar of taxes. But the day of liquidation came around after a while, and all of this vast multitude of people turned out to be most of them insolvent. We could not collect any money at all.

What did we have to do? Stop the business, wind up the banks, get all of the assets of the banks that we could, and permit no bank from that time to issue a dollar of currency. It cost our people millions and millions of dollars just because we broke away from the foundation principles of banking and went to loan the money among the people.

Now, what else is this but lending money to corporations? Let some gentleman define, if he can, that when a depositary, so called, receives from the tax gatherer or the custom-house officer a certain amount of money of the Government, secured by the pledge of certain bonds and stocks which are described in this act, he shall have that money as a loan at 1½ per cent interest, subject to call, very true, but when is the call to take place?

When that situation is created by this act and by the transaction, then that is no more nor less than the old act of Alabama repeated—loaning money to the people upon the indorsement of promissory notes. It destroyed the bank system of Alabama and came very near destroying the credit of the State. It cost us thousands and thousands and millions of dollars by a departure from the right duty and purpose of government. There is no government under the United States that can have any just right to lend out money collected from the people by taxation for government purposes into the hands of anybody.

There is not a State in the Union that has not got statutes making it a penitentiary offense, calling it the crime of embezzlement, for any fiduciary of the Government holding the custody of public funds, to lend them to anybody or upon any security whatever; the mere fact of making the loan proves the offense of embezzlement, without reference to the man's bad intention or good intention.

Every State in the Union has got these acts, and they are here now in respect of money of the form of embezzlement that is prohibited by the laws of the United States. It is against the theory and principles of all good government that they should be permitted to collect money by taxation from the people and then go and lend it out to their friends.

Mr. President, put this act into operation and here will come two banks in a heated political campaign. They have each got $500,000 of capital; they are in a populous and important county in a pivotal State; one of them is headed by a Democrat and the other is headed by a Republican, and we have got either a Democratic or a Republican Secretary of the Treasury. Both those banks apply to become depositaries of the public moneys of the United States on giving the securities which are provided for in this act.

The Secretary of the Treasury, whether he is the present Secretary or a future Secretary, or whether he is a Democrat or whether he is a Republican, asks the question, "Does this gentleman coincide with the politics of the powers that be? Does he belong to those who are dominant in the affairs of the Government at this special moment of time?" "No; he does not." "Does the other gentleman belong to this party of which I am a member?" "Yes." He gets the money. Who can restrain the Secretary of the Treasury from the exercise of that kind of power?

What check is there in the proposed law against that? What is that but embezzlement? We must say that nobody is guilty of embezzlement in connection with this act in any form in which is carried on the transaction. From the Secretary of the Treasury down, it may all be done by arrangement; yes, by political arrangement, for political reasons, and there is no penalty; there is no prohibition.

Mr. President, I shall close what I have to say, having spoken much longer than I expected, by saying that this is the most dangerous, the most invidious, the most unnecessary, and the most unjustifiable bill that I have ever spoken to on this floor.

Mr. ELKINS. Mr. President, I ask unanimous consent for the present consideration——

Mr. ALDRICH. I hope we shall have the regular order.

Mr. STEWART. Let us have the regular order and have a vote.

The PRESIDING OFFICER (Mr. MASON in the chair). The Senator from Rhode Island demands the regular order. The bill is before the Senate as in Committee of the Whole, and open to amendment.

Mr. McLAURIN of Mississippi. Mr. President, I do not know whether I exactly caught what was said by the Senator from Rhode Island [Mr. ALDRICH] when I made the request a while ago for unanimous consent to consider the bill to which I then referred; but I understood the Senator to say that further on he would probably consent to it. I now renew my request to lay aside temporarily the regular order and to take up the bill (S. 6225) in aid of the common schools in Mississippi.

Mr. ALDRICH. I have just been obliged to refuse a similar request of the Senator from West Virginia [Mr. ELKINS]. Later on, after the votes have been taken on this bill, I shall be very glad to yield to the Senator.

Mr. McLAURIN of Mississippi. Later on, after the votes on this bill have been taken?

Mr. ALDRICH. Yes; after the vote on the pending bill.

The PRESIDING OFFICER. The bill (S. 7301) to further provide for the safe-keeping of public money, and for other purposes, is before the Senate as in Committee of the Whole and open to amendment; the pending question being on the amendment offered by the Senator from Tennessee [Mr. BATE].

Mr. McLAURIN of Mississippi. I desire to say a few words in relation to that bill, Mr. President.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. McLAURIN of Mississippi. I think this is a bill which requires very serious consideration, referring, as it does, to banking and the deposit of public moneys in national banks.

Mr. DUBOIS. I ask the Senator from Mississippi if he will please yield to me for a moment.

Mr. McLAURIN of Mississippi. Certainly.

Mr. DUBOIS. I move that the Senate do now adjourn.

Mr. HANSBROUGH. I hope the Senator will withdraw that motion, so that we may have a brief executive session.

Mr. ALDRICH. I hope neither motion will prevail.

The PRESIDING OFFICER. The question is on the motion to adjourn.

Mr. ELKINS. Will the Senator withhold that motion for a moment?

The PRESIDING OFFICER. The question is on the motion of the Senator from Idaho that the Senate do now adjourn. [Putting the question.] The "noes" appear to have it.

Mr. DUBOIS. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BEVERIDGE (when his name was called). I have a general pair with the junior Senator from Montana [Mr. CLARK]. I do not see him in the Chamber, and so I withhold my vote. If he were present, I should vote "nay."

Mr. BLACKBURN (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. McCOMAS]. I was requested by him to state that he has been called home by reason of a death in his immediate family. I am advised that I may transfer that pair to the Senator from Missouri [Mr. VEST], so that I may vote. I vote "yea."

Mr. DUBOIS (when his name was called). I am paired with the junior Senator from Oregon [Mr. MITCHELL].

Mr. HEITFELD (when his name was called). I am paired with the senior Senator from New York [Mr. PLATT].

Mr. McCUMBER (when his name was called). I have a pair with the junior Senator from Louisiana [Mr. FOSTER]; but I will take the liberty of transferring that pair to the junior Senator from West Virginia [Mr. SCOTT], and vote. I vote "nay."

Mr. MALLORY (when his name was called). I am paired with the senior Senator from Vermont [Mr. PROCTOR].

Mr. NELSON (when his name was called). I have a general pair with the junior Senator from Missouri [Mr. VEST]; but I transfer that pair to the junior Senator from Maryland [Mr. McCOMAS], and vote "nay."

Mr. QUARLES (when his name was called). I have a general pair with the Senator from Texas [Mr. CULBERSON]. I transfer that pair to the Senator from South Dakota [Mr. GAMBLE] and vote. I vote "nay."

The roll call was concluded.

Mr. McLAURIN of Mississippi. My colleague [Mr. MONEY], by an arrangement with the junior Senator from Iowa [Mr. DOLLIVER], is paired with the Senator from Connecticut [Mr. HAWLEY]. If my colleague were present, he would vote "yea."

Mr. HANSBROUGH. I have taken the liberty of transferring my pair with the senior Senator from Virginia [Mr. DANIEL] to the Senator from Nebraska [Mr. DIETRICH] and vote. I vote "nay."

Mr. McCUMBER (after having voted in the negative). I understand that the junior Senator from West Virginia [Mr. SCOTT] to whom I transferred my pair with the Senator from Louisiana [Mr. FOSTER] has a regular pair, and so I will withdraw my vote.

The result was announced—yeas 15, nays 35; as follows:

YEAS—15.

Bailey,	Carmack,	Morgan,	Teller,
Bate,	Cockrell,	Patterson,	Tillman,
Berry,	McEnery,	Rawlins,	Turner.
Blackburn,	McLaurin, Miss.	Simmons,	

NAYS—35.

Aldrich,	Depew,	Gallinger,	Nelson,
Alger,	Dillingham,	Hanna,	Perkins,
Allison,	Dolliver,	Hansbrough,	Platt, Conn.
Bard,	Dryden,	Jones, Nev.	Quarles,
Burnham,	Elkins,	Kean,	Spooner,
Burton,	Fairbanks,	Kittredge,	Stewart,
Clapp,	Foraker,	Lodge,	Warren,
Cullom,	Foster, Wash.	Mason,	Wetmore.
Deboe,	Frye,	Millard,	

NOT VOTING—38.

Bacon,	Foster, La.	McComas,	Pritchard,
Beveridge,	Gamble,	McCumber,	Proctor,
Burrows,	Gibson,	McLaurin, S. C.	Quay,
Clark, Mont.	Hale,	Mallory,	Scott,
Clark, Wyo.	Harris,	Martin,	Simon,
Clay,	Hawley,	Mitchell,	Taliaferro,
Culberson,	Heitfeld,	Money,	Vest,
Daniel,	Hoar,	Penrose,	Wellington.
Dietrich,	Jones, Ark.	Pettus,	
Dubois,	Kearns,	Platt, N. Y.	

So the Senate refused to adjourn.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16910) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1904.

ENROLLED BILLS SIGNED.

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

A bill (S. 6895) to authorize the promotion of Maj. William Crawford Gorgas, surgeon in the Army of the United States;

A bill (H. R. 7361) for the relief of C. W. Colehoar; and

A bill (H. R. 16138) granting the right of way to Kenova and Big Sandy Railroad Company through the Government lands at Lock No. 2, Big Sandy River, and at Lock No. 3, Big Sandy River, both in Wayne County, W. Va.

SAFE-KEEPING OF PUBLIC MONEYS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 7301) to further provide for the safe-keeping of public money, and for other purposes.

Mr. McLAURIN of Mississippi. Mr. President, I have not had time to give to this bill all the consideration that I feel it deserves, but I have some objections to the bill which I will take the liberty of presenting to the Senate in my stammering way.

The greatest objection that I have to this bill is that it will encourage the unnecessary taxation of the people. I heard the Senator from Texas [Mr. BAILEY] say that he hoped there would be a reduction of the taxes. I was curious at the time, and I have been curious since, to know upon what the hope of the Senator from Texas was based.

Mr. BAILEY. I will enlighten the Senator from Mississippi, if he will permit me.

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Texas?

Mr. McLAURIN of Mississippi. If the Senator desires, I am perfectly willing to hear from him.

Mr. BAILEY. It is based upon the hope that the Democratic party will at some time again obtain control of this Government.

Mr. McLAURIN of Mississippi. We have here in the administration of the Government of the United States a party that has had unlimited control of it for a considerable while. That party has not kept its promises to the people of this country, its platforms have been disregarded here; its own members in this Senate being witnesses. That proclamation which it made to the people of the country, in which it said that it proposed if power was again given to it to admit the Territories to statehood, was ignored.

Four years afterwards when that party again appealed to the people to recommit the power and the administration of the Government to their hands they made the same declaration. That has not only been faithlessly ignored, but the party in power, the dominant party in this Senate, spent ten or eleven weeks in debate—I will not say for the purpose of preventing a vote because, that might be considered discourteous, but the result of that debate, which I do not see threw any light upon the question, was that no vote was had.

The statehood bill has been for some time doomed to death—not only to defeat, but to death—and probably will not be revived again so long as the party that is now in power controls the administration of the Government. That party has made a number of pledges and has kept none of them.

That is the party that stands for trusts and against the great masses of the people of the country; that is the party that votes down, when it is presented to this Senate, a bill which has received the consideration of the committee of the House of Representatives and the indorsement of the House of Representatives, and which has received the favorable consideration of the committee of the Senate, that it is proposed shall give some measure of relief to the people of the country against the trusts, and yet when there is a proposition squarely and fairly made to this Senate to take up that bill in preference to a bill which I believe ought to be entitled "A bill to fasten the grasp of the bank trust upon the people of the country," the motion is defeated.

So that the Senator from Texas is a great deal more credulous than I am in indulging the hope that there will be any reduction of taxes. I am sure if the Democratic party, the party of which he and I are both members, has again committed to it the administration of the Government of the United States, his hope that taxes will be reduced will be well founded; but the trouble about it is that the Senator is supporting a bill which, in my judgment—of course it is not his judgment, because he is conscientious in his support of the bill—but in my judgment is calculated to postpone the day when the people of this country will again commit to the Democratic party the administration of their Government.

As I understand this bill and as it appears to me it is not a bill to give more money to the people of the United States. It will not, if my judgment is not at fault, give any money to the people of the United States. It takes out of the pockets of the people of the United States their money and practically gives it to the banks of the country—and not all the banks, but the favored banks of the country. How is it proposed to give this money to the people? How is it proposed to put it in circulation?

Mr. BAILEY. Will the Senator from Mississippi permit me to ask him a question right there? I am sure he does not want to misstate my position.

Mr. McLAURIN of Mississippi. Certainly not.

Mr. BAILEY. The Senator states in one breath that I am supporting the bill, and in the next breath he states that it takes out of the pockets of the people this money.

Mr. McLAURIN of Mississippi. That is my idea of it.

Mr. BAILEY. If the Senator can show me a line of this bill that levies any kind of a tax upon the American people, or that takes one dollar out of their pockets, then I will confess so far I have erred in my advocacy of it. I have never yet in my brief public service supported a bill that laid an unnecessary tax upon the American people. I will not support this bill if the distinguished Senator can show me a line in it that lays a burden of one penny's taxation on the people.

Mr. McLAURIN of Mississippi. If the Senator will rest himself in patience, that is just exactly what I was proposing to do. It is not one line, but it is the effect of the entire bill, and it can have no other effect. The effect of the bill is to take from the people the amount of money that will be paid into the banks. It is not going to stop taxation.

You are not going to stop taxation by loaning this money to the banks, which, in effect—as I intend to show, if I am able to make myself intelligible to the Senate, before I shall have concluded—is the donation of this amount of money to the banks, and the only return that we may hope to get will be the small amount of interest that is exacted. There is nothing in the bill that prohibits the Secretary of the Treasury loaning the money to one bank at one rate of interest and charging another bank a different rate of interest.

I have an amendment which I propose to offer at the proper time, which I had hoped to get an opportunity to present to the Senate last Saturday. If that amendment shall be adopted it will provide that the same rate of interest shall be charged all the banks who are made depositories of this money, and that the rate of interest shall be equal and uniform throughout the United States.

Now, there is not any particular line in the bill that can have any particular effect, but the effect is drawn from the entire bill. For instance, as I caught the other day from the Senator from Colorado, there is a certain fund that has in it—I did not catch the name of the fund—$300,820,725; another fund $142,903,773, making $443,724,498.

Suppose you take three hundred millions of that money and put it into banks. You loan it to the banks. The banks loan it to the people. A national banker comes from New York. He takes to the Secretary of the Treasury $10,000,000 in Government bonds, bearing 4 per cent interest, and deposits them there; and it is an advantage to him to have them deposited there, because they are safer there than anywhere else. He draws on the $10,000,000 of bonds 4 per cent interest.

The Secretary of the Treasury loans him $10,000,000 at 1½ per cent interest. He loans the money out at 6 per cent. It goes into the channels of trade and commerce, wherever his business

extends. He is receiving on his bonds and on the money he has loaned 10 per cent interest. He is paying 1½ per cent on $10,000,000.

Now, when he borrows that money from the Government, it is never expected by him that it will be returned, for the reason that it is expected that the Government will levy a tax sufficient not to fall behind in its revenues, not to make its disbursements greater than its receipts, and that there will continually, from day to day, be collected from the people of the United States more money than will be disbursed. But this man pays out 1½ per cent interest, and he collects 10 per cent interest. For eight and a half of that he gives nothing. The business of the country is predicated upon that money, which is loaned. As I said, it goes into the channels of trade in every section where his business is conducted.

After a while the Secretary of the Treasury proposes to nudge him up a little, and he says to him "It is about time this money was called in. We have a provision of law that this money is subject to call. It can be collected any day in the world that we desire to collect it, and we want you to pay this money." The banker says to the Secretary of the Treasury "Have you not money abundant in the Treasury?" "Yes." "Do you need the money to run the expenses of the Government?" "No." "Then why call it in? I have only ten millions of it;" or maybe a hundred millions of it, because I am told there are business concerns in this country that have millions—not only millions, but many hundreds of millions—of dollars in bonds.

The banker says "This money is loaned out all over the country. If I go to my debtors and ask them to pay me back the money they have borrowed from me it will cause a panic. You can not afford to have a panic. No good can result to the people of the country from a panic. Great disaster will come to all business arrangements in the country. It will not do to compel me to pay this money. You are not going to compel me to pay it unless you are going to compel all the depositories of the Government to replace what they have borrowed." That will be a potent argument to the Secretary of the Treasury.

It goes on from month to month, from year to year, from decade to decade, and these men never do expect to pay it back. There is no necessity for paying it. The Government is all the time collecting more money than it needs for the economical administration of its affairs, and there is no necessity for repaying this money. These people know when they borrow that they are not expected to return it.

Now, then, you have to levy taxes to replace it. The Government does not intend to stop its collections. The Government does not intend that its receipts shall fall below its disbursements. So you will be taxing the people to replace the money which you have practically given to the banks.

Senators may answer that with a smile. It can not be answered, I apprehend, in any other way. This bill was not brought in here until near the close of the session. It was not brought in here in time to allow reasonable and necessary debate on it. I suppose Senators will supply the necessity of debate by laughter. But I ask Senators in all seriousness and in all consciousness if it is not a fact that when this money is loaned out they can not point out any way whereby it is ever expected to be returned?

It is not an answer to it to say there is a provision in the bill for its return to the Treasury whenever the Secretary shall demand it. It is not expected that the Secretary will demand it. The same necessity that exists for depositing the money with the bankers will exist for leaving it there as long as there is money in the Treasury to pay the expenses of the Government.

Now, I ask if there is a necessity to deposit this money in the banks as a loan or a deposit or whatever you may call it (because you are loaning it at a very cheap rate of interest when you are loaning it at 1½ per cent, and paying the banker 4 per cent on the bonds that he deposits as security for the loan; on some 2 per cent, on others 3; on some 4 and on others 4½ per cent) what produces that necessity?

Senators tell me that it is necessary to loan it out in order that the money may be put in circulation, and that we want more money. The very party that is advocating the putting out of this money in order to get more money in circulation is the party which has been trying to contract the currency of the country by all legislation possible for lo these many years.

If it is necessary to loan out the money in order to put it in circulation, and if it is necessary to enact a law to do that, will not the same necessity exist for the money to remain in circulation when there is a proposition to return it to the Treasury of the United States?

Mr. ALDRICH and Mr. TILLMAN addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Rhode Island?

Mr. McLAURIN of Mississippi. I yield to both Senators.

Mr. ALDRICH. The Senator from Mississippi says that the party in power has been trying to contract the currency all the time in recent years. I should like to have him specify a little about the time and place and circumstances, and when and how.

Mr. McLAURIN of Mississippi. If the Senator does not know that that is a fact, then it would take weeks and years to specify sufficiently to impress it upon his mind.

Mr. ALDRICH. It not only is not the fact, but it is the direct opposite of what is the fact. The only legislation in relation to currency in the last twenty-five years has been in the direction of expansion. There never has been any contraction of the currency within that time.

Mr. McLAURIN of Mississippi. I will leave it to the Senators who hear us and to the reading public who read the debate to say whether that be so or not.

Mr. BAILEY. Will the Senator from Mississippi permit me?

Mr. McLAURIN of Mississippi. Certainly.

Mr. BAILEY. Mr. President, the Senator from Mississippi [Mr. McLAURIN] says that one of the reasons for opposing this bill is that the very condition which necessitates the deposit of money will prevent its withdrawal. If I believed that, I would follow him and oppose it.

But I suggest to the Senator from Mississippi that this money could be withdrawn from the banks, and, under what I would consider a wise administration of Government, it would be withdrawn from the banks without ever locking it up in the vaults of the Treasury. For instance, according to his view and mine, there is none too much money now in the country.

Our party, coming into power, would undoubtedly adopt every means to avoid a contraction of the present volume. Given the power to deal with this question, it would simply reduce taxes, and, without taking this money from the banks and locking it up in the vaults of the Treasury, and thus withdrawing it from the channels of trade, it would simply pay it out through the banks to meet the ordinary expenses of the Government, if it were needed for that purpose, and if it were not needed to meet the ordinary expenses of the Government, then to meet the extraordinary expenses occasioned, as I should hope, by a redemption of the bonds of the Government, even though they had to be redeemed at a premium.

I can not conceive of a condition under which the party that sought to avoid the accumulation of a surplus and to dispose of it would ever withdraw this money and lock it up in the vaults of the Treasury. It could easily keep it in the channels of circulation by reducing the deposit in the banks by drafts on it in the usual course of business. Now, if that were done, the Senator will concur with me, will he not, that the surplus could be disposed of without producing the menace of a panic? [A pause.] I ask the Senator whether he agrees with me?

Mr. McLAURIN of Mississippi. I will answer the Senator when he gets through.

Mr. BAILEY. I wanted to see if we agreed as we proceeded, because, unless we agree, it is hardly worth while to proceed with the discussion, and, of course, if the Senator does not choose to meet the questions as we progress, I think it would be polite in me to wait until he finishes and then make such reply as I can.

Mr. McLAURIN of Mississippi. I will say to the Senator from Texas that the question, according to my understanding of it, does not admit of a yes or no answer, and for that reason I wish to wait and explain it when I make my answer to him.

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

Mr. McLAURIN of Mississippi. When the Senator from Texas gets through. I want to say to the Senator from Texas that I do not mean any discourtesy by that.

Mr. BAILEY. Of course not.

Mr. McLAURIN of Mississippi. I do not mean to avoid answering any position taken by the Senator from Texas, but, according to my conception of this matter, I can not answer by a yes or no answer. For that reason I will wait to hear his position, and then I will explain my position on it.

Mr. BAILEY. I was going to reduce the issue between the Senator and myself to an absolute agreement on the facts or——

Mr. McLAURIN of Mississippi. I should be glad to agree with the Senator from Texas.

Mr. BAILEY. While I am on my feet I wish to call the attention of the Senator from Mississippi, with his permission——

Mr. McLAURIN of Mississippi. Certainly.

Mr. BAILEY. To the fact that the statement has been made on this side of the Chamber, and repeated perhaps a dozen times, that this is a novel departure in the financial or fiscal operations of the Government. I myself prefer to call it fiscal, because I do not think it involves the financial system of the country. I will say to the Senator from Mississippi, and the other Senators who maintain that this is a perpetual loan, that if they will take the law as it stands upon the statute book to-day and cut out the mere exception of about six or seven words——

Mr. ALDRICH. Three words.

Mr. BAILEY. Taking out of the present law the exception of customs receipts, they would have the law as it is in this bill.

Mr. ALDRICH. Three words.

Mr. BAILEY. I think it is a little more than three words. "Except receipts from customs"—four words.

Mr. ALDRICH. Four words; that is right.

Mr. BAILEY. If you take out those four words you would have the law as it stands to-day in this new bill, except the new bill further extends the kinds of securities which may be deposited.

Mr. TILLMAN. Mr. President——

Mr. BAILEY. I will yield to the Senator from South Carolina in a moment.

Now, it seemed to me that we did have a Democratic House and a Democratic Senate, and we partially had a Democratic President at one time, and yet there was no proposition to repeal this law, which has stood there for many years. Nobody has heretofore contended that we were making a perpetual loan to the banks. But under the new bill, which will never become a law—and, by the way, with the Senator's permission, if he will indulge me for a moment, I want to say to the author and finisher of this bill that he might as well withdraw it.

There is no more chance for it to pass this body at the present session than there is for the statehood bill to rise out of its narrow grave and become instinct with life. You will have nobody to blame but yourself. For fourteen weeks you stood here and filibustered against a bill which accorded to a brave and capable people the right of self-government; and now, when gentlemen on this side, mistakenly as I think, retaliate by filibustering against your fiscal measure, it comes with bad grace from you to complain.

Mr. President, I want here and now to record a prophecy. It is not my wish, it is simply my prediction, that unless the practice of filibustering against every bill to which some Senators object is discontinued, the American people will compel the United States Senate to change its rules. That is a consummation which most of us devoutly wish to avoid.

American intelligence believes that the majority ought to rule, and under given limitations I believe it, too. I believe the right to filibuster ought to be reserved for a great occasion and a vital question, a kind of reserved right in this the greatest legislative body in the world. If it be invoked on every occasion, slight as well as great, and to defeat any measure, unimportant as well as vital, American public sentiment will drive this body to change its rules.

I am one of those who believe in a full debate and a prompt decision. I served in another body where we were compelled to decide before we debated, and I regret now that I belong to a body which debates forever without deciding. Somewhere between these two extremes there is a safe and middle ground, and surely the common sense of the United States Senate is equal to finding it. You filibustered for fourteen weeks against a measure involving the happiness of a great and sturdy race of pioneers who have gone to our Western plains to make gardens out of its waste places. Then, in the closing hours of the session that you have wasted by a filibuster, you bring in a bill which I think important and ought to pass; but gentlemen on this side, who differ with me on that question, propose to administer to you a dose of your own medicine.

Mr. SPOONER. Is that the object of the opposition?

Mr. BAILEY. I am not in the confidence of the gentlemen who are conducting this fight, because I happen to be on the outside at this time. But I do know——

Mr. ALDRICH. Is the punishment, in the view of the Senator from Texas, to be administered to us or to the country?

Mr. BAILEY. Well, I think they believe the country can stand it.

Mr. ALDRICH. I am sure we can stand it.

Mr. BAILEY. You have stood a good deal. You can stand a great deal more.

Mr. TILLMAN. The people of the Territories are standing a great deal, too.

Mr. BATE. May I interrupt the Senator from Texas?

Mr. BAILEY. Certainly.

Mr. BATE. Mr. President, as one of those who belong to the party to which the Senator from Texas belongs, I must protest against the language he uses here in regard to the Democratic party when he says that we are a party that debate forever and never decide.

Mr. BAILEY. I did not say that of the Democratic party.

Mr. BATE. Now, Mr. President——

Mr. BAILEY. No. The Senator does not want to misstate what I said.

Mr. BATE. I do not. I wish to bring to the attention of the Senator from Texas the fact that he was off sick for the last two weeks, and that no Democrat made a speech here for three weeks or more. I had something to do with the matter, and the Democrats all stood silent, and the discussion for the last two months was confined almost entirely to the Republican party.

The Democrats had nothing to do with the discussion, except now and then a little short speech was made by one in answer to a statement as to historical facts. Therefore I, as a Democrat, must object to having the idea go abroad that we are a set of men who talk always and never decide. We do decide, and we decided from the beginning not to go into any filibustering, but to be present and let our Senatorial colleague, the Senator from Pennsylvania [Mr. QUAY], who was in full accord with us on this question, practically take charge of the matter.

Mr. ALDRICH. "Colleague" is good. [Laughter.]

Mr. BATE. We decided to let him lead, as the Democrats were in the minority and needed help to pass it, and he led it very well, as far as he could, until his own party associates went against him. There are only thirty-two of us Democratic Senators here, and out of that number we had thirty every time the roll was called and it was necessary to answer it, and we stood firm for the statehood bill as it came from the House without the crossing of a "t" or the dotting of an "i." We did that, and we were practically silent, not doing much speaking in order to stop the delay purposely organized and carried out by Republican Senators. We were decided from the beginning to the end.

Mr. BAILEY. The Senator from Tennessee simply misunderstood what I said. I did not say the Democratic party debated always without deciding.

Mr. BATE. The Senator said the party to which he belonged.

Mr. BAILEY. No. I did not say that, if the Senator will pardon me. I said the "body" to which I now belong, contrasting it with another branch of Congress of which I once had the honor to be a member.

Mr. BATE. I will stand corrected if you meant the Senate instead of the House; but I think we are the best part of the Senate, so I must be pardoned for that.

Mr. BAILEY. But the Senator has just vindicated me against aspersing the Democratic party, because he said they did not do what I complained at our adversaries for doing.

This session there have been four propositions before the Senate, any one of which would have passed by a safe majority if a vote could have been reached. First was the omnibus statehood bill, which under a kind of compromise was reported to this body on the third day after it reconvened for the present session. Then there were two treaties here, one of which I am very much opposed to, and the other one I am inclined to favor. Both could have been ratified—one by an overwhelming majority, the other, I regret to say, by a safe majority. Neither has been permitted to come to a vote. Here comes a third and an important measure; and I take it that the vote for it would stand 50 to 30. But no vote is to be had.

Mr. President, there is something wrong either in the rule or in the practice that enables a minority constantly to defeat the will of a majority. The Senate for a hundred years has lived up to the high ideal that there should be no limitation on debate in this august assembly. I hope it will be able to live another hundred years under the same high ideal; but, without hesitation, I record the prophecy that it will not live another generation without the previous question or some form of cloture if it continues to be demonstrated to the American people that the measures which they desire and which a majority are willing to pass are being defeated by debate, intended merely for delay and not for elucidation.

I myself was as earnestly in favor of the statehood bill as is the Senator from Rhode Island in favor of the passage of this bill. He believes and I believe that this bill will favorably affect the interests of the entire country, but the effect on those interests can at least be measured in dollars and cents, and my deliberate judgment is that a bill which touches the inalienable rights of one American citizen to his right of self-government is incomparably more important than another bill which affects the pocket of every man under the flag. And I believe that it was a higher duty on you to meet and decide that question than it is upon my associates here to allow this question to be decided. It is one of those mistakes that have bred mistakes, and in turn they will breed more and probably worse ones. If there had been no filibuster on the statehood bill there would have been no filibuster on the treaties, and there would have been no filibuster against this fiscal measure.

But as we can not turn back these days and weeks——

Mr. CLAY. Will the Senator from Texas let me ask him a question?

Mr. BAILEY. Certainly.

Mr. CLAY. The Senator says that this side of the Chamber has been filibustering against the passage of the pending measure. I want to call the Senator's attention to the fact that there has not been exceeding eight hours' debate upon this bill.

Mr. BAILEY. I know, but there is going to be.

Mr. CLAY. The Senator from Texas may know exactly what is going to take place. Senators can debate it but one more day to say the most of it. Since I have been in this Chamber I have never known a bill of the general importance of this one to pass the Senate without three or four or five or even ten days' debate. This bill was introduced on the 9th day of February, 1903. It was referred to the Committee on Finance, and it was reported back February 11, 1903. This bill was not taken up in the Senate until three days ago, and since that time there has not been consumed eight hours in its discussion.

Mr. ALDRICH. If the Senator from Georgia will permit me——

Mr. CLAY. I desire to say that there has not been a speech made against the passage of this bill which has consumed two hours.

Now, for myself, I agree with the Senator from Texas. I do not believe in filibustering; I do not believe that we ought to have consumed ten days in discussing the statehood bill. I believe that every Senator who desires to speak for or against this bill purely on its merits ought to be entitled to do so without being charged with being a filibusterer.

I simply say this, that it ought to be debated on its merits. We ought to have an opportunity to understand it. There ought to be reports from the Finance Committee. We ought to know what it contains.

Take Senators here to-day, take a dozen Senators, and you will find that they have been in committees of conference during the day and yesterday, and they have not had an opportunity to examine this bill.

I say in all candor to the Senator from Rhode, Island who reported this bill, that it ought to have been introduced and reported back here at least ten days ago, and we ought to have been given an opportunity two weeks ago to understand it and to debate it, and to have every feature of it discussed.

Mr. BAILEY. Mr. President——

Mr. ALDRICH. If the Senator will permit me a moment in answer to the Senator from Georgia, the reason I did not take it up was because the statehood bill was here by the votes of the Senator from Georgia and his colleagues, preventing the passage or consideration of any legislation, and when it was finally taken up it was against the vote of the Senator from Georgia and his colleagues, who——

Mr. CLAY. Let me say a word to that.

Mr. ALDRICH. Another word, if you please.

Mr. CLAY. Certainly.

Mr. ALDRICH. What have been the subjects of the speeches made since this bill has been before the Senate for consideration? But a single Senator outside of the Senator from Texas, sitting upon the other side of the Chamber, has discussed the merits of this bill. Almost everyone of them spoke upon the statehood bill or upon irrigation or upon anything except the bill which was before the Senate for consideration.

Mr. ELKINS. What did those who spoke against statehood discuss?

Mr. CLAY. I say to the Senator from Rhode Island that he has stated the proposition correctly. The Senator states that he could not report this bill and bring it before the Senate because the statehood bill consumed the entire time of the Senate.

Mr. ALDRICH. I did not say that. It was because the statehood bill was kept here by the votes of the Senator from Georgia and his colleagues to the exclusion of all the other public business.

Mr. ELKINS. That was the majority of the Senate.

Mr. CLAY. The Senator from Rhode Island knows this fact. He knows that the majority of the Senate by 14 or 15 votes were in favor of the passage of the statehood bill, and the Senator is correct when he states that it was kept before the Senate to the exclusion of every other matter, and the Senator knows that he assisted in keeping it before the Senate by keeping a vote from being taken on the passage of the bill.

Mr. BAILEY. Mr. President, I have trespassed too long upon the indulgence of my distinguished friend from Mississippi. In reply to the Senator from Georgia, whom I always delight to call my friend, I will simply state that resentment against this charge of filibustering amuses me. I heard a distinguished Senator on the other side declare the other day that he had never seen any evidence of filibustering against the statehood bill.

Mr. ELKINS. And the oldest member of the Senate.

Mr. BAILEY. That designates him. I did not want to go that far.

Mr. ELKINS. I think the public ought to know.

Mr. BAILEY. Senators over there smile complacently. Here my distinguished friend from Georgia replies with much warmth that there is no evidence of filibustering here.

I assume no right to speak for anybody, but I know one Senator in charge of this matter who has a habit of calling a spade a spade, and I know if he will stand up and have anything to say it will confirm what I say to the Senator from Rhode Island. It is a waste of the Senate's time to keep this bill before the body, because I know that he, with some able assistance that has been volunteered to him, would find it easy to debate this bill until 12 o'clock next Wednesday a week instead of 12 o'clock next Wednesday.

So it seems to me we might as well recognize conditions as they are, and let us all make a high and firm resolve that the next time we will let the majority, after a fair debate, reach a free decision, and we will have no more filibusters here until some proposition reaching the very roots of the Republic is presented; and then, possibly, the right to filibuster will be left to us. But no right which is exercised to the inconvenience of a body and to the disappointment of the public will be left very long impaired.

I beg the pardon of the Senator from Mississippi.

Mr. SPOONER. Did the Senator ever know of a measure which had been filibustered against which did not reach the root of the Republic in the opinion of the filibusters?

Mr. BAILEY. I believe the right to govern themselves is a question going to the root of the Republic; but if the Senator from Wisconsin means that a filibuster against that right goes to the very base of the Government, I answer yes; but he does not think this bill would reach the very structure of the Government, and yet it is to die under the merciless hands of a filibuster, a milder one than the fourteen weeks against the statehood bill, but still a filibuster.

I imagine those people could have been trusted in Arizona and New Mexico to govern themselves entirely and to participate in some small degree in the government of Rhode Island, Connecticut, Massachusetts, and other Commonwealths, which, though small, have contributed their full quota to the statesmanship and patriotism of this Republic.

Mr. ALDRICH. I am not sure——

Mr. BAILEY. Again tendering my thanks to the Senator from Mississippi for his indulgence and begging his pardon for this long trespass, I yield the floor to him.

Mr. ALDRICH. I would like to ask the Senator from Mississippi a question, if it does not trouble him.

Mr. McLAURIN of Mississippi. Certainly.

Mr. ALDRICH. The Senator from Mississippi is a distinguished representative of his party, and his lucid statements in regard to the pending bill must have attracted the attention of the Senate.

He has undertaken to criticise the policy of the dominant party in regard to the deposit of public money in banks. I should like to ask him, if it will not overtax his patience and his strength, to state what the policy of the Democratic party is in regard to the deposit of public money in banks from Mr. Jefferson's time down to the present.

Mr. TILLMAN. Will the Senator from Mississippi kindly yield to me?

Mr. McLAURIN of Mississippi. Certainly.

Mr. TILLMAN. I do not want to answer the long question which my friend from Rhode Island has propounded, but I want to rather balance some accounts here, as it seems to be washing day in the Senate.

It does not seem to me that it comes with good grace from one side of this body, which has filibustered so persistently, to charge the other with filibustering when the balance sheet is so unequal, being two days or three days against four weeks. What is sauce for the goose ought to be sauce for the gander; and those who filibuster against what they think to be wrong or contrary to the interests of their people or of the country at large have no right to charge anything that is dishonorable or unpatriotic on those who filibuster on some other question about which they are concerned.

I do not hesitate to say here that I believe the Democratic party has been bunkoed by the most astute politician in the United States, and that was MATTHEW STANLEY QUAY. [Laughter.]

Mr. QUAY. I am deeply indebted——

Mr. TILLMAN. If the Senator will permit me, my reason for saying that is that the most important matter confronting this Congress when we met here was not statehood, it was not the canal treaty, but the question of trust legislation, and he and his party associates got the Democrats here to agree, all but two of us—the Senator from Georgia [Mr. BACON] and myself—he got my party associates here to fall in behind him and a dozen or so of his colleagues on the other side to rush these Territories into statehood.

When the time came, there was no chance for trust legislation otherwise than the humbuggery which has been practiced on this country in the so-called antitrust legislation. As an illustration, the bill which came out of the Interstate Commerce Committee, of which I have the honor to be an humble member, is

claimed as antitrust legislation, when that very bill in the middle of it—I mean the part which we brought out and which passed here has been there pending for three years, having on one end of the bill a pooling regulation and on the other an enlargement of the powers of the Interstate Commerce Commission.

The whole committee was agreed about the rebate and the discriminating question in freights; but we could not agree on the other two propositions. Finally we lined up and brought in the bill which passed both Houses unanimously, and—lo and behold!—the President and Mr. Knox rush forward and cry out, "This is our antitrust bill."

The other antitrust legislation which we have had is just as big a humbug as that, and the Senator from Pennsylvania, who has more trusts in his State than any other man I know of, has simply, as I said, bunkoed my colleagues here into wasting the time of the Senate, with no intention of doing anything. [Laughter.]

Mr. QUAY. I am deeply indebted to my friend the Senator from South Carolina for his tribute to my astuteness as a politician, but if the Senator from South Carolina will take the trouble to recur to what happened here last June before ever the trust question became a question of paramount importance, before, I might say, the trust campaign was opened, he will remember that then a unanimous-consent agreement was made putting the statehood bill forward at the beginning of the present session.

As to the Senator's implication that on account of my State or on account of any trust in it, although I am interested very much in my State, and also, as I mentioned the other day, somewhat in trusts, I had any intention whatever of interposing the statehood bill as a protection to the trusts, in behalf of the trusts, the Senator has said what is not true. If he will reflect a moment about what has transpired in relation to the bill he will know that is not true.

Mr. TILLMAN. Then the Senator from Pennsylvania has been bunkoed by the Senator from Rhode Island and his colleagues. [Laughter.]

Mr. QUAY. He has not. The Senator from Pennsylvania has not been bunkoed. The Senator from Rhode Island has been lurking in the background of opposition to the statehood bill, it is true, but——

Mr. ALDRICH. Not very much in the background.

Mr. QUAY. I will say then in the foreground, and nobody misunderstood his position. He bunkoed no one.

Mr. BERRY. Except the Senator from South Carolina. [Laughter.]

Mr. QUAY. Except the Senator from South Carolina.

Mr. TILLMAN. He never bunkoed me. [Laughter.] I knew all the time whenever my friends on the other side got ready to fall down Mr. QUAY's colleagues, who were back of him on statehood, would surrender.

Mr. QUAY. I must say that the charge of the Senator from South Carolina as to——

Mr. TILLMAN. I make it in perfectly good faith, not with any intention of casting any reflection on anybody. [Laughter.]

Mr. QUAY. I did think that some of my colleagues might have more resolutely antagonized what transpired in a certain conference which is said to have occurred somewhere, but otherwise it is my belief that all those on this side of the Chamber who favored the statehood bill and who stood resolutely against the advice and the influence of their influential colleagues on this side and against the abuse of the newspapers of the North and of this city were faithful to the last, except I say in that one instance I thought they might have stood more directly and stoutly.

Now, I do not think it is necessary to say anything more in reply to the Senator, except that during the progress of the discussion and the voting I never understood that the Senator from South Carolina for one was following very persistently under my leadership until he mentioned it to-night.

Mr. TILLMAN. While we are clarifying the atmosphere before we are ready to go into eclipse on the 4th of March, to reappear in executive session later on, I want to say that I made my attitude perfectly clear on the statehood matter here about three weeks ago, in which I said I would never vote for that bill unless it was changed so as to admit the Indian Territory along with Oklahoma, or keep them apart and have the Indian Territory left on its own resources as to its own people.

I did not believe it was just or proper to give Oklahoma statehood and allow its citizens to frame a constitution and then absorb the white people of the Indian Territory, equal to them in number and with a much richer area of territory, and allow it to come in by benevolent assimilation as it might see fit. That was my opposition to the statehood measure. I wanted to see all the Territories admitted, but I wanted the white people of the Indian Territory to have equal and exact justice with the white people of Oklahoma, and I did not follow the Senator from Pennsylvania, nor did I follow my colleagues over here.

Mr. PATTERSON. Mr. President, as a member of the Committee on Territories, I am quite unwilling to let the record stand that the Democratic members of that committee are accused of being dupes either of the Senator from Pennsylvania [Mr. QUAY] or those upon the Republican side who follow him, and I am quite unwilling either to allow the Senator from South Carolina [Mr. TILLMAN] to take the ground unchallenged of "I told you so," when he, during the entire statehood struggle, with another Democratic member was found, whenever votes were taken, in close alliance with the Republican majority that opposed statehood.

Mr. President, the truth is, so far as every Democratic member of the Committee on Territories is concerned, that we have now and we have had the most implicit faith in the good faith of the Senator from Pennsylvania in this statehood fight. The only fault that we have to find with him is that he did not keep up the fight to the last and either secure a vote upon the statehood bill or force an extra session.

He simply stopped short of standing for the statehood bill and keeping it in the foreground when he was confronted with the alternative of keeping up the statehood fight or forcing an extra session, and I am inclined to think that there is room for honest difference of opinion between members of this body when confronted by such an alternative.

Mr. President, the Democratic members of this body, with two exceptions, were honestly and sincerely in favor of the admission of the three Territories mentioned in the omnibus bill that came from the House, and they volunteered to follow the Senator from Pennsylvania, knowing the solid front that was presented on the Democratic side, because we thought that by thus doing we could strip from the struggle a political complexion and not give to the opponents of statehood a chance to say that it was a Democratic measure and that it was being urged for Democratic purposes.

In standing for statehood I knew, and my Democratic colleagues knew, that New Mexico was as unerring Republican as the State of Rhode Island; that the status of the politics of Arizona at least was in doubt; and that Oklahoma would in all human probability make a Republican State. But we stood for statehood because we believed that these Territories possessed the area and the population and the character of population and the assets that were necessary to make them coequals with the other States of this Union.

We did not allow the fear of political adversity in the event of their admission to stand between us and what we conceived to be our duty, not only as American citizens, but as members of a party that declared in its national convention for the admission of these three Territories, as those who opposed the admission of the Territories are members of a party that likewise declared in favor of the admission of these three Territories. I do not like to see a friend of statehood, upon whatever side of this Chamber he may be, accused of acting in bad faith under the circumstances as we know them to exist.

There is one other matter, Mr. President, that I want to refer to before I take my seat, and that is at least the very broad insinuation that the Democratic members of the Senate are engaged in filibustering in opposing the bill which has been presented and is being urged by the Senator from Rhode Island.

Mr. President, when a measure of that importance has been under discussion only about forty-eight hours, and out of that length of time but eight hours have been consumed in discussion, it does not come with good grace for a member from this side of the Chamber to insist that his Democratic friends have been engaged in filibustering.

It had been my purpose, Mr. President, to speak upon this measure. I know that there are seven or eight Democratic members who are anxious, desirous, and ready to speak upon this measure, and that if this measure was kept before this body until Wednesday at 12 o'clock the Democrats who desire to speak and oppose it would not have time to be heard.

We feel, Mr. President, that this measure should not only be discussed in this Chamber, but it should be discussed before the people of the country before it is placed upon the statute books. However Democrats or Republicans may look at it, no man can investigate it with any regard of calmness or consideration without realizing that it means the most radical change, so far as the dealings of this country with the banks of the country are concerned, which has been instituted since the inauguration of the banking system.

Mr. ALDRICH. Will the Senator from Colorado allow me?

Mr. PATTERSON. Certainly.

Mr. ALDRICH. I understand the statement of the Senator from Colorado to be tantamount to a statement that it is the intention of the Democratic members of this body to discuss this question beyond the 4th of March.

Mr. PATTERSON. The Senator from Rhode Island is not justified in stating that that is the conclusion from anything that I have said. I have said that there are Democratic members in

this body sufficient in number, who desire to be heard and who intend to be heard, to continue this debate longer than Wednesday at 12 o'clock.

Mr. ALDRICH. That is all I said.

Mr. PATTERSON. I ask the Senator from Rhode Island if he considers that filibustering? As well might the Senator from Rhode Island have kept this bill back until to-day at noon and, because those who opposed the measure determined to be heard, accuse them of filibustering to prevent a vote.

Mr. ALDRICH. That depends upon whether we call it filibuster or not, on our relative or mutual understanding of the word "filibuster."

Mr. PATTERSON. No.

Mr. ALDRICH. It is discussing the bill to death. It is talking the bill to death.

Mr. PATTERSON. Oh, no.

Mr. ALDRICH. Whether it is one hour or one day or one week or fourteen weeks——

Mr. PATTERSON. Oh, no, Mr. President.

Mr. ALDRICH. It is simply talking the bill to death.

Mr. PATTERSON. No, no, Mr. President.

Mr. ALDRICH. The Senators who have been nominally discussing this bill to-day, I repeat, have been making speeches upon every other conceivable question except the bill itself, and there has been no discussion of this bill upon its merits, and I think I shall not exceed the facts when I say there is no intention of discussing this bill upon its merits.

Mr. PATTERSON. The Senator from Tennessee [Mr. CARMACK] rose to a personal matter. He made his speech in this body ten days or more ago, after delivering which he was accused by a journal that is believed to be respectable of having uttered deliberate falsehoods and of having disgraced himself and the Senate by reason of that speech. He occupied less than twenty-five minutes in the presentation of that personal question. So far as my colleague [Mr. TELLER] is concerned, his argument was a logical deduction from the provisions and the possibilities of this bill. The argument of the Senator——

Mr. ALDRICH. I made an exception in behalf of the Senator's colleague.

Mr. PATTERSON. And the argument of the Senator from Utah [Mr. RAWLINS] was more pertinent to this measure, in my judgment, than any other speech which has been made upon it, for the simple reason that it brought out in more glaring contrast the two propositions as contended for either directly or by inference by Democratic and Republican Senators, the one proposition being that all the money should go to the banks in order to get it into circulation, and the other proposition being that all the money, if there was too much in the Treasury, should go to the reclamation of the desert places of this country, making homes for the homeless and giving lands to the landless, in order that our population may be increased by a thrifty, a brave, and a prosperous people.

I have no hesitation in asserting that the statement of the Senator from Rhode Island is not borne out by the facts when he says the arguments upon this side of the Chamber have not been directed to the measure. Every one of them was pertinent, and every one of them tended in one way or another to elucidate the hideousness of this measure when it is properly and clearly understood.

I say, Mr. President, as to the Senator's idea of filibustering, that it is not my idea, and it is not a correct idea. It has been received as a gospel truth by every Senator upon this floor that every measure of importance is deserving of a full and a fair and a free discussion and debate; and when a Senator interposes a measure of vast importance in the closing days of the session and attempts to shut off debate by crying out "Filibustering!" he is doing injustice to the Senate and is violating the rules of fair and honorable debate.

So, Mr. President, as a member of this side of the Chamber, I protest against being put down as among the filibusters.

I came here two years ago, and the first thing I was greeted with by one of the Senators from Illinois, a Republican Senator, was the charge of filibustering, as it was conceded upon every hand, and he himself conceded it, to prevent the passage of a river and harbor bill.

I have said a number of times during this short session that the Republican members were setting a bad example to new Senators when, without rhyme or reason, they stood in opposition to the requests of the Senator from Pennsylvania [Mr. QUAY], made day by day, that some time should be fixed before the close of the session when a vote upon the statehood bill might be had.

The Senator from Massachusetts [Mr. LODGE] has declared more than a dozen times that, so far as the two Philippine bills were concerned which were passed at the last session, there was nothing but fair and honorable debate upon them and that there was no evidence of any attempt at filibustering upon the part of the enemies of the measures; and I say now, so far as my experience in this body is concerned, during the past two years there has never been the slightest evidence of a purpose to filibuster in the sense of filibustering for the purpose of defeating any measure, however obnoxious that measure may have been.

Senators on this side have declared against filibustering, except as to those who have in mind the struggle upon the force bill, years and years agone, when they believed that the very foundations of their social fabric were about to be destroyed. With that one single exception, I have heard them declare unanimously against filibustering, and I have not seen a single evidence of an attempt or a purpose upon their part since I have been here to do aught contrary to their express views upon the subject.

I say, Mr. President, that the Senator from Rhode Island has no one to blame but himself for the short season given for debate upon this bill—too short for its proper consideration. He was connected with the Senators who so managed the business of this Senate that it was impossible for him to call up his bill before. Otherwise doubtless he would have done so. But this measure ought to have been presented long and long ago, because it is not the incubation of an hour. It has been thought upon and dreamed over and discussed months and months ago by those who are the intended beneficiaries of it, and I can not understand why even its introduction was withheld until less than a month ago.

Mr. President, I say that no Democrat has filibustered. We have not countenanced it in any way. The filibustering has all been done upon the side of which the Senator from Rhode Island is a distinguished member; in all human probability, when everything is considered that enters into leadership, the leader of that body. He could have changed the whole aspect of the legislation of this session if he had been guided by proper impulses. When I use that phrase, I mean the impulse against delay, against filibustering, in order that the members on this floor might, after fair and free debate upon the statehood bill, have had an opportunity to vote their sentiments.

Mr. HANNA. Mr. President, may I interrupt the Senator from Colorado with a question?

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

Mr. PATTERSON, Yes, sir.

Mr. HANNA. I am aware that the Senator from Colorado was not present at the short session two years ago, but I ask him, for his information, to learn how it was that the shipping bill was defeated.

Mr. PATTERSON. I would ask the Senator from the State of Ohio to go over to the House of Representatives and ask how the shipping bill came to be defeated.

Mr. HANNA. No.

Mr. PATTERSON. It was strangled in the house of its friends.

Mr. HANNA. That bill was not reported by the committee of the House; but it was before this Senate fully as long as the statehood bill has been, and it was nearly talked to death on that side of the Chamber.

Mr. PATTERSON. Of course, I have no personal knowledge of that.

Mr. HANNA. I said you had not, and I was simply advising the Senator.

Mr. PATTERSON. I am talking about my knowledge since I have been here.

Mr. HANNA. I supposed the Senator was talking for that side of the Chamber.

Mr. PATTERSON. I am talking for this side of the Chamber, so far as my personal knowledge is concerned.

Mr. HANNA. And I was advising the Senator to acquaint himself with the facts.

Mr. PATTERSON. There are those on this side of the Chamber, I have no doubt, who can answer fully and completely the question propounded by the Senator from Ohio.

But in any event the shipping bill is buried—buried by the political associates and friends of the Senator from Ohio—buried in committee; and I say well done to the political associates of the Senator from Ohio who prepared the coffin, placed within it the corpse, filled in the grave, and wrote its epitaph. The shipping bill, like the bill of the Senator from Rhode Island, was a measure that should be, with it, condemned by those who regard the national banks of the country as the chief beneficiary for all the legislation that the Congress of the United States can enact.

Mr. CARMACK. Mr. President——

Mr. ALDRICH. Will the Senator allow me to say a few words?

Mr. CARMACK. I have only a short time, but I will yield to the Senator if he wishes——

Mr. ALDRICH. I only want two or three minutes.

Mr. McLAURIN of Mississippi. I am perfectly willing to yield, but I wish it to be understood that I have the floor.

The PRESIDING OFFICER. The Senator from Mississippi has the floor.

Mr. McLAURIN of Mississippi. I am willing to yield the floor to the Senator from Tennessee or to the Senator from Rhode Island, but of course I desire to go on when they get through.

The PRESIDING OFFICER. Does the Senator from Mississippi yield for the present?

Mr. CARMACK. If the Senator will yield to me, I will occupy only a few moments.

Mr. ALDRICH. I thought the Senator had yielded to me.

Mr. McLAURIN of Mississippi. I will first yield to the Senator from Tennessee [Mr. CARMACK] and afterwards to the Senator from Rhode Island [Mr. ALDRICH].

Mr. CARMACK. Mr. President, I was simply about to say that the situation of the Senator from Rhode Island under the present circumstances reminds me very much of an incident in the story of Barnaby Rudge. I refer to the failure of the hangman to respond when it came his turn to be hanged. The Senator from Rhode Island now has an opportunity to see how it is himself.

He was supposed to be the inspiration of a very long and desperate filibuster here in this Chamber, which has caused the present congestion of business in the Senate. For fourteen long weeks the Senator prevented this Senate from having its will, from having an opportunity to vote on a bill which a majority of the Senate favored and wished to pass. By the holding up of that bill for that long time the result has been that the business of the Senate is congested, and there are a number of very important bills thrown upon us here at nearly the very closing hours of the session.

I agree with a great deal that my friend from Texas [Mr. BAILEY] has said in respect to filibustering. I am no advocate of that means of dealing with public questions; but I say, Mr. President, when we are confronted with important measures right here in the closing hours of a session and called upon to act upon them at once it is perfectly legitimate to delay proceedings until the Senate can have an opportunity fairly to scrutinize the pending measures and fairly to debate them, and even though speeches are made here avowedly for the purpose of delay it is legitimate delay. This measure ought not to pass at this session of Congress, because there is no opportunity for its fair and full consideration.

The Senator from Colorado [Mr. PATTERSON] referred to a few remarks of mine. I do not know whether the Senator from Rhode Island [Mr. ALDRICH] has mentioned them or not.

Mr. ALDRICH. I do not think so.

Mr. CARMACK. I did not know whether he had or not.

Mr. President, as I was saying, I did make some remarks here not at all pertinent to this bill, and I expect to submit some more.

Mr. BAILEY. Will the Senator from Tennessee permit me?

Mr. CARMACK. Certainly.

Mr. BAILEY. I want the Senator to know that I distinctly disclaim any thought of attributing to the Senator from Tennessee the motive of filibustering.

Mr. CARMACK. I knew the Senator would not attribute such a thing to me.

Mr. BAILEY. Because I think the Senator had just and sufficient occasion for his remarks, and they had no reference to the final result on this bill.

Mr. CARMACK. None in the world, Mr. President. I attempted to get an opportunity before to say what I did say while this bill was pending, and there are things that I have wanted to say not pertinent to this bill. I do not care particularly about saying them in the time of this bill, but I want to say them at some time before we adjourn, and I might just as well say them when this bill is pending as any other, because this bill is not going to pass, and I freely confess that I am one of those who have determined that it ought not to be allowed to pass at this session of Congress.

If we had full and fair time for debate, if the Senate wished to pass the bill, I should not attempt to obstruct it by filibustering; but I do say in these closing hours of the session, when we have no time for fair consideration of the question, it is legitimate to adopt obstructive tactics, if necessary, to delay the consideration of such a measure until we can have time for its full consideration.

Now, Mr. President, I have something more here that I wish to go into the RECORD. I do not want to take the time to read it, unless the Senate insists upon it. I will say, briefly, that it is some testimony, if it can be called such, bearing upon the conduct of this Government in the Philippines Islands—testimony that we desired to bring before the Philippine Committee, but we were not permitted the opportunity to do so; and I and some other friends constituted ourselves a committee and took a little of this testimony. I desire to have it printed in the RECORD. I will not ask to read it to the Senate unless some one objects to having it printed.

Mr. BEVERIDGE. In the absence of the chairman of the Committee on the Philippines, I trust the Senator from Tennessee will withhold his request with reference to the printing of this matter in the RECORD until some other hour when the chairman of the Committee on the Philippines is present.

Mr. DUBOIS. If the Senator from Tennessee will permit me, I second the motion of the Senator from Indiana, and then, perhaps the Senator from Tennessee will have the opportunity to read it to-morrow. [Laughter.]

Mr. CARMACK. Very well.

Mr. BEVERIDGE. I think that will be better.

The PRESIDING OFFICER. Does the Senator from Tennessee withdraw the request?

Mr. CARMACK. I withdraw the request.

Mr. McLAURIN of Mississippi. Mr. President, now I yield to the Senator from Rhode Island [Mr. ALDRICH].

Mr. ALDRICH. In the midst of this torrent of disclaimers, the frank remarks of the Senator from Tennessee [Mr. CARMACK] are refreshing to say the least.

Mr. CARMACK. I think the Senator needs to be refreshed, and I am glad to refresh him.

Mr. ALDRICH. The Senator from Tennessee is quite willing to admit what the Senator from Colorado [Mr. PATTERSON] seems so anxious to deny. I am surprised that the Senator from Colorado should be so sensitive at the suggestion of the Senator from Texas [Mr. BAILEY]. I made no statement about filibustering at all. It was one of the Senator's own associates on that side of the Chamber who made that suggestion.

We are none of us deceived among ourselves about what is being done. We all know that the Senator from Colorado and his associates intend to talk this bill to death, and I am quite willing, so long as the country knows who is responsible for its defeat, that that shall be the result. Not willing, I will not say that, because I think it is a great misfortune to the country and to the business interests of the country that these gentlemen, not on account of the merits or demerits of the bill, but because some of us in discharge of what we believe to be our duty in regard to another measure, have taken a certain course, have determined that we are to be punished and the great business interests of the country are to be punished through us in this method.

Mr. CARMACK. Did I understand the Senator to say that I said anything of that sort was being done for the purpose of punishing him?

Mr. ALDRICH. No. I said the Senator from Tennessee frankly admitted that he intended to kill the bill. He said they intended to bring this lesson home to us because of the position we had taken in regard to the statehood bill.

Mr. PATTERSON. In what way are the business interests of the country suffering for this bill?

Mr. ALDRICH. I will try to find an opportunity to-morrow to tell the Senator, and I expect, before this debate is finished, to get such an opportunity.

Mr. PATTERSON. Mr. President——

Mr. ALDRICH. If the Senator will excuse me and allow me to go on for a moment further; the Senator made some allusions to the fact that this bill was not presented here before; he stated that, as chairman of the committee, I ought not to have brought this bill here for discussion at this late day, and he further stated that this bill had been prepared somewhere else. I wish to say that this bill never was prepared outside of the room of the Committee on Finance and that it had no consideration by anybody outside of the room of the Committee on Finance.

I prepared it as a simple business proposition; I submitted it to my associates on that committee, to Democrats and Republicans on that committee. We discussed it and agreed upon every one of its provisions from beginning to end, and there was never an intimation on the part of any member of that committee, and there never was an intimation from anybody until the bill reached this Chamber, that it was intended to make it a subject of partisan discussion and that it was to be killed for political effect.

It was an entire surprise to me, because there was, I repeat, no suggestion on the part of the Democratic members of that committee—and they are equal to any of their associates on this floor in ability and knowledge of this subject—that we were doing anything except what I suggest—preparing a plain, business proposition that would help the business interests of this country. There is nothing else in it. There was no appearance of anything else until it came here, and the gentlemen who lead the Democratic party to defeat by adopting one policy last year are now seeking to lead that same party to defeat again by adopting another policy this year.

Mr. BATE. Mr. President, I wish to reply to one word which fell from the lips of the Senator from Rhode Island, to the effect that we on this side were trying to punish the other side for filibustering. I disclaim anything of that kind.

Mr. ALDRICH. I was only adopting a suggestion of the Senator's colleague [Mr. CARMACK].

Mr. BATE. I say that we on this side are not doing that. We are trying to do our duty to our convictions in regard to this bill. But I will say that people who live in glass houses should not throw stones, and as you Senators on the other side tried to filibuster, we thought it came with bad grace from the Senator from Rhode Island to say we were filibustering.

Mr. PATTERSON. Mr. President——

Mr. CARMACK. I hope the Senator will yield to me for just a moment to say a word personal to myself.

Mr. PATTERSON. Very well.

Mr. CARMACK. Mr. President, I made no suggestion that we had adopted these tactics for the purpose of punishing the Senator from Rhode Island or punishing anybody else for his attitude on the statehood bill. I have not had any such motive. As far as I am concerned, I have never had any intense feeling with respect to the statehood bill. I supported that measure because I thought it was just and right, but I have never had any intense feeling over it, either of resentment or otherwise, and I have never had any desire to punish the Senator from Rhode Island or to punish anybody else.

I have just simply remarked that the Senator was in the position of the hangman in Barnaby Rudge, when it comes home to him; not that I desired to see the Senator in that position at all. My position was simply that we ought not to consider or attempt to pass a measure of this importance in the closing hours of the session, when we have not time for full and fair consideration of it; and that is the only reason I have had for the part I have taken in it.

Mr. PATTERSON. Mr. President, I desire to read a very short extract from the Evening Star, an Administration paper, and, I think, in full sympathy with the political views and the financial policy of the Senator from Rhode Island. The article says:

Interest centered about the Senate situation during the early part of the day. The question heard on every side was, Would the Aldrich financial bill pass? No measure of legislation of recent years has excited more attention in Congress than the pending financial measure which bears Senator ALDRICH's name.

Strong pressure from influential financial and corporation quarters is being exerted upon Congress to get the measure through. The banking interests of the East, and especially of New York, are putting every pound of pressure they can bring to bear upon both Houses of Congress. This is supplemented by pressure from the great railroads of the country, whose bonds would be favorably affected by the legislation. The only opposition comes from a faction of Democrats.

The great banking interests of New York, the great railroads of the country are putting every pound of pressure upon both branches of Congress, according to this Administration paper, in the first column of the first page, to rush this bill through.

Mr. CARMACK. From what is the Senator reading?

Mr. PATTERSON. From the Washington Evening Star of to-day.

Mr. ALDRICH. I can only speak for myself in this connection, but I will say that the only letter or communication that I have had from any bank in the city of New York was in opposition to this measure.

Mr. PATTERSON. I am not impugning the Senator's motives at all.

Mr. CARMACK. I suggest that if some of the banks are opposing this measure we ought to take a little more time to consider it. [Laughter.]

Mr. PATTERSON. Then, in the second column of this Administration organ, we have the following upon the same subject:

A decision was reached by the House Committee on Rules this morning to take no action on a rule for the consideration of currency legislation until action on the Aldrich bill has been taken by the Senate.

Unless the Senate passes the Aldrich bill to-day, the prediction is made that no financial legislation will be had at this session.

If, however, the Senate passes the Aldrich bill to-day or early to-morrow, a rule will be brought in by which the combination Fowler-Payne-Aldrich bill shall be considered as a substitute for the Aldrich bill as it comes from the Senate. In this way the combination bills of the House and Senate can be referred to a conference committee and the result of the deliberations of this conference report will undoubtedly be adopted by both Houses.

Now, is not that a nice programme?

Mr. ALDRICH. This particular newspaper writer does not seem to have been in the confidence of the Senator from Colorado, or he would not have written that article.

Mr. PATTERSON. The writer of this article was evidently in the confidence of the managers in the other House. I read something of the proceedings, and the statement made by this writer is true, that no rule was adopted, that the making of a rule was deferred by the House until action by the Senate upon what is known as the Aldrich bill. And it was evidently for the purpose of saddling on to the Aldrich bill the obnoxious financial legislation in the House and then rushing them through in a conference report.

Of course the Senator from Rhode Island is in no wise responsible for that. Whether he could have defeated it when these several measures were incorporated in one in an agreement made by the committee of conference, of course, I do not know; but all of these things go to show, I suppose, of course, without the knowledge of the Senator from Rhode Island, that there is a compact, a well-organized body, and a complete understanding as to what will be done with this measure by those who control both branches of Congress if they can only get it through the Senate.

Mr. ALDRICH. Mr. President, I am reminded by a fellow-Senator that the cars stop running at 12 o'clock, and I therefore move that the Senate do now adjourn.

Mr. McLAURIN of Mississippi. Mr. President, I want it understood that I have the floor in the morning.

The PRESIDING OFFICER. The question is on the motion of the Senator from Rhode Island that the Senate adjourn.

The motion was agreed to; and (at 11 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 3, 1903, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate March 2, 1903.

DISTRICT JUDGE.

George C. Holt, of New York, to be United States district judge for the southern district of New York. An original appointment under the provisions of the act of Congress approved February 9, 1903, entitled "An act to provide for an additional judge of the district court of the United States for the southern district of New York."

PROMOTION IN THE NAVY.

Midshipman Clayton M. Simmers, to be an assistant naval constructor in the Navy, from the 28th day of February, 1903 (subject to the examinations required by law), to fill a vacancy existing in that grade on that date.

RECEIVER OF PUBLIC MONEYS.

John Reese, of Broken Bow, Nebr., to be receiver of public moneys at Broken Bow, Nebr., vice Frank H. Young, resigned.

SURVEYOR-GENERAL.

John F. Vivian, of Golden, Colo., to be surveyor-general of Colorado, vice Charles C. Goodale, term expired.

CONSUL.

Edwin S. Cunningham, of Tennessee, now consul at Aden, Arabia, to be consul of the United States at Bergen, Norway, vice Victor E. Nelson, resigned.

POSTMASTERS.

COLORADO.

Francis M. Tague, to be postmaster at Las Animas, in the county of Bent and State of Colorado, in place of William E. Cooper, resigned.

LOUISIANA.

George W. Whitworth, to be postmaster at Jeanerette, in the parish of Iberia and State of Louisiana, in place of George W. Whitworth. Incumbent's commission expired February 14, 1903.

MONTANA.

James B. Washburn, to be postmaster at Giltedge, in the county of Fergus and State of Montana. Office became Presidential October 1, 1902.

NEW YORK.

L. A. Blanding, to be postmaster at Sherburne, in the county of Chenango and State of New York, in place of Alexander Ross, deceased.

John K. Grant, to be postmaster at Stamford, in the county of Delaware and State of New York, in place of John K. Grant. Incumbent's commission expired January 28, 1903.

NORTH CAROLINA.

R. W. Smith, to be postmaster at Charlotte, in the county of Mecklenburg and State of North Carolina, in place of Jonas W. Mullen. Incumbent's commission expired January 14, 1902.

OHIO.

Harry M. Ashton, to be postmaster at Spencerville, in the county of Allen and State of Ohio, in place of Harry M. Ashton. Incumbent's commission expired January 24, 1903.

Sherwood Blamer, to be postmaster at Johnstown, in the county of Licking and State of Ohio. Office became Presidential January 1, 1903.

Russell B. Day, to be postmaster at Bluffton, in the county of Allen and State of Ohio, in place of Russell B. Day. Incumbent's commission expired January 24, 1903.

Joseph E. Hall, to be postmaster at Bucyrus, in the county of Crawford and State of Ohio, in place of Joseph E. Hall. Incumbent's commission expired January 24, 1903.

Jacob O. Harris, to be postmaster at Utica, in the county of Licking and State of Ohio. Office became Presidential January 1, 1903.

James C. Holloway, to be postmaster at Montpelier, in the county of Williams and State of Ohio, in place of James C. Holloway. Incumbent's commission expired January 24, 1903.

James W. Hull, to be postmaster at Millersburg, in the county of Holmes and State of Ohio, in place of James W. Hull. Incumbent's commission expired January 24, 1903.

Elmer C. Jesse, to be postmaster at Mineral City, in the county of Tuscarawas and State of Ohio. Office became Presidential January 1, 1903.

William S. Needham, to be postmaster at Pataskala, in the

county of Licking and State of Ohio. Office became Presidential January 1, 1903.

William T. Orton, to be postmaster at West Unity, in the county of Williams and State of Ohio, in place of William William T. Orton. Incumbent's commission expires March 3, 1903.

William A. Pittenger, to be postmaster at Dennison, in the county of Tuscarawas and State of Ohio, in place of William A. Pittenger. Incumbent's commission expired January 24, 1903.

Akin M. Richards, to be postmaster at Hicksville, in the county of Defiance and State of Ohio, in place of Akin M. Richards. Incumbent's commission expired January 24, 1903.

John J. Roberts, to be postmaster at Prospect, in the county of Marion and State of Ohio, in place of John J. Roberts. Incumbent's commission expired January 24, 1903.

William H. Stoutt, to be postmaster at Urichsville, in the county of Tuscarawas and State of Ohio, in place of William H. Stoutt. Incumbent's commission expires March 3, 1903.

Frank F. Talley, to be postmaster at New Richmond, in the county of Clermont and State of Ohio, in place of Frank F. Talley. Incumbent's commission expired February 1, 1903.

Mary L. Thompson, to be postmaster at Georgetown, in the county of Brown and State of Ohio, in place of Mary L. Thompson. Incumbent's commission expired February 1, 1903.

PENNSYLVANIA.

David W. Coulter, to be postmaster at Conemaugh, in the county of Cambria and State of Pennsylvania. Office became Presidential January 1, 1903.

Augustus M. High, to be postmaster at Reading, in the county of Berks and State of Pennsylvania, in place of Augustus M. High. Incumbent's commission expires March 3, 1903.

Frank J. Roethline, to be postmaster at Northampton, in the county of Northampton and State of Pennsylvania. Office became Presidential July 1, 1901.

UTAH.

Benjamin F. Boothe, to be postmaster at Brigham, in the county of Boxelder and State of Utah, in place of Benjamin F. Boothe. Incumbent's commission expired February 10, 1903.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 23, 1903.

PROMOTIONS IN THE ARMY.

Cavalry Arm.

1. Second Lieut. Jens E. Stedje, Fourth Cavalry, to be first lieutenant, January 16, 1903.

2. Second Lieut. John E. Hemphill, Third Cavalry, to be first lieutenant, January 24, 1903.

Infantry Arm.

3. First Lieut. Chauncey B. Humphrey, Seventeenth Infantry, to be captain, February 10, 1903.

4. Second Lieut. Donald C. McClelland, Eighteenth Infantry, to be first lieutenant, December 5, 1902.

Executive nominations confirmed by the Senate March 2, 1903.

CONSUL-GENERAL.

Frank Dillingham, of California, to be consul-general of the United States at Auckland, New Zealand.

DISTRICT COMMISSIONER.

Henry B. F. Macfarland, of the District of Columbia, to be a Commissioner of the District of Columbia for a term of three years from May 5, 1903.

COLLECTORS OF CUSTOMS.

Charles D. Eddy, of Rhode Island, to be collector of customs for the district of Bristol and Warren, in the State of Rhode Island.

John C. Cline, of California, to be collector of customs for the district of Los Angeles, in the State of California.

SURVEYOR OF CUSTOMS.

George L. Godfrey, of Iowa, to be surveyor of customs for the port of Des Moines, in the State of Iowa.

Benjamin H. Barrows, of Nebraska, to be surveyor of customs for the port of Omaha, in the State of Nebraska.

POSTMASTERS.

CALIFORNIA.

Harry H. Youngken, to be postmaster at Santa Paula, in the county of Ventura and State of California.

IDAHO.

John L. Chapman, to be postmaster at Lewiston, in the county of Nez Perces and State of Idaho.

MARYLAND.

Winfield S. Wolfe, to be postmaster at Union Bridge, in the county of Carroll and State of Maryland.

MASSACHUSETTS.

George A. Wales, to be postmaster at Stoughton, in the county of Norfolk and State of Massachusetts.

MINNESOTA.

Samuel Sweningsen, to be postmaster at Austin, in the county of Mower and State of Minnesota.

Thomas M. Paine, to be postmaster at Glencoe, in the county of McLeod and State of Minnesota.

Emma C. Taylor, to be postmaster at Chaska, in the county of Carver and State of Minnesota.

T. T. Gronlund, to be postmaster at Tyler, in the county of Lincoln and State of Minnesota.

MISSISSIPPI.

John C. Clifton, to be postmaster at Senatobia, in the county of Tate and State of Mississippi.

MISSOURI.

Wesley W. Wehrli, to be postmaster at Mound City, in the county of Holt and State of Missouri.

William B. Lewis, to be postmaster at Eldorado Springs, in the county of Cedar and State of Missouri.

MONTANA.

Albert Hollander, to be postmaster at Granite, in the county of Granite and State of Montana.

Herbert O. Chowen, to be postmaster at Great Falls, in the county of Cascade and State of Montana.

NEW JERSEY.

William S. Jackson, to be postmaster at Belmar, in the county of Monmouth and State of New Jersey.

Marcellus L. Jackson, to be postmaster at Hammonton, in the county of Atlantic and State of New Jersey.

Oscar Jeffery, to be postmaster at Washington, in the county of Warren and State of New Jersey.

William Proudfoot, to be postmaster at Roselle, in the county of Union and State of New Jersey.

NEW YORK.

Harrold R. Every, to be postmaster at Athens, in the county of Greene and State of New York.

David G. Montross, to be postmaster at Peekskill, in the county of Westchester and State of New York.

John A. Raser, to be postmaster at Harrison, in the county of Westchester and State of New York.

Mortimer N. Cole, to be postmaster at Castile, in the county of Wyoming and State of New York.

George G. Roe, to be postmaster at Clyde, in the county of Wayne and State of New York.

NORTH CAROLINA.

Alexander M. Long, to be postmaster at Rockingham, in the county of Richmond and State of North Carolina.

George W. Robbins, to be postmaster at Rocky Mount, in the county of Edgecombe and State of North Carolina.

NORTH DAKOTA.

Frederick L. Johnson, to be postmaster at Lakota, in the county of Nelson and State of North Dakota.

PENNSYLVANIA.

Anna B. Beatty, to be postmaster at Cochranton, in the county of Crawford and State of Pennsylvania.

Alfred E. Williams, to be postmaster at Plymouth, in the county of Luzerne and State of Pennsylvania.

Frank G. Sairs, to be postmaster at Athens, in the county of Bradford and State of Pennsylvania.

John Lutz, to be postmaster at Bedford, in the county of Bedford and State of Pennsylvania.

James S. Kennedy, to be postmaster at Grove City, in the county of Mercer and State of Pennsylvania.

Frank A. Moesta, to be postmaster at Kittanning, in the county of Armstrong and State of Pennsylvania.

Harry K. Frontz, to be postmaster at Montgomery, in the county of Lycoming and State of Pennsylvania.

James E. Hunter, to be postmaster at Turtle Creek, in the county of Allegheny and State of Pennsylvania.

Windle W. Montgomery, to be postmaster at Bellefonte, in the county of Center and State of Pennsylvania.

Orrin Serfass, to be postmaster at Easton, in the county of Northampton and State of Pennsylvania.

Robert E. Woodside, to be postmaster at Millersburg, in the county of Dauphin and State of Pennsylvania.

Jacob G. Geltz, to be postmaster at Milton, in the county of Northumberland and State of Pennsylvania.

William J. Noll, to be postmaster at Myerstown, in the county of Lebanon and State of Pennsylvania.

Harry W. Hummel, to be postmaster at Northumberland, in county of Northumberland and State of Pennsylvania.

Samuel E. Worth, to be postmaster at Oxford, in the county of Chester and State of Pennsylvania.

Cyrus F. Zimmerman, to be postmaster at Palmyra, in the county of Lebanon and State of Pennsylvania.

Nora L. Pickering, to be postmaster at Peckville, in the county of Lackawanna and State of Pennsylvania.

George H. Reitenbaugh, to be postmaster at Ardmore, in the county of Montgomery and State of Pennsylvania.

Caleb S. Brinton, to be postmaster at Carlisle, in the county of Cumberland and State of Pennsylvania.

Anna H. Griscom, to be postmaster at Jenkintown, in the county of Montgomery and State of Pennsylvania.

W. V. Campbell, to be postmaster at McKeesport, in the county of Allegheny and State of Pennsylvania.

John S. Weaver, to be postmaster at Mechanicsburg, in the county of Cumberland and State of Pennsylvania.

George W. Honsaker, to be postmaster at Masontown, in the county of Fayette and State of Pennsylvania.

TEXAS.

William J. Miller, to be postmaster at Hallettsville, in the county of Lavaca and State of Texas.

Otto Heilig, to be postmaster at New Braunfels, in the county of Comal and State of Texas.

Leander Hopkins, to be postmaster at Ferris, in the county of Ellis and State of Texas.

Ulysses G. Roach, to be postmaster at Celeste, in the county of Hunt and State of Texas.

VERMONT.

Buel J. Derby, to be postmaster at Burlington, in the county of Chittenden and State of Vermont.

Emeroy G. Page, to be postmaster at Hyde Park, in the county of Lamoille and State of Vermont.

WEST VIRGINIA.

Edwin H. Flynn, to be postmaster at Spencer, in the county of Roane and State of West Virginia.

D. P. Stout, to be postmaster at West Union, in the county of Doddridge and State of West Virginia.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 2, 1903.*

[*Continuation of legislative day of February 26, 1903.*]

The recess having expired, the House was called to order at 11 a. m. by the Speaker.

Mr. PAYNE. Mr. Speaker, I demand the yeas and nays on the pending motion.

Mr. RICHARDSON of Tennessee. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from New York demands the yeas and nays. A quorum is not needed to order the yeas and nays.

Mr. RICHARDSON of Tennessee. There must be a quorum to transact business, and we have not been in session for eighteen hours. I insist that we should have a quorum.

Mr. LACEY. It is not necessary to have a quorum to order the yeas and nays.

The SPEAKER. The gentleman must bear in mind that the thing that the gentleman from New York asks does not need a quorum. The Chair must overrule the point of order.

Mr. RICHARDSON of Tennessee. Does the Chair hold that it does not need a quorum to transact business? Is the Chair going to hold that it does not require a quorum?

The SPEAKER. Speaker Randall and Speaker Carlisle both held that a quorum was not needed to order the yeas and nays.

Mr. RICHARDSON of Tennessee. Of course.

The SPEAKER. And the present occupant of the Chair so holds, and overrules the point of order. The question is on ordering the yeas and nays.

The question was taken; and the yeas and nays were ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and there were—yeas 203, nays 7, answered "present" 21, not voting 120; as follows:

YEAS—203.

Acheson,	Boutell,	Butler,	Dalzell,
Adams,	Bowersock,	Caldwell,	Darragh,
Adamson,	Bowie,	Candler,	Davis, Fla.
Allen, Ky.	Brandegee,	Capron,	Deemer,
Allen, Me.	Breazeale,	Cassel,	Dick,
Aplin,	Brick,	Cassingham,	Dovener,
Babcock,	Bromwell,	Clayton,	Draper,
Ball, Del.	Broussard,	Connell,	Driscoll,
Bartholdt,	Brown,	Coombs,	Dwight,
Bartlett,	Brownlow,	Cooper, Wis.	Eddy,
Bates,	Bull,	Cousins,	Emerson,
Beidler,	Burgess,	Cowherd,	Esch,
Bell,	Burk, Pa.	Cromer,	Evans,
Benton,	Burke, S. Dak.	Crowley,	Finley,
Billmeyer,	Burleigh,	Crumpacker,	Flanagan,
Bishop.	Burleson,	Currier,	Fleming,
Boreing,	Burton,	Cushman,	Fletcher,
Foerderer,	Jenkins,	Moon,	Smith, H. C.
Fordney,	Johnson,	Morris,	Smith, S. W.
Foss,	Jones, Va.	Moss,	Southard,
Fowler,	Jones, Wash.	Mudd,	Sperry,
Gaines, Tenn.	Joy,	Mutchler,	Spight,
Gaines, W. Va.	Kahn,	Needham,	Stark,
Gardner, Mass.	Kehoe,	Olmsted,	Steele,
Gardner, Mich.	Knapp,	Otjen,	Storm,
Gardner, N. J.	Kyle,	Overstreet,	Swanson,
Gibson,	Lacey,	Palmer,	Tate,
Gillet, N. Y.	Latimer,	Parker,	Tawney,
Graff,	Lawrence,	Patterson, Pa.	Tayler, Ohio
Graham,	Lessler,	Payne,	Taylor, Ala.
Greene, Mass.	Lester,	Pearre,	Thomas, Iowa
Grosvenor,	Lewis, Pa.	Perkins,	Tirrell,
Grow,	Littauer,	Powers, Me.	Trimble,
Hamilton,	Lloyd,	Powers, Mass.	Underwood,
Hanbury,	Long,	Reeder,	Van Voorhis,
Hay,	Loud,	Reeves,	Vreeland,
Hedge,	Loudenslager,	Rhea,	Wadsworth,
Henry, Conn.	Lovering,	Richardson, Ala.	Wagoner,
Hepburn,	McAndrews,	Robb,	Wanger,
Hildebrant,	McCall,	Roberts,	Warner,
Hill,	McCleary,	Robinson, Ind.	Warnock,
Hitt,	McClellan,	Russell,	Watson,
Holliday,	McLachlan,	Scott,	Weeks,
Hooker,	Mahon,	Selby,	Wiley,
Howard,	Martin,	Shattuc,	Williams, Ill.
Howell,	Mercer,	Sheppard,	Williams, Miss.
Hull,	Miers, Ind.	Showalter,	Woods,
Irwin,	Miller,	Sibley,	Wright,
Jack,	Minor,	Slayden,	Young,
Jackson, Kans.	Mondell,	Smith, Ill.	Zenor.
Jackson, Md.	Moody,	Smith, Iowa	

NAYS—7.

Fitzgerald,	Randell, Tex.	Sims,	White.
Padgett,	Rucker,	Smith, Ky.	

ANSWERED "PRESENT"—21.

Creamer,	Goldfogle,	Mann,	Shackleford,
Curtis,	Haskins,	Marshall,	Sherman,
Dayton,	Hopkins,	Metcalf,	Stephens, Tex.
De Armond,	Kluttz,	Richardson, Tenn.	
Gilbert,	Lindsay,	Rixey,	
Gillett, Mass.	McRae,	Schirm,	

NOT VOTING—120.

Alexander,	Elliott,	Lever,	Ryan,
Ball, Tex.	Feely,	Lewis, Ga.	Scarborough,
Bankhead,	Flood,	Little,	Shafroth,
Barney,	Foster, Ill.	Littlefield,	Shallenberger,
Bellamy,	Foster, Vt.	Livingston,	Shelden,
Belmont,	Fox,	McCulloch,	Skiles,
Bingham,	Gill,	McDermott,	Small,
Blackburn,	Glass,	McLain,	Smith, Wm. Alden
Blakeney,	Glenn,	Maddox,	Snodgrass,
Brantley,	Gooch,	Mahoney,	Snook,
Bristow,	Gordon,	Maynard,	Southwick,
Brundidge,	Green, Pa.	Meyer, La.	Sparkman,
Burkett,	Griffith,	Mickey,	Stevens, Minn.
Burnett,	Griggs,	Morgan,	Stewart, N. J.
Calderhead,	Haugen,	Morrell,	Stewart, N. Y.
Cannon,	Heatwole,	Naphen,	Sulloway,
Clark,	Hemenway,	Neville,	Sulzer,
Cochran,	Henry, Miss.	Nevin,	Sutherland,
Conner,	Henry, Tex.	Newlands,	Swann,
Conry,	Hughes,	Norton,	Talbert,
Cooney,	Jett,	Patterson, Tenn.	Thayer,
Cooper, Tex.	Kern,	Pierce,	Thomas, N. C.
Corliss,	Ketcham,	Pou,	Thompson,
Dahle,	Kitchin, Claude	Prince,	Tompkins, N.Y.
Davey, La.	Kitchin, Wm. W.	Pugsley,	Tompkins, Ohio
Davidson,	Kleberg,	Ransdell, La.	Vandiver,
Dinsmore,	Knox,	Reid,	Wachter,
Dougherty,	Lamb,	Robertson, La.	Wheeler,
Douglas,	Landis,	Robinson, Nebr.	Wilson,
Edwards,	Lassiter,	Ruppert,	Wooten.

So the conference report was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. CALDERHEAD with Mr. DAVEY of Louisiana.

Mr. CANNON with Mr. MCRAE.

Mr. GILL with Mr. MAHONEY.

Mr. CONNELL with Mr. COOPER of Texas.

Mr. MILLER with Mr. STEPHENS of Texas.

Mr. HASKINS with Mr. LAMB.

Mr. GILLETT of Massachusetts with Mr. NAPHEN.

Mr. KETCHAM with Mr. LIVINGSTON.

Mr. METCALF with Mr. WHEELER.

Mr. LANDIS with Mr. WILLIAM W. KITCHIN.

Mr. BLAKENEY with Mr. ELLIOTT.

Mr. SHELDEN with Mr. RANSDELL of Louisiana.

Mr. WACHTER with Mr. ROBERTSON of Louisiana.

Mr. KNOX with Mr. SNOOK.

On this vote:

Mr. HEATWOLE with Mr. NEWLANDS.

Mr. DAVIDSON with Mr. THOMAS of North Carolina.

Mr. WM. ALDEN SMITH with Mr. SMALL.

Mr. SOUTHWICK with Mr. CLAUDE KITCHIN.

Mr. TOMPKINS of New York with Mr. MAYNARD.

Mr. NEVIN with Mr. MADDOX.

Mr. BARNEY with Mr. LITTLE.

Mr. SCHIRM with Mr. REID.

Mr. FLOOD. Mr. Speaker, I would like to know how I am recorded.

The SPEAKER. The gentleman is not recorded.

Mr. FLOOD. I should like to vote.

The SPEAKER. Was the gentleman in his seat and listening when his name should have been called?

Mr. FLOOD. I do not know about that.

The SPEAKER. Under the rule, the gentleman can not vote.

Mr. THOMAS of North Carolina. Mr. Speaker, I would like to be recorded.

The SPEAKER. Was the gentleman present and listening when his name should have been called?

Mr. THOMAS of North Carolina. I was detained at the Post-Office Department.

The SPEAKER. The gentleman can not vote.

The result of the vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17046) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 7414) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. FAIRBANKS, Mr. WARREN, and Mr. TURNER as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. JAMES M. MOODY, late a Representative from the State of North Carolina.

Resolved, That the business of the Senate be now suspended, in order that fitting tribute be paid to his memory.

Resolved, That as an additional mark of respect the Senate, at the conclusion of these ceremonies, do adjourn.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Also:

Resolved, That the Senate has heard with deep sorrow the announcement of the death of Hon. PETER JOHNSTON OTEY, late Representative in Congress from the Sixth Congressional district of Virginia.

Resolved, That the business of the Senate be now suspended that proper tribute may be paid to his memory.

Resolved, That as a further mark of respect the Senate will, upon the conclusion of these memorial exercises, adjourn.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate its message of February 28, 1903, requesting the House of Representatives to return to the Senate the bill (H. R. 16775) establishing United States courts at Duncan, Maryetta, and Comanche, Ind. T.

ORDER OF BUSINESS.

Mr. GROSVENOR. Mr. Speaker, I call up a privileged report from the Committee on Rules.

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolutions of the House Nos. 475 and 479, have considered the same and report with the recommendation that it do pass the following in lieu thereof:

"*Resolved*, That immediately upon the adoption of this order, or at any time thereafter, the Speaker may lay before the House the bill (H. R. 12199) to regulate the immigration of aliens into the United States, now on the Speaker's table, and, the Senate amendments thereto having been read, the question shall be at once taken without debate or intervening motion on the following question: 'Will the House disagree to said amendments en bloc and ask a conference with the Senate?' And if this motion shall be decided in the affirmative, the Speaker shall at once appoint the conferees, without the intervention of any motion. If the House shall decide said motion in the negative, the effect of said vote shall be to agree to the said amendments.

"And further, that for the remainder of this session whenever a conference report shall have been presented and read, there shall be ten minutes of debate, and at the end of that time the previous question shall be considered as ordered on agreeing to said report."

Mr. GROSVENOR. Mr. Speaker, the rule presents two propositions for the consideration of the House. The first makes it possible to bring up at a time within the discretion of the Speaker the immigration bill, which passed the House and has passed the Senate with amendments. The provision is that whenever the Speaker is ready to lay that bill before the House it is in order to do so.

The second proposition involved in the rule is that for the remainder of this session whenever a conference report shall have been presented and read there shall be ten minutes' debate upon the report, and no more, and at the end of that time the previous question shall be considered as ordered on agreeing to said report. The House will see that that eliminates one roll call on each conference report and limits the debate upon the conference report. Mr. Speaker, if there is no debate demanded or required, I will ask for the previous question.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I would like to have the gentleman yield to us the usual twenty minutes.

Mr. GROSVENOR. Certainly; if the gentleman from Tennessee desires twenty minutes he can have it and control it. I will reserve the balance of my time.

Mr. BARTHOLDT. Mr. Speaker, I should like to ask the gentleman from Ohio a question.

The SPEAKER. Does the gentleman from Ohio yield to the gentleman from Missouri?

Mr. GROSVENOR. Yes; for a question.

Mr. BARTHOLDT. According to this rule in the case of conference reports there are ten minutes of debate. Why is not the same principle accorded to the immigration bill? I understand the immigration bill has been changed in the Senate beyond recognition, and it seems to me the House is entitled to know what the bill is at the present time. If the bill is passed without an opportunity for discussion, I think it is not quite fair toward those who take an interest in that question.

Mr. GROSVENOR. It is enough to say, Mr. Speaker, that the subject-matter has been before Congress for a long time, and only by unanimous consent can we have any debate upon it.

Mr. PAYNE. Let me ask the gentleman, is not that the same provision already adopted in relation to appropriation bills?

Mr. GROSVENOR. Yes; it is the same.

Mr. PAYNE. And in regard to the discretion given the Speaker, I suppose that is provided for in order that the Speaker may lay before the House appropriation bills?

Mr. GROSVENOR. So the appropriation bills may have their right of way. Mr. Speaker, I reserve the remainder of my time.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, there are a number of reasons why this rule should not be adopted. In the first place, the most important part of the rule is that section that provides that the great conference reports coming before this House, carrying millions of dollars, items involving the great expenditures for the Government, shall be considered in this House with only ten minutes of debate.

The Republican party presents this spectacle before the country: That it is unable to do business and give that business consideration. It shows that the individual members of this House are no longer to be trusted in the councils of the nation; that a few men who constitute the leadership of this House, and the men who are on the conference committees, must determine what legislation the country shall have, and the membership of this House, regardless of the responsibilities which they owe to their constituencies, must be forced under whip and spur, with their mouths gagged, to appropriate millions of dollars without knowing what items they are voting for. That is the effect of the first clause of this rule which is brought in here for you to adopt.

The second clause provides that you shall reject every Senate amendment to the immigration bill without an opportunity to consider it—that you must either pass the bill as it comes from the Senate, with the House bill emasculated practically in full, or send it back to the Senate with your conferees practically instructed to lie down and accept the bill as passed by the Senate.

There is one provision in the bill as it comes back from the Senate to which I would agree, and most heartily. I refer to the clause inserted here in the House bill that will prevent the selling of liquor in the Capitol of the United States. But outside of that single provision there is not one part of the House bill left that amounts to anything. It is merely a codification of the old laws with a few immaterial changes. The House bill raised the head tax from $1 to $1.50. The Senate bill puts that tax at $2. That is practically all that is left of the House bill. I ask you what has become of the provision of the House bill to protect the American laborer against the pauper labor of Europe?

Mr. SHATTUC rose.

Mr. UNDERWOOD. I have but five minutes and can not yield. I ask the gentleman not to interrupt me.

That provision of the House bill has been stricken out. The bill as it passed the House of Representatives provided an educational qualification for immigrants, so that the honest American laborer should not be forced to come in contact and in competition with the scum labor of Europe. It was not at the instance of the great transportation companies that that provision was put in this bill, but it was at the request and instance of labor itself. The united labor of this country petitioned Congress to protect it against the pauper labor of Europe; and yet to-day, when the Senate of the United States, at the instance of the great transportation companies of this country, has stricken out that

provision from the bill, the measure is brought back here, and under the order of this rule you are told to surrender the rights of those whom, as you showed by a very large vote when this bill was before the House, you were in favor of protecting.

You are ordered to surrender the rights of honest labor to corporate greed, with no chance left to protect the rights of your constituents.

[Here the hammer fell.]

Mr. RICHARDSON of Tennessee. I yield six minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS of Mississippi. Mr. Speaker, it is said that babbling brooks have their lessons and that there is a sermon in every stone. Perhaps there is a lesson in the present parliamentary situation. The partisan Republican press is solicitously trying to persuade the country that the Democratic minority, out of "revenge" because we did not "keep a Democrat in his seat," are attempting now to "hold up" the Government, to "stop the appropriations," "to stab the Government," and "suck away its life blood," and all that sort of thing. The country ought to know that present appropriations continue until July 1 next. It is well enough for the country to know that this situation is broader than that—very much broader in the lesson which it ought to teach.

Mr. Speaker, the Democrat minority is not acting simply out of a spirit of "revenge." It has had Democrats turned out, not once, but many times, without resort to present tactics. It has become necessary to teach the majority that it must respect the rights of the minority on this floor now and hereafter. [Applause on the Democratic side.] That is what this situation means. Had your rules been more generous, or if, with the strength of a giant, you had not attempted under your rules to act like a giant—brutally and unreasonably; if you had not attempted to bring 2,300 pages of evidence into this body and turn a member out upon that evidence before a single member of this House could learn its import—evidence that could not possibly be explained to the House in less than two legislative days; if you had allowed reasonable discussion—five hours on our side—and then had gone on and done what was right, there would have been no complaint. Had you done that, there would have been 28 or 30 members on the other side of the Chamber, fair and true—and, in my opinion, more than that number—who, hearing the testimony, would not have joined in perpetrating the outrage which you perpetrated the other day—not on evidence, but from personal prejudice and partisan blindness—this situation would not exist.

This situation means that the minority is hereafter going to use every constitutional and every parliamentary right which it has on this floor to make itself respected. And if, in the Fifty-eighth Congress, you turn out this or another man elected by 6,000 majority, just because you have a giant's strength, and choose to use it like a giant under your rules, then you will find that in that Congress, as in this, you will have to reckon with the minority.

You will lose time, prestige, and respect.

Suppose you have, by your unjust conduct, forced an extra session. You ought to welcome it. You would get a chance to pass the Littlefield bill, for which all of you voted in the House, through the Senate. You would get a chance to give the Interstate Commerce Commission power to fix reasonable freight rates for interstate commerce. You would get time to keep your statehood pledges to Arizona and New Mexico, time to deliver the goods you have promised to the bankers in the shape of a Fowler bill or an Aldrich bill.

Now, Mr. Speaker, this morning you bring in another rule. Do you know, Mr. Speaker, what you and your Republican colleagues remind me of? You remind me of the hero of the story of the first funeral at Wolfville in Alfred Henry Lewis's Tales of Wolfville.

The town had grown. It had baseball, it had put up a theater and opera house, and it had six or eight keno places. It was thriving like young towns in Arizona do. They had bought a cemetery and put an iron fence around it, and all that they waited for was a "stiff," as they called him, "to plant." After a while a gentleman was unfortunately killed one morning. The entire town met in mass meeting and concluded to have a funeral worthy of the deceased, a funeral which would do honor to the village. They met in solemn conclave and decided that every citizen would turn out and each should say something about the corpse. Some fellow explained that the chief thing at a funeral was to remember "de mortuis nil nisi bonum," which upon being explained was interpreted to mean that you "mustn't say nothin' bad about the stiff;" whereupon they all went out and all obeyed the rule until a certain man was reached, who felt that he could not help going into the character of the deceased just a little bit. He said, "Gentlemen, I must say this much," after having praised him a great deal, "that the corpse did have one serious defect. He hardly ever played a game to the finish without wanting to change the rules to suit his hand." [Applause and laughter on the Democratic side.]

Now, this is the second time you gentlemen have come in to change the rules to suit your hand, and yet you have told us frequently beforehand that you have rules under which you could do business. I will tell you why you did business under them. You did it because you had a patriotic minority that wanted right business done, and whenever you fail to respect the rights of that minority they will show you that under whatever rules you may adopt—because there are some few things which you can not change, the constitutional right for a fifth to have the yeas and nays and a few things like that—they will teach you now and hereafter that their rights must be respected. We ask nothing but right, not favors nor generosities, and I want the country to understand that this fight is upon a higher plane than mere revenge for a contested-election case. I remember another thing in the Wolfville Tales that might be inscribed upon the tombstone of the Republican party when it comes to die. [Laughter and cries of "Oh" on the Republican side.]

Oh, it will die. Every "old party" that has ever faced the Democracy has died. [Applause on the Democratic side.] It is just a question of time. We are the old historic party. You change your clothes from time to time, and your name, but you are under your clothes the same old Federalistic skeleton and the people always after a while find it out. [Applause on Democratic side.] There is another saying in the Wolfville Tales, as I was about to say, which I think ought to be inscribed on the tombstone of the Republican party when it dies, and that was the utterance of one man who——

The SPEAKER. The time of the gentleman has expired.

Mr. RICHARDSON of Tennessee. I yield three minutes more to the gentleman.

Mr. WILLIAMS of Mississippi. Mr. Speaker, he said that "the straight sort of a fellow is not the fellow who holds the best hand, but the fellow that makes a bad hand win." [Applause and laughter.] He foresaw the Republican spirit. Now, I want to call attention to this first rule that changes the rules of the House to suit your hand. Here it is. Here is the question. Have you gentlemen noticed that whenever the Speaker gets up to put this question he raises this thing up and reads it, for fear he might make a mistake? [Laughter.]

Will the House agree to said amendments en bloc and ask a conference with the Senate?

Why, that is not even law French. That is good French, and it is the first time in the history of the world that good French was ever put in an English law. Have you ever noticed that when people want to do or excuse something mean they clothe the idea in French?

I am confidentially informed, although I do not want to give away the secrets of a committee, that when this matter came up in the Rules Committee the gentleman from Illinois [Mr. CANNON] turned at once to the Speaker and said: "Mr. Speaker, what do these words 'en bloc' here mean? Of course I am going to stand behind you, and I am going to defend whatever we do, but it is nothing but right to let me know what I am defending before I get in." [Laughter.] Whereupon the Speaker is reported to have said: "Joe, upon my soul, I don't know what they mean myself." [Laughter.]

And he is reported to have turned to that scholastic linguist, the gentleman from Pennsylvania [Mr. DALZELL], and to have said: "John, we have got to defend it. What do those words mean?" Whereupon the gentleman from Pennsylvania is reported to have said that the gentleman from Wisconsin [Mr. BABCOCK], the chairman of the Republican national Congressional committee, had informed him that it had something to do with putting the amendments through by blocks of five. Whereupon the gentleman from Illinois said: "Oh, well, I can stand for that; that is a recognized principle of the party," and the Speaker assented. [Laughter.] But, Mr. Speaker, I not only object to the unprecedented linguistics of this resolution—real good French in a statute, you know, is a thing that never was heard of before; nothing but Norman and law French being put into statutes—but I object to its logic still more. Listen to this magnificent "therefore," this irresistible "sequitur." What is it?

Will the House agree to said amendments en bloc and ask a conference with the Senate? And if this motion shall be decided in the affirmative, the Speaker shall at once appoint the conferees—

And so forth. That is well enough, but listen to this magnificent "therefore" from the one premise:

If the House shall decide said motion in the negative—

Namely, that they do not agree to all the amendments "en bloc"—they may object to one or two amendments that are not en bloc, or something of that sort, but—

The effect of said vote shall be to agree to all of said amendments.

The unwillingness to talk plain English is worthy of the Republican party. The logic is worthy of the Republican party. The situation is worthy of the Republican party. [Applause on the Democratic side.]

[Here the hammer fell.]

Mr. RICHARDSON of Tennessee. Mr. Speaker, how much time is remaining of my twenty minutes?

The SPEAKER. Six minutes remaining.

Mr. RICHARDSON of Tennessee. I should like to ask the gentleman from Ohio if he is going to close with more than one speech. If so, I think he ought to put forward one of his speakers.

Mr. GROSVENOR. I shall not have more than one in closing.

Mr. RICHARDSON of Tennessee. How much time is left to the other side, Mr. Speaker?

The SPEAKER. They have thirty-six minutes of the hour left.

Mr. RICHARDSON of Tennessee. I supposed the gentleman would use the same time he accorded to us. I do not know whether he will do that or not. I ask the gentleman what his purpose is in that respect?

Mr. GROSVENOR. How much time have I used?

The SPEAKER. The gentleman has used four minutes.

Mr. GROSVENOR. I will only use sixteen minutes.

Mr. RICHARDSON of Tennessee. Will you use it in one speech, or more?

Mr. GROSVENOR. In one speech.

Mr. RICHARDSON of Tennessee. Then I yield the remaining six minutes to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, since the question of the composition of the rule is before the House, it seems to me that at least passing justice ought to be done to the gentleman from Ohio [Mr. GROSVENOR]. I have reason to conclude that, as he has very lately been in authorship pretty largely, he really is the gentleman who interspersed this bit of French with a considerable amount of English.

Now, I do not think it is just to our Republican friends to criticise them for employing a foreign language for the expression of part of what they intend. It must have required a good deal of desperation—I will not call it courage, because I wish to be as accurate as I can under the circumstances [laughter]—to formulate and bring forward this rule. It is asking too much to demand that it should be expressed in English.

The gentlemen, I think, deserve credit for the fact that they managed to get along with so little foreign language in the formulation of the rule. Of course, the thing to be accomplished by the rule is foreign entirely to all of our legislative history and to all legislative precedent in this House, and everywhere else, where people are supposed to govern themselves, or have respect for law or for the proprieties under the law. But the very fact that that is true affords an additional reason why these gentlemen should resort to a foreign language, inasmuch as they are to resort to foreign methods.

The gentlemen had a little session yesterday. I wonderd at first what it was called for, whether it was to instruct our new member [Mr. WAGONER], the neophite in legislative operations, or whether it was to receive instruction from the new professor of political economy, hurried into this House without a quorum.

We were not enlightened by the proceedings. The country is yet left in doubt sublime as to whether our new brother [Mr. WAGONER] received instructions, or whether we received instructions from our new brother [Mr. WAGONER]. At all events, the traditions of the majority of the American citizens who believe in the observance of the Sabbath day, who believe that six days a week are sufficient to do the work necessary to be done, and that every seventh day even the Republican majority of the House might afford to rest from its vehement labors, was disregarded and a session was held.

Gentlemen here suggest that there was necessity for it. They know very well, as the country knows, that there was none. If you mean that you desire to get through Congress and into law a lot of measures that ought not to go through, then six days of the week of ordinary procedure are not enough for their enactment; then there is a species of necessity; but if you have reference to necessary and proper legislation, with proper and decorous procedure, then there could be no occasion for the desecration of the Sabbath, no necessity for disregarding everything sacred in legislative history and riding roughshod over the minority by a majority, having taken a seat here without the sanction of a majority. It is in accordance with the beliefs and practices of the people who sent you here to respect the Sabbath, but the reverse of that goes to effectuate a state of things such as you design to perform.

There is a suggestion that upon this side we are blocking legislation and unnecessarily consuming time. It is a great misapprehension by those who may have it. It is a great misstatement by those who know it is not true. We are merely employing the methods of the Constitution. We are merely affording you a new and novel spectacle of legislating in accordance with the requirements of law, of the higher law, the Constitution of the United States, a law which all of us swore to obey. That is all. We are not forcing upon you anything revolutionary, we are not standing in the way of progress or order or the Constitution, but we are insisting that your progress shall be as the Constitution prescribes, and that for your conduct you shall take the responsibility of the roll call, so that there shall be seen upon the records, to be read of all men concerned, the story of what you do and how you do it. We are in no way revolutionary, are not repressing anything. We are not interfering with the progress of legislation; but in our course is everything to be commended and everything to be emulated, nothing to be regretted and nothing to be condemned.

It was suggested by my colleague from Missouri [Mr. BARTHOLDT] that under this rule here we are to deal with this immigration bill without knowing what is in it. The gentleman says that it is brought here so amended that its best friend would not recognize it. It may be, as he says, a little hard, but it is the kind of hardness that you are bringing upon yourselves. That is the purpose of this resolution, and gentlemen who vote for it must know it. [Loud applause on the Democratic side.]

Mr. GROSVENOR. Mr. Speaker, the gentleman from Missouri has quoted a text from the Bible: "Six days shalt thou labor, and do all thy work." That proposition was enunciated when the maker of the Ten Commandments did not, apparently, foresee the possibility of the presence upon the earth of the Democratic party. [Laughter on the Republican side.] However, with a sort of foresight of what might happen, there was a proviso put in somewhere, that if on any occasion on the Sabbath day it should be found that the ox or the ass of anybody had fallen into a pit, that it should be the duty of good men to get it out. [Laughter.] That seemed to be a foresight of the possibility that there might be a Democratic party, and it might get into the fix that the Democrats of this House are in now. [Renewed laughter.] Now, the ox is pulling the ass out [renewed laughter] and we hope to land it on safe ground before Wednesday next.

Now, I want to refer to the proposition made by the distinguished gentleman from Mississippi in regard to the language of this resolution. I know the authority from which I am going to read will commend itself to the gentleman. I read from Jefferson's Manual, page 194 of the Constitution and Manual, that I hold in my hand. The criticism of the gentleman is that if we vote upon the question of agreeing to these amendments all at one time, or vote in the negative, that it is a non sequitur to say that that carries the inference with it which we have provided for. Now, I want to show the gentleman how utterly ignorant Thomas Jefferson was in his day in regard to this:

> Either of these concludes the other—

That is—

> First, to agree; second, to disagree. Either of these concludes the other necessarily, for the positive of either is exactly the equivalent to the negative of the other, and no other alternative remains.

I will publish a little further extract in my speech.

Then he says:

> It does not raise so necessary an implication as may authorize the Secretary by inference to enter another vote, for two alternatives still remain, either of which may be adopted by the House.

It was unfortunate that Jefferson did not have the learned criticism of the gentleman from Mississippi before he wrote his manual of parliamentary procedure. Now, as to the character of the language used. On one occasion we had a bill pending in this House with 600 amendments. Six hundred! That was all. It had become a bill of infamy; the Democratic President said it was a measure of "perfidy and dishonor;" that is, a disgraceful bill—a bill that was so dirty that he would not sign it, and the Democratic minority in this House discharged the conference committee——

Several MEMBERS. Democratic majority!

Mr. GROSVENOR. Yes. I have got so used to talking about the Democratic minority that the other word does not come readily to hand. [Laughter.] By a special order of the House they decided to recede from its disagreement and agree to all the amendments at once without any debate. Here is the language that they used, and I submit to gentlemen with intelligence which is the better language:

> *Resolved*, That after the adoption of this resolution it shall be in order in the House to move that the order heretofore made requesting a conference with the Senate on the disagreeing votes of the two Houses on H. R. 4864 (the tariff bill) be rescinded; that the conferees heretofore appointed on the part of the House be discharged from further duty in that behalf, and that the House recede from its disagreement to the Senate amendments to said bill in gross, and agree to the same.

"In gross." Now, that is Democracy as against "en bloc." [Laughter on the Republican side.]

Mr. DALZELL. Will the gentleman from Ohio allow me a suggestion?

Mr. GROSVENOR. Yes.

Mr. DALZELL. They not only perpetrated that infamy, but did it when the papers were absolutely in the hands of the Senate and not before the House.

Mr. GROSVENOR. On the attempt to pass that rule we demanded to know whether the thing itself, the papers that we were going to create into a revenue law, were in the House, and it had to be admitted that they were not in our possession; but we went right ahead "in gross" and did the infamous act. That was branded as an act of "perfidy and dishonor" by a Democratic President, and the people of the United States have branded it as a double infamy from that time to this every time they have had a chance to vote. [Applause on the Republican side.]

Now, Mr. Speaker, there is not a man in this House but knows exactly what these questions are, and I was glad to see a glimmering of conscientious conviction in the language of my friend from Mississippi [Mr. WILLIAMS], when he said it was not at all the expulsion from this House of a Democrat and the seating of a Republican, but it was much broader than that about which all this trouble is made. Well, it has been broadening out ever since the caucus resolution. The Democratic caucus published its resolution and we have it, and it charged simply and solely that we had improvidently and unwisely expelled a member and seated another, and therefore they would take revenge.

And now, gentlemen, the whole country understands that making an excuse—a flimsy, an unwarranted, an unworthy excuse—of the settlement of a contested-election case, you have tried to paralyze this Government. [Applause on the Republican side.] I do not say in the language of the gentleman from Mississippi [Mr. WILLIAMS] that you are going to do that, for you can not do it. There is a power here greater than your power. There is the power of the people of the United States delegated to the majority on this side, and it has orders from that high tribunal to pass these appropriation bills and keep the institutions of the country running, and we are going to do it. [Loud applause on the Republican side.]

We are going to take every necessary step in order to do it. We will do it because it is our duty; we will do it because you have thrust this challenge in our face; we will do it because the people of the country expect us to do it; and we will do it because we are willing to sacrifice our time, to stay all night answering roll calls on your demand, and do anything that the interests of the country shall not suffer. [Applause on the Republican side.] The Army shall not be destroyed. [Derisive cries on the Democratic side.] The Navy shall go on to completion. The Agricultural bill shall be passed, that agriculture shall flourish. The Post-Office bill shall be passed, that the mails shall be carried. And in the end you will come out just where revolution, insurrection, mobocracy, disregard of law, and disregard of duty always land a political organization. [Loud applause on the Republican side.]

Mr. WILLIAMS of Mississippi rose.

The SPEAKER. Does the gentleman from Ohio yield to the gentleman from Mississippi?

Mr. GROSVENOR. Yes, if it is a question.

Mr. WILLIAMS of Mississippi. Is not the gentleman from Ohio aware that the present appropriations continue until July 1 and that the President can call an extra session to pass these appropriation bills and also give you a chance to pass some other bills like the Littlefield antitrust bill? [Laughter on the Democratic side.]

Mr. GROSVENOR. If I was a candidate for Speaker or for the place of leader of the minority and had the pledges necessary for my election, possibly I might be willing to have an extra session. [Laughter.] But under the existing circumstances I think it would be better to let our Democratic friends go home and come back here next December instructed by such elections as we are going to have in the country, and I do not believe that when we turn somebody else out of this House or refuse to turn him out there will be another "insurgent" insurrection started on the Democratic side. [Laughter and applause on the Republican side.]

Mr. Speaker, this is the plain duty of the hour. No harm can come to the legislation of the country as compared with an extra session or with the constant obstruction that has been going on. It is the wisdom of the Republican side of the House; it is the assumption of their duty, and having discharged that duty they will answer to God and the country for an approval thereof. [Loud applause on the Republican side.]

Mr. Speaker, I ask for a vote.

The SPEAKER. As many as are in favor of the adoption of this rule——

Mr. RICHARDSON of Tennessee. Mr. Speaker——

Mr. GROSVENOR. I ask for the previous question.

The question was put.

The SPEAKER. The ayes appear to have it.

Mr. RICHARDSON of Tennessee. I demand a division.

Mr. GROSVENOR. I ask for the yeas and nays.

The question was taken on ordering the previous question; and there were—yeas 163, nays 103, answered "present" 10, not voting 75; as follows:

YEAS—163.

Adams,	Darragh,	Hitt,	Payne,
Alexander,	Davidson,	Holliday,	Perkins,
Allen, Me.	Deemer,	Hopkins,	Powers, Me.
Aplin,	Douglas,	Howell,	Powers, Mass.
Babcock,	Dovener,	Hughes,	Reeder,
Ball, Del.	Draper,	Irwin,	Reeves,
Barney,	Driscoll,	Jackson, Md.	Roberts,
Bartholdt,	Dwight,	Jenkins,	Schirm,
Bates,	Eddy,	Jones, Wash.	Scott,
Beidler,	Emerson,	Kahn,	Shattuc,
Bishop,	Esch,	Knapp,	Shelden,
Blackburn,	Evans,	Kyle,	Sibley,
Blakeney,	Fletcher,	Lacey,	Smith, Ill.
Boreing,	Foerderer,	Lessler,	Smith, Iowa
Boutell,	Fordney,	Lewis, Pa.	Smith, H. C.
Bowersock,	Foss,	Littauer,	Smith, S. W.
Brandegee,	Foster, Vt.	Littlefield,	Southard,
Brick,	Fowler,	Long,	Southwick,
Bromwell,	Gaines, W. Va.	Loudenslager,	Sperry,
Brown,	Gardner, Mass.	Lovering,	Steele,
Brownlow,	Gardner, Mich.	McCall,	Stevens, Minn.
Bull,	Gardner, N. J.	McCleary,	Storm,
Burk, Pa.	Gibson,	McLachlan,	Sulloway,
Burke, S. Dak.	Gillet, N. Y.	Mahon,	Tawney,
Burkett,	Glass,	Marshall,	Tayler, Ohio
Burleigh,	Graff,	Martin,	Thomas, Iowa
Burton,	Graham,	Mercer,	Tirrell,
Butler,	Greene, Mass.	Minor,	Van Voorhis,
Calderhead,	Grosvenor,	Mondell,	Vreeland,
Capron,	Grow,	Moody,	Wachter,
Connell,	Hamilton,	Morgan,	Wadsworth,
Conner,	Hanbury,	Morrell,	Wagoner,
Coombs,	Haskins,	Moss,	Wanger,
Cooper, Wis.	Haugen,	Mudd,	Warner,
Cousins,	Heatwole,	Needham,	Warnock,
Creamer,	Hedge,	Olmsted,	Watson,
Cromer,	Hemenway,	Otjen,	Weeks,
Crumpacker,	Henry, Conn.	Overstreet,	Woods,
Currier,	Hepburn,	Palmer,	Wright,
Cushman,	Hildebrant,	Parker,	Young.
Dalzell,	Hill,	Patterson, Pa.	

NAYS—103.

Adamson,	Finley,	Livingston,	Shackleford,
Allen, Ky.	Fitzgerald,	Lloyd,	Sheppard,
Bankhead,	Flanagan,	McAndrews,	Sims,
Bartlett,	Fleming,	McClellan,	Slayden,
Bell,	Flood,	McLain,	Small,
Benton,	Gaines, Tenn.	Maddox,	Smith, Ky.
Billmeyer,	Gilbert,	Mahoney,	Snodgrass,
Bowie,	Goldfogle,	Maynard,	Sparkman,
Breazeale,	Gordon,	Miers, Ind.	Spight,
Broussard,	Green, Pa.	Moon,	Stark,
Brundidge,	Griggs,	Mutchler,	Sulzer,
Burleson,	Hay,	Norton,	Swann,
Caldwell,	Hooker,	Padgett,	Swanson,
Candler,	Howard,	Patterson, Tenn.	Tate,
Cassingham,	Jackson, Kans.	Pierce,	Taylor, Ala.
Clark,	Jones, Va.	Randell, Tex.	Thomas, N. C.
Clayton,	Kehoe,	Richardson, Ala.	Thompson,
Cooper, Tex.	Kern,	Richardson, Tenn.	Trimble,
Cowherd,	Kitchin, Claude	Rixey,	Underwood,
Crowley,	Kitchin, Wm. W.	Robb,	Vandiver,
Davey, La.	Kluttz,	Robertson, La.	White,
Davis, Fla.	Lamb,	Robinson, Ind.	Wiley,
De Armond,	Lester,	Rucker,	Williams, Ill.
Dinsmore,	Lever,	Russell,	Williams, Miss.
Dougherty,	Lewis, Ga.	Ryan,	Zenor.
Feely,	Little,	Selby,	

ANSWERED "PRESENT"—10.

Burgess,	Lindsay,	Miller,	Showalter.
Gillett, Mass.	Mann,	Prince,	
Joy,	Metcalf,	Sherman,	

NOT VOTING—75

Acheson,	Elliott,	Lawrence,	Ruppert,
Ball, Tex.	Foster, Ill.	Loud,	Scarborough,
Bellamy,	Fox,	McCulloch,	Shafroth,
Belmont,	Gill,	McDermott,	Shallenberger,
Bingham,	Glenn,	McRae,	Skiles,
Brantley,	Gooch,	Meyer, La.	Smith, Wm. Alden
Bristow,	Griffith,	Mickey,	Snook,
Burnett,	Henry, Miss.	Morris,	Stephens, Tex.
Cannon,	Henry, Tex.	Naphen,	Stewart, N. J.
Cassel,	Hull,	Neville,	Stewart, N. Y.
Cochran,	Jack,	Nevin,	Sutherland,
Conry,	Jett,	Newlands,	Talbert,
Cooney,	Johnson,	Pearre,	Thayer,
Corliss,	Ketcham,	Pou,	Tompkins, N. Y.
Curtis,	Kleberg,	Pugsley,	Tompkins, Ohio
Dahle,	Knox,	Ransdell, La.	Wheeler,
Dayton,	Landis,	Reid,	Wilson,
Dick,	Lassiter,	Rhea,	Wooten.
Edwards,	Latimer,	Robinson, Nebr.	

So the previous question was ordered.

The following additional pairs were announced:

Until further notice:

Mr. CANNON with Mr. MCRAE.

Mr. CORLISS with Mr. JOHNSON.

Mr. SHOWALTER with Mr. LATIMER.

Mr. JACK with Mr. SCARBOROUGH.

On this vote:

Mr. LAWRENCE with Mr. RHEA.

The SPEAKER. The question is now on agreeing to the resolution reported from the Committee on Rules.

The question was put.

The SPEAKER. The ayes appear to have it.

Mr. UNDERWOOD. I call for a division.

Mr. WANGER and Mr. PAYNE demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 153, nays 102, answered "present" 7, not voting 89; as follows:

YEAS—153.

Acheson,	Driscoll,	Kahn,	Reeder,
Adams,	Eddy,	Ketcham,	Reeves,
Alexander,	Esch,	Knapp,	Roberts,
Allen, Me.	Evans,	Kyle,	Schirm,
Aplin,	Fletcher,	Lacey,	Scott,
Ball, Del.	Foerderer,	Landis,	Shattuc,
Barney,	Fordney,	Lessler,	Shelden,
Bates,	Fowler,	Lewis, Pa.	Sibley,
Beidler,	Gaines, W. Va.	Littauer,	Smith, Ill.
Blackburn,	Gardner, Mich.	Littlefield,	Smith, Iowa
Blakeney,	Gardner, N. J.	Long,	Smith, H. C.
Boutell,	Gibson,	Loudenslager,	Smith, S. W.
Bowersock,	Gill,	Lovering,	Smith, Wm. Alden
Brick,	Gillet, N. Y.	McCall,	Southard,
Brown,	Graff,	McCleary,	Southwick,
Brownlow,	Graham,	McLachlan,	Sperry,
Bull,	Greene, Mass.	Mahon,	Steele,
Burk, Pa.	Grosvenor,	Marshall,	Stevens, Minn.
Burke, S. Dak.	Grow,	Martin,	Storm,
Burkett,	Hamilton,	Mercer,	Sulloway,
Burleigh,	Hanbury,	Minor,	Tawney,
Burton,	Haskins,	Mondell,	Tayler, Ohio
Butler,	Haugen,	Moody,	Thomas, Iowa
Calderhead,	Heatwole,	Morgan,	Tirrell,
Cannon,	Hedge,	Morrell,	Van Voorhis,
Capron,	Hemenway,	Morris,	Vreeland,
Cassel,	Henry, Conn.	Moss,	Wadsworth,
Connell,	Hepburn,	Mudd,	Wagoner,
Conner,	Hildebrant,	Needham,	Wanger,
Cousins,	Hill,	Olmsted,	Warner,
Cromer,	Hitt,	Otjen,	Warnock,
Currier,	Holliday,	Overstreet,	Watson,
Cushman,	Hopkins,	Palmer,	Weeks,
Dalzell,	Howell,	Parker,	Woods,
Darragh,	Hughes,	Patterson, Pa.	Wright,
Davidson,	Hull,	Payne,	Young.
Deemer,	Irwin,	Pearre,	
Douglas,	Jackson, Md.	Perkins,	
Draper,	Jones, Wash.	Powers, Mass.	

NAYS—102.

Adamson,	Finley,	Lever,	Ryan,
Allen, Ky.	Fitzgerald,	Lewis, Ga.	Selby,
Bankhead,	Flanagan,	Lindsay,	Shackleford,
Bartlett,	Fleming,	Little,	Sheppard,
Benton,	Flood,	Lloyd,	Sims,
Billmeyer,	Gaines, Tenn.	Loud,	Slayden,
Bowie,	Gilbert,	McAndrews,	Small,
Breazeale,	Glass,	McClellan,	Smith, Ky.
Broussard,	Goldfogle,	McCulloch,	Snodgrass,
Brundidge,	Gooch,	McLain,	Sparkman,
Burleson,	Gordon,	McRae,	Spight,
Caldwell,	Green, Pa.	Maddox,	Stark,
Candler,	Griggs,	Maynard,	Swanson,
Cassingham,	Hay,	Miers, Ind.	Tate,
Clark,	Hooker,	Moon,	Taylor, Ala.
Clayton,	Howard,	Mutchler,	Thomas, N. C.
Cooney,	Jackson, Kans.	Norton,	Trimble,
Cooper, Tex.	Jones, Va.	Padgett,	Underwood,
Cowherd,	Kehoe,	Randell, Tex.	Vandiver,
Crowley,	Kern,	Richardson, Ala.	White,
Davey, La.	Kitchin, Claude	Richardson, Tenn.	Wiley,
Davis, Fla.	Kitchin, Wm. W.	Rixey,	Williams, Ill.
De Armond,	Kluttz,	Robb,	Williams, Miss.
Dinsmore,	Lamb,	Robinson, Ind.	Zenor.
Dougherty,	Latimer,	Rucker,	
Feely,	Lester,	Russell,	

ANSWERED "PRESENT"—7.

Dayton,	Jack,	Mann,	Sherman.
Foster, Vt.	Joy,	Miller,	

NOT VOTING—89.

Babcock,	Dahle,	Livingston,	Shafroth,
Ball, Tex.	Dick,	McDermott,	Shallenberger,
Bartholdt,	Dovener,	Mahoney,	Showalter,
Bell,	Dwight,	Metcalf,	Skiles,
Bellamy,	Edwards,	Meyer, La.	Snook,
Belmont,	Elliott,	Mickey,	Stephens, Tex.
Bingham,	Emerson,	Naphen,	Stewart, N. J.
Bishop,	Foss,	Neville,	Stewart, N. Y.
Boreing,	Foster, Ill.	Nevin,	Sulzer,
Brandegee,	Fox,	Newlands,	Sutherland,
Brantley,	Gardner, Mass.	Patterson, Tenn.	Swann,
Bristow,	Gillett, Mass.	Pierce,	Talbert,
Bromwell,	Glenn,	Pou,	Thayer,
Burgess,	Griffith,	Powers, Me.	Thompson,
Burnett,	Henry, Miss.	Prince,	Tompkins, N. Y.
Cochran,	Henry, Tex.	Pugsley,	Tompkins, Ohio
Conry,	Jenkins,	Ransdell, La.	Wachter,
Coombs,	Jett,	Reid,	Wheeler,
Cooper, Wis.	Johnson,	Rhea,	Wilson,
Corliss,	Kleberg,	Robertson, La.	Wooten.
Creamer,	Knox,	Robinson, Nebr.	
Crumpacker,	Lassiter,	Ruppert,	
Curtis,	Lawrence,	Scarborough,	

So the resolution was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. CORLISS with Mr. BELLAMY.

Mr. CURTIS with Mr. BURGESS.

For the vote:

Mr. JENKINS with Mr. WILLIAMS of Illinois.

Mr. BABCOCK with Mr. BALL of Texas.

Mr. BARTHOLDT with Mr. JOHNSON.

Mr. LAWRENCE with Mr. MCDERMOTT.

The result of the vote was announced as above recorded.

FORTIFICATIONS APPROPRIATION BILL.

Mr. HEMENWAY. Mr. Speaker, I call up the conference report on the bill (H. R. 17046) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and move the adoption thereof.

The SPEAKER. The gentleman from Indiana calls up the conference report on the fortifications appropriation bill. The Clerk will read the report and the statement.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17046) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 4, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: At the end of said amendment, after the word "appropriated," insert: "*Provided*, That if in the judgment of the Secretary of War the carriage, emplacement, and loading mechanism can be completed for the sum hereby appropriated, and when completed will be of service to the Government, the appropriation herein made shall be available;" and the Senate agree to the same.

GEO. C. PERKINS,
F. E. WARREN,
B. R. TILLMAN,
Managers on the part of the Senate.

J. A. HEMENWAY,
LUCIUS N. LITTAUER,
THOS. C. MCRAE,
Managers on the part of the House.

The statement on the part of the managers of the House is as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 17046) making appropriations for fortifications, submit the following written statement of the effect of the action agreed upon in the accompanying conference report on each of the Senate amendments, namely:

On amendment numbered 1: Inserts the provision proposed by the Senate relating to the purchase of land on Cushings Island, Maine.

On amendment numbered 2: Inserts the provision proposed by the Senate with reference to the expenditure of moneys appropriated by the act under the respective bureaus of the War Department.

On amendment numbered 3: Appropriates $199,473.22, as proposed by the Senate, instead of $145,000, as proposed by the House, for manufacture of guns under contract.

On amendment numbered 4: Accepts the language proposed by the Senate in the paragraph appropriating $265,000 for steel breech-loading field guns and their carriages.

On amendment numbered 5: Appropriates $40,000 additional, as proposed by the Senate, for the Emery elevating carriage, and adds a further provision that the sum shall be available if in the judgment of the Secretary of War it can be completed for the sum named and when completed will be of service to the Government.

The bill as finally agreed upon appropriates $7,188,416.22, being $94,473.22 more than as it passed the House, $110,538.78 less than the appropriations for the current year, and $8,036,903.78 less than the estimates.

J. A. HEMENWAY,
LUCIUS N. LITTAUER,
THOS. C. MCRAE,
Managers on the part of the House.

Mr. UNDERWOOD and Mr. HEMENWAY rose.

The SPEAKER. The gentleman from Indiana is recognized for ten minutes.

Mr. UNDERWOOD. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. UNDERWOOD. I desire to know the ruling of the Chair under this special rule. I think the Chair has indicated it, but I will ask the Chair to state as to whether or not the minority are entitled to any time whatever under this new rule.

The SPEAKER. The gentleman from Indiana controls the time.

Mr. UNDERWOOD. I would like to ask the gentleman from Indiana if it is his purpose, under the ten minutes allotted for debate on this question, to recognize the minority's right to have any of that time.

Mr. HEMENWAY. Mr. Speaker, I yield five minutes to the gentleman now, if he desires it.

Mr. UNDERWOOD. I wanted to know what the purpose of the gentleman was.

Mr. HEMENWAY. I yield the time right now.

Mr. UNDERWOOD. Then I will yield it back to the gentleman. [Laughter.]

Mr. HEMENWAY. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken and the Speaker announced that the ayes appeared to have it.

Mr. UNDERWOOD called for a division.

The House proceeded to divide.

Mr. HEMENWAY. Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 202, nays 14, answered "present" 9, not voting 126; as follows:

YEAS—202.

Adamson,	Darragh,	Howard,	Patterson, Pa.
Alexander,	Davidson,	Howell,	Payne,
Allen, Ky.	Davis, Fla.	Hull,	Pearre,
Allen, Me.	De Armond,	Irwin,	Perkins,
Aplin,	Deemer,	Jack,	Pierce,
Ball, Del.	Dinsmore,	Jackson, Kans.	Powers, Mass.
Bankhead,	Douglas,	Jackson, Md.	Reeder,
Barney,	Dovener,	Jenkins,	Reeves,
Bartholdt,	Draper,	Johnson,	Richardson, Tenn.
Bartlett,	Driscoll,	Jones, Va.	Robb,
Bates,	Eddy,	Kahn,	Roberts,
Beidler,	Emerson,	Kern,	Robinson, Ind.
Benton,	Esch,	Ketcham,	Ryan,
Billmeyer,	Evans,	Kluttz,	Scott,
Bishop,	Feely,	Knapp,	Selby,
Blackburn,	Finley,	Kyle,	Shattuc,
Blakeney,	Flanagan,	Lacey,	Shelden,
Boreing,	Fletcher,	Landis,	Sibley,
Boutell,	Foerderer,	Lessler,	Small,
Bowersock,	Fordney,	Lever,	Smith, Ill.
Bowie,	Foss,	Littauer,	Smith, Wm. Alden
Brandegee,	Fowler,	Livingston,	Southard,
Breazeale,	Gaines, Tenn.	Lloyd,	Southwick,
Brick,	Gaines, W. Va.	Long,	Steele,
Bromwell,	Gardner, Mass.	Loudenslager,	Stevens, Minn.
Broussard,	Gardner, Mich.	Lovering,	Sulloway,
Brown,	Gardner, N. J.	McCleary,	Sulzer,
Brownlow,	Gibson,	McClellan,	Swann,
Burk, Pa.	Gilbert,	McCulloch,	Tate,
Burke, S. Dak.	Gill,	McLain,	Tawney,
Burkett,	Goldfogle,	Mahon,	Thomas, Iowa
Burleigh,	Gooch,	Mahoney,	Thomas, N. C.
Burleson,	Gordon,	Marshall,	Thompson,
Burton,	Graff,	Martin,	Tirrell,
Butler,	Graham,	Maynard,	Trimble,
Caldwell,	Green, Pa.	Mercer,	Underwood,
Candler,	Greene, Mass.	Mickey,	Van Voorhis,
Capron,	Grosvenor,	Minor,	Vreeland,
Cassel,	Grow,	Mondell,	Wadsworth,
Cassingham,	Hamilton,	Moody,	Wagoner,
Clark,	Hanbury,	Moon,	Warner,
Clayton,	Haskins,	Morgan,	Warnock,
Connell,	Hay,	Morrell	Watson,
Coombs,	Hedge,	Morris,	Weeks,
Cooper, Wis.	Hemenway,	Moss,	Wiley,
Cousins,	Henry, Conn.	Mutchler,	Williams, Ill.
Cowherd,	Hepburn,	Needham,	Williams, Miss.
Cromer,	Hildebrant,	Olmsted,	Young,
Crumpacker,	Hill,	Overstreet,	Zenor.
Currier,	Hitt,	Palmer,	
Dalzell,	Holliday,	Parker,	

NAYS—14.

Fitzgerald,	Lewis, Ga.	Padgett,	Sims,
Kitchin, Claude	Maddox,	Randell, Tex.	Smith, Ky.
Kitchin, Wm. W.	Miers, Ind.	Rhea,	
Latimer,	Newlands,	Rucker,	

ANSWERED "PRESENT"—9.

Glass,	Miller,	Shackleford,	Showalter,
Lindsay,	Rixey,	Sherman,	Slayden.
Mann,			

NOT VOTING—126.

Acheson,	Edwards,	Loud,	Smith, Iowa
Adams,	Elliott,	McAndrews,	Smith, H. C.
Babcock,	Fleming,	McCall,	Smith, S. W.
Ball, Tex.	Flood,	McDermott,	Snodgrass,
Bell,	Foster, Ill.	McLachlan,	Snook,
Bellamy,	Foster, Vt.	McRae,	Sparkman,
Belmont,	Fox,	Metcalf,	Sperry,
Bingham,	Gillet, N. Y.	Meyer, La.	Spight,
Brantley,	Gillett, Mass.	Mudd,	Stark,
Bristow,	Glenn,	Naphen,	Stephens, Tex.
Brundidge,	Griffith,	Neville,	Stewart, N. J.
Bull,	Griggs,	Nevin,	Stewart, N. Y.
Burgess,	Haugen,	Norton,	Storm,
Burnett,	Heatwole,	Otjen,	Sutherland,
Calderhead,	Henry, Miss.	Patterson, Tenn.	Swanson,
Cannon,	Henry, Tex.	Pou,	Talbert,
Cochran,	Hooker,	Powers, Me.	Tayler, Ohio
Conner,	Hopkins,	Prince,	Taylor, Ala.
Conry,	Hughes,	Pugsley,	Thayer,
Cooney,	Jett,	Ransdell, La.	Tompkins, N. Y.
Cooper, Tex.	Jones, Wash.	Reid,	Tompkins, Ohio
Corliss,	Joy,	Richardson, Ala.	Vandiver,
Creamer,	Kehoe,	Robertson, La.	Wachter,
Crowley,	Kleberg,	Robinson, Nebr.	Wanger,
Curtis,	Knox,	Ruppert,	Wheeler,
Cushman,	Lamb,	Russell,	White,
Dahle,	Lassiter,	Scarborough,	Wilson,
Davey, La.	Lawrence,	Schirm,	Woods,
Dayton,	Lester,	Shafroth,	Wooten,
Dick,	Lewis, Pa.	Shallenberger,	Wright.
Dougherty,	Little,	Sheppard,	
Dwight,	Littlefield,	Skiles,	

So the conference report was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. SAMUEL W. SMITH with Mr. LESTER.

On this vote:

Mr. CANNON with Mr. MCRAE.

Mr. WANGER with Mr. ADAMSON.

The result of the vote was announced as above recorded.

IMMIGRATION.

The SPEAKER pro tempore (Mr. SHERMAN) laid before the House the Senate amendments to the bill (S. 12199) to regulate the immigration of aliens into the United States.

The Senate amendments were read.

During the reading of the Senate amendments,

Mr. WILLIAMS of Mississippi said: Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. WILLIAMS of Mississippi. I rise to a point of order. This is a very important matter before the House, and I suggest that there is no quorum present.

The SPEAKER pro tempore. The last roll call disclosed the presence of nearly three-fourths of the House. The Chair therefore overrules the point of order.

Mr. GAINES of Tennessee. Does the Chair see three-fourths present now?

Mr. WILLIAMS of Mississippi. Mr. Speaker, I believe I have the floor. The other day, in the presence of two votes, each one disclosing that there was not a quorum, it was held that the suggestion of the absence of a quorum was dilatory. Now, if it is not held that two votes showing the absence of a quorum must bind the House, then, can it be held that one vote showing the presence of a quorum can bind the House? There is, as an ocular fact, no quorum present.

The SPEAKER pro tempore. The Chair holds that the last vote, taken but a very few moments ago, discloses the presence of nearly three-fourths of the House; he overrules the point of order made by the gentleman that no quorum is present.

Mr. WILLIAMS of Mississippi. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WILLIAMS of Mississippi. My parliamentary inquiry is, would the converse be true? If the last vote taken by the House had shown the absence of a quorum, would the Speaker hold himself bound by that?

The SPEAKER pro tempore. That was not the case. The Chair is deciding on the facts as they do exist, not on hypothetical questions.

Mr. ROBINSON of Indiana. There are not 50 Republicans in the House at this moment, as an actual fact.

The SPEAKER pro tempore. The Clerk will continue the reading. The Chair recognized the gentleman for a parliamentary inquiry.

Mr. GAINES of Tennessee. Will not the Chair recognize the gentleman to make the point of no quorum when he sees that no quorum is present?

The SPEAKER pro tempore. Gentlemen will be in order. The Clerk will proceed.

The Clerk resumed and completed the reading of the Senate amendments.

The SPEAKER pro tempore. The question is, Will the House disagree to said amendments en bloc and agree to the conference asked by the Senate?

The question being taken, the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RICHARDSON of Tennessee demanded a division.

Mr. PAYNE. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 181, nay 1, answered "present" 13, not voting 156; as follows:

YEAS—181.

Acheson,	Brundidge,	Crumpacker,	Gibson,
Adams,	Burk, Pa.	Currier,	Gilbert,
Adamson,	Burke, S. Dak.	Cushman,	Gill,
Alexander,	Burleigh,	Dalzell,	Gillet, N. Y.
Allen, Ky.	Burleson,	Darragh,	Graff,
Aplin,	Burton,	Davidson,	Graham,
Ball, Del.	Butler,	Deemer,	Greene, Mass.
Bankhead,	Calderhead,	Dinsmore,	Grosvenor,
Barney,	Candler,	Douglas,	Grow,
Bates,	Cannon,	Dovener,	Hamilton,
Beidler,	Capron,	Draper,	Hanbury,
Benton,	Cassel,	Driscoll,	Haskins,
Bishop,	Clark,	Eddy,	Haugen,
Blackburn,	Connell,	Esch,	Hedge,
Blakeney,	Conner,	Foerderer,	Hemenway,
Boutell,	Coombs,	Fordney,	Henry, Conn.
Bowersock,	Cooney,	Foss,	Hepburn,
Brandegee,	Cooper, Wis.	Fowler,	Hildebrant,
Brick,	Corliss,	Gaines, Tenn.	Hill,
Bromwell,	Cousins,	Gaines, W. Va.	Hitt,
Brown,	Creamer,	Gardner, Mich.	Holliday,
Brownlow,	Cromer,	Gardner, N. J.	Howell,

Hughes,	Mahon,	Perkins,	Sulloway,
Irwin,	Marshall,	Pierce,	Sulzer,
Jack,	Martin,	Powers, Mass.	Tawney,
Jackson, Md.	Maynard,	Reeder,	Tayler, Ohio
Jenkins,	Mercer,	Reeves,	Thomas, Iowa
Jones, Wash.	Mickey,	Richardson, Ala.	Thompson,
Kahn,	Miers, Ind.	Robb,	Tirrell,
Knapp,	Minor,	Roberts,	Van Voorhis,
Kyle,	Mondell,	Robinson, Ind.	Vreeland,
Lacey,	Moody,	Schirm,	Wachter,
Landis,	Morgan,	Shackleford,	Wagoner,
Lawrence,	Morrell,	Shattuc,	Wanger,
Lessler,	Morris,	Shelden,	Warner,
Lewis, Pa.	Moss,	Sibley,	Warnock,
Littauer,	Mudd,	Smith, Iowa	Watson,
Littlefield,	Needham,	Smith, H. C.	Weeks,
Livingston,	Olmsted,	Snodgrass,	White,
Long,	Otjen,	Southard,	Wiley,
Loudenslager,	Overstreet,	Southwick,	Woods,
Lovering,	Palmer,	Sperry,	Young,
McCall,	Parker,	Stark,	Zenor.
McCleary,	Patterson, Pa.	Steele,	
McClellan,	Payne,	Stevens, Minn.	
McLachlan,	Pearre,	Storm,	

NAY—1.

Fitzgerald.

ANSWERED "PRESENT"—13.

Dayton,	Kluttz,	Mann,	Showalter.
Feely,	Lamb,	Miller,	
Foster, Vt.	McRae,	Rixey,	
Joy,	Maddox,	Sherman,	

NOT VOTING—156.

Allen, Me.	Evans,	Lester,	Scott,
Babcock,	Finley,	Lever,	Selby,
Ball, Tex.	Flanagan,	Lewis, Ga.	Shafroth,
Bartholdt,	Fleming,	Lindsay,	Shallenberger,
Bartlett,	Fletcher,	Little,	Sheppard,
Bell,	Flood,	Lloyd,	Sims,
Bellamy,	Foster, Ill.	Loud,	Skiles,
Belmont,	Fox,	McAndrews,	Slayden,
Billmeyer,	Gardner, Mass.	McCulloch,	Small,
Bingham,	Gillett, Mass.	McDermott,	Smith, Ill.
Boreing,	Glass,	McLain,	Smith, Ky.
Bowie,	Glenn,	Mahoney,	Smith, S. W.
Brantley,	Goldfogle,	Metcalf,	Smith, Wm. Alden
Breazeale,	Gooch,	Meyer, La.	Snook,
Bristow,	Gordon,	Moon,	Sparkman,
Broussard,	Green, Pa.	Mutchler,	Spight,
Bull,	Griffith,	Naphen,	Stephens, Tex.
Burgess,	Griggs,	Neville,	Stewart, N. J.
Burkett,	Hay,	Nevin,	Stewart, N. Y.
Burnett,	Heatwole,	Newlands,	Sutherland,
Caldwell,	Henry, Miss.	Norton,	Swann,
Cassingham,	Henry, Tex.	Padgett,	Swanson,
Clayton,	Hooker,	Patterson, Tenn.	Talbert,
Cochran,	Hopkins,	Pou,	Tate,
Conry,	Howard,	Powers, Me.	Taylor, Ala.
Cooper, Tex.	Hull,	Prince,	Thayer,
Cowherd,	Jackson, Kans.	Pugsley,	Thomas, N. C.
Crowley,	Jett,	Randell, Tex.	Tompkins, N. Y.
Curtis,	Johnson,	Ransdell, La.	Tompkins, Ohio
Dahle,	Jones, Va.	Reid,	Trimble,
Davey, La.	Kehoe,	Rhea,	Underwood,
Davis, Fla.	Kern,	Richardson, Tenn.	Vandiver,
De Armond,	Ketcham,	Robertson, La.	Wadsworth,
Dick,	Kitchin, Claude	Robinson, Nebr.	Wheeler,
Dougherty,	Kitchin, Wm. W.	Rucker,	Williams, Ill.
Dwight,	Kleberg,	Ruppert,	Williams, Miss.
Edwards,	Knox,	Russell,	Wilson,
Elliott,	Lassiter,	Ryan,	Wooten,
Emerson,	Latimer,	Scarborough,	Wright.

So the motion to disagree to the Senate amendments was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. EVANS with Mr. ELLIOTT.

On this vote:

Mr. GILL with Mr. FEELY.

Mr. BABCOCK with Mr. SMITH of Kentucky.

Mr. GARDNER of Massachusetts with Mr. GOLDFOGLE.

Mr. HEATWOLE with Mr. LLOYD.

The result of the vote was then announced as above recorded.

The SPEAKER. The Chair announces the following conferees on the part of the House—Mr. SHATTUC, Mr. ADAMS, and Mr. ROBB.

PUBLIC BUILDINGS.

Mr. MERCER. Mr. Speaker, I move to suspend the rules and take from the Speaker's table the bill of the Senate (S. 7414) to increase the limit of cost of certain public buildings, etc., insist on the amendments of the House thereto, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. The gentleman from Nebraska moves to take from the Speaker's table the Senate bill 7414, to suspend the rules, insist on the amendments of the House, and agree to the conference asked.

Mr. RICHARDSON of Tennessee. I demand a second, Mr. Speaker.

Mr. MERCER. I ask unanimous consent, Mr. Speaker, that a second may be considered as ordered.

The SPEAKER pro tempore. The gentleman from Nebraska asks unanimous consent that a second may be considered as ordered. Is there objection?

Mr. RICHARDSON of Tennessee. I object.

The SPEAKER pro tempore. The gentleman from Tennessee objects. The Chair will appoint the gentleman from Nebraska, Mr. MERCER, and the gentleman from Tennessee, Mr. RICHARDSON, as tellers.

The House divided; and tellers reported—ayes 149, noes 10.

Mr. RICHARDSON of Tennessee. I make the point that there is no quorum present.

Mr. MERCER. I make the point of order that that is dilatory.

The SPEAKER pro tempore. The Chair overrules the point. Every vote to-day has disclosed the presence of a quorum, and the last vote, only a moment ago, disclosed the presence of a quorum. The Chair recognizes the gentleman from Nebraska to control the time upon his side.

Mr. MERCER. Mr. Speaker, this is simply a request from the Senate for a conference, the Senate having nonconcurred in the House amendments to the Senate bill. I reserve the balance of my time.

Mr. RICHARDSON of Tennessee. I could not hear what the gentleman said.

The SPEAKER pro tempore. The gentleman from Nebraska reserves the balance of his time. The gentleman from Tennessee.

Mr. RICHARDSON of Tennessee. I yield ten minutes to the gentleman from Missouri [Mr. COWHERD].

Mr. COWHERD. Mr. Speaker, there is a matter to which I would like to call the attention of the House, because I believe the House would like to know something in regard to what it has been doing for the last day or two. The way in which we are legislating here we only find out when the legislation is over what has been enacted. I do not suppose a member of the House knows, or at least only those who were engaged in the conference know, that yesterday we increased here in the District of Columbia the cost of street lighting by oil lamps on the citizens of the District from $20 to $24. And we cut down the requirements of the law as to the candlepower of gas from 25 to 22 candlepower without reducing the price, and we did that notwithstanding the fact that it was shown in this House last year that the company had never paid less than 10 per cent on its capital. It started with a capital stock of only a few hundred thousand dollars—less than half a million—it increased it to more than two and a half millions. For many years it declared dividends of from 40 to 50 per cent, and in one year it declared two dividends of a little less than 100 per cent on the capital stock; and yet for that company, making that enormous amount of money, yesterday the conferees provided for reducing the requirements of the law and thereby increasing the profits of the company.

I believe, Mr. Speaker, that if the House would investigate a little, if it were permitted under the rules which we are passing here from day to day and changing from hour to hour to suit the occasion, to investigate these questions, that there would be a little less hurry in this legislation that comes before the House. Not only that, but a great deal of this legislation is put upon this bill in conference without an opportunity for either this House or the other legislative body to pass upon and consider the legislation. They are brought back here and, under the provisions that you bring in by these special rules, they are rushed through under a pell-mell vote. Members on the other side are obliged to follow the leaders like a flock of sheep, without even time to find out what is in the proposition. [Loud applause on the Democratic side.]

If the exercise of our constitutional privileges prevents you rushing through any such legislation, then we are performing a public duty; if it forces you to call an extra session, we will take our share of the responsibility. We can kill nothing but the private raids on the Treasury. The needed legislation, such as the Littlefield bill, the statehood bill, the much-needed tariff revision, the regulation of railroad rates by the Interstate Commerce Commission, you have already killed.

I want to call the attention of the Chair and the attention of the House to some of the precedents that you are making here for the benefit of future legislation. I want to say, Mr. Speaker, it is easy enough for the Chair, with the majority, having the brutal power behind you, and determined to use it as brutally as you may, it is easy enough to ride roughshod over the minority; but the precedents that the Chair makes go into the RECORD and stand forever there to haunt you in the hereafter. There will come a time, sooner or later, as you all know, when the Republican party will not be in the majority in this House.

Mr. RICHARDSON of Tennessee. Thank God! [Loud applause on Democratic side.]

Mr. COWHERD (continuing). And it behooves you as honorable men, as conservative men, as men desiring, at least in the establishment of precedents, that shall your action result in the end in the preservation and not the destruction of representative

government, it behooves you to consider somewhat, Mr. Speaker, not the fleeting triumph of the moment in the record that your party is making here, but the precedent that is to stand against you when it may be that we or some other party shall follow you in the control of this House.

I refer not alone to the precedent you establish of turning out a man elected by 6,000 majority, elected, not in a State or in a city where elections are what you call contaminated with the negro vote, but elected in a city north of Mason and Dixon's line, elected in a city under election laws as fair, and I venture to say it with the laws in my desk of practically every Northern State, with election laws as fair as any in any State of this Union. [Applause on the Democratic side.] Overturning the will of the people, turning him out not only with this enormous majority, but without reading the testimony and practically without a hearing, and overturning your own rules and the Constitution of the United States in order to do it. I call your attention to that precedent, a precedent of anarchy and revolution, that you are setting before us, and I beg that my party, when it reaches power, shall refuse to take advantage of this infamous precedent that your party is making. [Applause on the Democratic side.]

But I want to call attention to the fact that you are going further still. The other day I made the point of order that a conference committee, without authority, in direct violation of the rules of the House, had seen fit to put new matter, new legislation, into an appropriation bill. The Chair promptly overruled the point of order. I want, in order that it may go into the RECORD, to call the attention of the House to that ruling, and I hope that, too, will not become a precedent; for, if it does, not even the great chairman of the Appropriations Committee, either in the chair or on the floor, can save the Treasury of the United States from the raid and looting that is to result from the precedent you have established.

There was a bill here making appropriations for the District of Columbia. On that bill the House appropriated a certain amount of money to carry on the work of the filtration plant. The Senate raised that appropriation $200,000, and put in a provision that the work should be completed by the 1st of December. Now, mark you, by a law duly enacted Congress has heretofore declared that the filtration plant should not cost above $2,768,405.

The appropriations neither of the House nor of the Senate changed that existing law nor increased it beyond the limit fixed by the law then on the statute books. It was the law of the land. The bill went into conference, and the conference committee, without authority from either House or Senate, in direct violation of the rules of this body, changed the existing law and raised the limit of cost $700,000. The point of order was made upon it, and it was admitted by the gentlemen who had charge of the bill on the floor of the House that the limit of cost had been raised $700,000, and yet that point of order was overruled that you might continue to ride roughshod over the minority. [Applause on the Democratic side.]

Yes, and upon an appeal from the decision of the Chair—and I submit that such an appeal no Speaker ought to refuse, because the Speaker should have recognized that any member had a right to question such a ruling—that appeal was denied, and we were refused the poor privilege of passing upon the ruling of the Chair. And yet that is one of the precedents you are making in these closing days in order to continue doing business, as you claim, under the rules.

Here is another one. There was an appropriation in this bill for $12,000 for paving according to a schedule submitted by the Commissioners of the District, in a certain portion of the city. The Senate raised it $41,000. This was the only amendment made to the paragraph. And then they went into conference on what? I ask you gentlemen fairly and honestly on what did they go into conference? Whether it should be $12,000 or $41,000, the disagreeing vote between the two Houses. What did they do? They went into conference and put in a piece of legislation affecting, not this appropriation, because this appropriation is for the next fiscal year, but this piece of legislation provided that hereafter in the years that are to come in making their estimates the Commissioners of the District of Columbia should follow a certain course and pursue a certain plan. Was not that new legislation?

The SPEAKER pro tempore. The time of the gentleman from Missouri has expired.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I yield the gentleman two minutes more.

Mr. COWHERD. I appeal to you gentlemen, not here in the heat of passion, not determined to ride over the minority regardless of what the laws may be by which you accomplish your purpose, but I appeal to you as legislators who must be confronted with the record you make, who must remember that some other party and some other Speaker will be entitled to take the precedents you establish as a club some time and apply them to your own heads; I appeal to you, is there any man in this body that can support such a ruling? And yet when I ask the poor privilege given to me under the rules you have established of appealing from that decision simply in order to present it to the House, for I did not believe this House, upon a fair presentation, would care to make such a precedent, the appeal was ruled out of order that you might go on doing business under what you call rules, the rules that you yourselves are only too eager to disobey. [Applause on the Democratic side.]

Mr. RICHARDSON of Tennessee. I yield five minutes to the gentleman from Indiana [Mr. ROBINSON].

Mr. ROBINSON of Indiana. Mr. Speaker, history records that we have a republican form of government; but the evidence of it is not found in the House of Representatives. This House has been governed with a rod of iron, under the sanction of these iron rules. This is not a survival of the fittest, but a triumph of the powerful. History records that we have a republican form of government; but, sir, under these drastic rules, we find a majority of the majority scourged in conscience and in action with the party lash, and party fealty making cowards of you all, while this House exists only as a relic of a proud and historic form of people's government, intended by our fathers to have been transmitted to their posterity. This situation, so depressing to independent manhood, so dangerous to the country, is known throughout the land—is the daily subject of comment in the press, in the coordinate branch of Congress, and in this House; yet those who have the power hesitate; they raise their hands, but they have not the courage to strike the blow.

On the discussion of the election contest the other day the gentleman from Pennsylvania [Mr. OLMSTED], in his remarks, challenged a denial and dispute of the proposition that he in his opening argument presented; and on four successive occasions, by the power lodged in his hands by this tyrannical majority of the House, he refused an opportunity for answer—refused time for discussion, after his challenge had been thrown down. He mentioned the St. Louis Republic as being in favor of some proposition that supported his contention. And now I propose to have read an extract from that paper that he may know the result of the action of the majority of his committee—a majority that was not a majority, for the gentleman from Maine never attended a session of that committee, I am speaking of open sessions, for all were open save two hours—and he does not give his approval to this majority report unseating Mr. Butler, and another member, the gentleman from New York, never attended an open meeting, and he did not have the opportunity to attend, being prevented by sickness. And I believe he has not read the evidence in this case, and I ask him to rise up and deny my statement. He was not present before the committee during its open sessions. I say that there are but two members of the Elections Committee majority who read any considerable portion of the evidence in that case. And yet we have the spectacle of this House unseating a member—trampling upon the right of Missouri to representation. I want to have this article read by the Clerk, to show the answer that the St. Louis Republic of February 28 gives to the action of the majority on this side.

The SPEAKER pro tempore (Mr. SHERMAN). The Clerk will read.

The Clerk proceeded to read the following:

WANTONNESS OF POWER.

By unseating James Butler the House of Representatives has committed a high-handed outrage upon Missouri, a deprivation of the right of representation and self-government.

Manifestly a juggling with fact and principle, the act is peculiarly susceptible of explanation. A simple analysis leads irresistibly and inevitably to the conclusion that the House was actuated solely by ulterior partisan motives in the exercise of an arbitrary and despotic power, and that it resorted to a base subterfuge to conceal a crime against fundamental rights of the people of Missouri.

But having heard the contest and discovered that Butler had been fairly elected, a conclusion which the legal evidence—facts well known to every person familiar with local affairs—could not fail to prove beyond a quibble, the House might still have excluded him upon the ground that he was not acceptable in person.

But the House wanted to be rid of Butler for political reasons. His case was prejudged. It had been decided long before the testimony was even begun in St. Louis. It had been decided by Republican politicians. In Washington the men who sat upon it were not Representatives in a judicial capacity determining the rights of an official delegated to serve by the people. They were star-chamber politicians, subverting the rights of the minority party and perpetrating a practical disfranchisement of Missouri voters; they committed an abuse of power, opportunists taking undue advantage of a numerical majority to oppress merely because they could, and prostituting the high delegated powers of the nation's people to mean partisan ends.

Had there been other than an unworthy partisan motive for ousting Butler, undoubtedly their considerations would have had to do with the question of qualification, and their action would have had reference to that question. But by expressly excluding him upon the so-called "evidence" adduced they are not exercising a high prerogative, the privilege of determining the character of members, but are practicing a mere ruse designed to cover up the political reason, adopting the only sure way of filching a seat from the minority and appropriating it themselves under cover of technical false records.

Wagoner was not elected. Every Republican in St. Louis knows it. The gangsters of both parties operated in common in the Twelfth district and were about equal in number. Their combined numbers, however, if subtracted from Butler's actual majority, would have been insufficient to change

the result. These truths are as patent to Congress as to the average St. Louisian.

The Twelfth district is entitled to representation. The House has taken away its right. Wagoner does not represent its voters. The crime is against Missouri's right of self-government, suffered because Missouri's political complexion differs from that of the ruling power in Congress. It is the basest of offenses, wholly repugnant to the people's institutions and going deeply to the fundamentals of government.

The SPEAKER pro tempore (before the reading of the article was concluded). The time of the gentleman from Indiana [Mr. ROBINSON] has expired.

Mr. RICHARDSON of Tennessee. I yield the remainder of my time—three minutes, I believe——

Several MEMBERS. Let the rest of the article be read.

Mr. RICHARDSON of Tennessee. I promised some time to the gentleman from New York. If he does not wish to use it, I ask the Clerk to complete the reading of the article just sent to the desk.

The Clerk resumed and concluded the reading of the article.

Mr. ROBINSON of Indiana. This is the evidence of a paper uniformly against Mr. Butler; and it shows the sentiment created by the arbitrary and unjustifiable action of the House.

Now, if there is any member of the majority of Elections Committee No. 2 who desires to stand up in my time and say that he has read this evidence through, I give him the opportunity now to do so; and I pause for that purpose.

Mr. OLMSTED. How many minutes have I? I should like to occupy that time.

Mr. ROBINSON of Indiana. The gentleman from Pennsylvania [Mr. OLMSTED] then, as I understand, is one such member. Let us have another.

A MEMBER (on the Democratic side). He does not say that he has read the evidence.

Mr. ROBINSON of Indiana. I am still waiting for any member of the committee to stand up and say that he has read this evidence so as to be able to pass upon it judicially.

Mr. MILLER rose.

Mr. ROBINSON of Indiana. The gentleman from Kansas [Mr. MILLER] is another.

A MEMBER (on the Democratic side). He does not say that he has read the evidence.

Mr. MILLER. How much time——

Mr. ROBINSON of Indiana. I yield for the statement of any member of the committee that he has read this evidence through.

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired.

Mr. HEPBURN. Mr. Speaker, during the last three or four days we have heard so many complaints and so many charges made by the minority of this House that it seems to me it is entirely proper that we should look at the situation—the situation that has led to the events that have been so seriously criticised.

A few days ago, near the end of the session—at a time when there were nearly or quite forty reports from conference committees awaiting final action—action upon which much of the legislation of this House heretofore had was dependent—when nine of the great supply bills were still either undergoing amendment in the other House, or were in the hands of conference committees, necessitating action, imperative and final, with regard to those bills—action that must be had, or else the wheels of the Government stop for want of supplies—at that time it was rumored that there was to be a report for action from the Committee on Elections No. 2. At once what was the attitude of the Democratic party in this House? Without waiting, they at once announced the threat—their threat—that if the majority saw fit to consider that case, they would then prevent by every means possible all of that action necessary to complete the legislation of this session. That was the threat that you made.

When the report was brought in, immediately their tactics of delay were begun. You announced that there should be no vote without a roll call—that there should be no business save by an active majority—that at all times there should be a quorum. In other words, you took the position upon yourselves of stopping legislation, so far as you could, if the majority saw fit to legislate as their consciences should direct. [Applause on the Republican side.] That was your attitude. Now you complain. You say that there is not that deliberation, that attention given to business that should be given. We are all willing to admit that. No one denies that. Who is responsible?

Mr. GILBERT. You are.

Mr. HEPBURN. If there is not more of debate, who is responsible? [Cries of "You!" on the Democratic side.] Certainly the minority. You are the responsible parties. We would infinitely prefer, infinitely, to use that time in appropriate discussion which you compel us to use in calling the yeas and nays. [Applause on the Republican side.] Day before yesterday you compelled us to consume seven and one-half hours in calling yeas and nays. There was no necessity for any one of those roll calls, for in nearly every instance you yourselves voted for the bills. [Applause on the Republican side.] I think, Mr. Speaker, that it is time that the country knew how these gentlemen are deporting themselves. [Laughter on the Democratic side.] It is time the attention of the country was called to the wasteful and prodigal manner in which they are spending the precious moments, the last moments of this session.

Mr. Speaker, I have no doubt but that the gentlemen are dissatisfied with the rules of this House. Why? Because they compell you to act, and I tell you, gentlemen, you can fritter away all of the time possible, but I warn you that the legislation is to be had. We are going to have all that is necessary; we are going to hold you up to your own positions, and all of these efforts of yours, I warn you now, are to be abortive. The legislation is to be had. It may be inconvenient to many of us. It may be that it will be less pleasant than otherwise it would be, but you have got to take your medicine, gentlemen. [Applause and laughter on the Republican side.] We do not intend to allow you, rebellious as you are, to frustrate our purposes in completing the wholesome legislation of this session. Mark that. [Applause on Republican side, and cries of "How about the unwholesome legislation?" on the Democratic side.]

The SPEAKER pro tempore. The House will be in order.

Mr. HEPBURN. Mr. Speaker——

Mr. BURLESON. Let us make it an extra session.

Mr. HEPBURN. Mr. Speaker, the rules of this House [laughter on the Democratic side]—and I want here to say that I am especially aggrieved by the action of these gentlemen, for I have for a long time been complaining of the severity and rigor of the rules as they have been adopted [laughter], and especially do I dislike being compelled in the public service and in order that righteousness may prevail to force upon you other rules that are still more hateful to my sensibilities. [Laughter.] Therefore I have a personal quarrel with you because of your procedure—that you have insisted upon imposing this undesirable duty upon us.

But after all, Mr. Speaker, the rules that I would complain of are not the rules that we have been compelled to insist upon here. They are rules which you gentlemen yourselves have participated in enacting. [Cries of "Oh, no!" on the Democratic side.] In substance, at least. You complain of the arbitrary procedure of the Speaker in ruling upon dilatory motions. Have you not aided in investing that officer with that power? [Cries of "No!" on the Democratic side.] Undoubtedly you have, and it was exercised in the Fifty-third Congress. Have you not aided in giving to the Committee on Rules all of the seemingly arbitrary powers that it has at any time indulged in? [Cries of "Oh, no!" on the Democratic side.] Surely you have. Every rule, every thing that you complain of, all of the rulings that you complain of, you yourselves have been parties to in times past. [Cries of "Oh, no!" on the Democratic side.]

You are now exceedingly fearful of precedent. You are very fearful that we are creating precedent which at some time may affect the virtue of that possible majority which you hope, you tell us, some time to have in this House. [Laughter on the Republican side.] But, gentlemen, if there is peril in precedent, it is a peril that now you are suffering from, because that which you complain of is in harmony with precedent; that which you now decry is but the following of the example which you have established, a precedent that you have enacted.

Mr. RICHARDSON of Alabama. Will the gentleman from Iowa allow me to ask him a question?

The SPEAKER pro tempore. The gentleman's time has just expired. [Laughter.]

Mr. MERCER. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Speaker, it had not been my intention to say anything further in this case, but the remarks just made lead me to break that resolution.

The Twelfth Congressional district of Missouri, embracing 116 election precincts, extends across the city of St. Louis from east to west, embracing some of the most respectable and some of the most disreputable portions of that city.

In 53 precincts, undisputed, uncontroverted, admitted by both sides, WAGONER had 2,053 majority. In 41 precincts there was in every one of them such fraud, every conceivable kind of crime against the elective franchise, false registration, false personation of voters, stuffing of the ballot box, robbing of the ballot box, duplication of ballots, and false return of ballots that it was impossible for any man to ascertain the honest vote, if there was any honest vote in those precincts.

We therefore cast out those 41 precincts, following the precept and example set us in a case to which I desire to call attention. It is Finley against Bisbee (1 Ellsworth, 74) in the Forty-fifth Congress, where it was held—

That where the result at a poll is shown by the returns to be false and fraudulent, and it is impossible to ascertain from the other evidence in the case the true vote of said poll, the vote of said poll must be entirely rejected.

That report was signed by Judge Thomas W. Cobb, of Indiana, John T. Harris, of Virginia, Milton A. Candler, of Mississippi, E. John Ellis, of Louisiana, William M. Springer, of Illinois, Jere N. Williams, of Indiana, and adopted by a Democratic Congress, presided over by Samuel J. Randall as Speaker. That report was indorsed by John G. Carlisle. It has been the law from that day to this, followed by Congress, by courts, and by State legislatures. It fitted here exactly.

Mr. RUCKER. Mr. Speaker, may I ask the gentleman a question?

Mr. OLMSTED. I do not yield until I finish my statement.

Mr. GAINES of Tennessee. Are you talking about the Philadelphia election?

The SPEAKER pro tempore. The gentleman from Tennessee is not in order.

Mr. OLMSTED. Any man in Philadelphia perpetrating such crimes would have gone to the penitentiary within thirty days. [Derisive laughter on the Democratic side.]

Mr. GAINES of Tennessee. Which would have reduced your Republican majority.

The SPEAKER pro tempore. When the gentleman from Tennessee desires to interrupt a member, he will first address the Chair.

Mr. OLMSTED. Many of the perpetrators of these crimes in St. Louis are under indictment there to-day. In addition to these 41 precincts thus rejected there were 22 in controversy. One gave a small majority for WAGONER. The others gave majorities for Butler. WAGONER'S counsel contended that they should be thrown out. The committee, not agreeing with him, retained them, reducing WAGONER'S majority to 767, on account of which majority he was seated in this House.

Now, one word as to partisanship. There have been twelve contests in this Republican Congress. Every one of them save two has resulted favorably to the Democrats. If that is partisanship, make the most of it. These gentlemen are sitting upon that side of the Chamber to-day as the result of our action in committee and the action of this Republican House.

Mr. RUCKER. May I ask the gentleman a question?

Mr. OLMSTED. I will now yield to the gentleman.

Mr. RUCKER. Are the gentlemen referred to by the gentleman from Pennsylvania entitled to sit here or not?

Mr. OLMSTED. Well, I will say that as to some of them we had serious doubts; but as the evidence did not clearly prove a case against them, we found in their favor.

Mr. RUCKER. That is, you graciously permitted them to stay here, as I understand.

Mr. PAYNE. No; he gave you the benefit of the doubt.

Mr. OLMSTED. No; we gave you the benefit of the doubt.

Mr. RUCKER. May I ask the gentleman another question?

The SPEAKER pro tempore. Does the gentleman yield for a question?

Mr. OLMSTED. I will yield to my friend from Missouri.

Mr. RUCKER. I will ask you if you or your committee made the least effort on earth to ascertain what legal votes were cast in that district?

Mr. OLMSTED. Why, Mr. Speaker, I personally sat up nights, days, and Sundays. I went over and compared every vote as recorded from the ballot box, every poll book kept at the polls, and I say it is impossible for any man to say what the honest vote was, because ballots were literally abstracted that the poll book showed to have been cast. Nobody could tell, for they were not there.

Mr. RUCKER. I will ask the gentleman if he does not know that a nonbiased man would have found scores and hundreds of honest votes.

The SPEAKER pro tempore. The gentleman from Missouri must wait until the gentleman yields to him.

Mr. OLMSTED. It was absolutely impossible on account of the frauds that had been perpetrated for any living man to tell what honest vote had been cast in any one of these 41 precincts. Let me give you one instance. In one precinct 434 people had voted. Not one of their addresses was given in the poll books required by law to be made at the polls as the voting progresses by entering the name, address, and number of the ballot of each man who votes, and the evidence showed that the poll book was made up two days after the election. Three hundred and forty ballots found in the box, including 73 duplicates, bore Butler's name. The judges gave him 392.

Mr. RUCKER. Mr. Speaker——

The SPEAKER pro tempore. The time of the gentleman has expired. [Loud applause on the Republican side.]

Mr. VANDIVER. The gentleman's apology is not accepted. [Laughter and applause on the Democratic side.]

Mr. MERCER. Mr. Speaker, the gentleman from Missouri [Mr. BARTHOLDT] desires time.

I desire to say, Mr. Speaker, that this situation reminds me of a story I once heard about two sailors. [Cries of "Oh, do not tell it!" and cries of "Tell it!"] Mr. Speaker, it is really a good story [laughter], and before I attempt to say anything about it I desire to call your attention to the fact that we are discussing or supposed to be discussing the propriety of having this omnibus public-building bill go into conference. The election contest has been settled. Drop it. Now, if any gentleman cares to hear my story, come with me to the cloakroom when this resolution passes. I yield the rest of my time to the gentleman from Missouri [Mr. BARTHOLDT]. [Laughter.]

Mr. BARTHOLDT. Mr. Speaker, I am going to occupy the time of the House just two minutes. I desire the members of the House to know——

Mr. SULZER. Louder.

The SPEAKER pro tempore. The gentleman from New York is out of order. The House will please be in order. A reasonable degree of order will permit all gentlemen to hear every gentleman who speaks.

Mr. BARTHOLDT. Mr. Speaker, I wish the House to know, Republicans as well as Democrats, that the position taken by the Democratic minority upon the Wagoner-Butler contest is at variance with the position taken by the reputable Democrats of the city of St. Louis and the reputable Democrats of the Twelfth district of Missouri.

Mr. RUCKER. Mr. Speaker——

Mr. BARTHOLDT. I shall not yield.

Mr. RUCKER. No reputable Democrat has authorized you to speak for him. [Applause on the Democratic side.]

Mr. BARTHOLDT. I speak for a good many of them. They wash their hands of the colossal frauds which have been perpetrated in that district, and claim that the Democratic party of the city of St. Louis and the State of Missouri is not responsible for those frauds and crimes. [Loud applause on the Republican side.] The position of the Democratic minority here makes them shoulder the responsibility for these crimes and these frauds, and you really identify yourselves with them before the country.

Mr. KLUTTZ. That does not justify the rulings of the Chair. [Applause on the Democratic side.]

Mr. BARTHOLDT. There has been no attempt made, Mr. Speaker, on the part of any one of the five Democratic daily newspapers in the city of St. Louis to go into the merits of that case, not even the paper said to be controlled and owned by the father of the contestee. Not one of these papers has denied that ten or fifteen thousand fraudulent names had been placed upon the registration lists.

Mr. RUCKER. Mr. Speaker, will the gentleman yield to me?

Mr. BARTHOLDT. I can not yield.

Mr. RUCKER. I just wanted to say these newspapers are like the Elections Committee.

Mr. BARTHOLDT. You can make your speech in your own time. I say from what I know of this case, Mr. Speaker, and I think I know many of the details, that there has never been such a contest before the House, and I hope the proceedings that have been enacted here during the last two or three days will result in making it a national issue.

Several MEMBERS on the Democratic side. It will.

Mr. BARTHOLDT. If it is made a national issue and an election is to be held upon that issue, I predict that the Democratic minority will barely elect a corporal's guard. [Loud applause on the Republican side, and jeers and laughter on the Democratic side.]

The SPEAKER pro tempore. The question is upon suspending the rules and agreeing to the motion of the gentleman from Nebraska to disagree to the Senate amendments and to agree to the conference asked.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RICHARDSON of Tennessee. I ask for a division.

Mr. PAYNE. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 225, nays 14, answered "present" 13, not voting 99; as follows:

YEAS—225.

Acheson,	Blackburn,	Burton,	Cowherd,
Adamson,	Blakeney,	Butler,	Cromer,
Alexander,	Boutell,	Caldwell,	Crumpacker,
Allen, Ky.	Bowie,	Candler,	Currier,
Allen, Me.	Brandegee,	Cannon,	Cushman,
Aplin,	Breazeale,	Capron,	Dalzell,
Babcock,	Brick,	Cassel,	Darragh,
Ball, Del.	Bromwell,	Cassingham,	Davey, La.
Bankhead,	Brown,	Clark,	Davidson,
Bartholdt,	Brownlow,	Connell,	Davis, Fla.
Bartlett,	Brundidge,	Conner,	De Armond,
Bates,	Burk, Pa.	Coombs,	Deemer,
Beidler,	Burke, S. Dak.	Cooper, Tex.	Dinsmore,
Bell,	Burkett,	Cooper, Wis.	Douglas,
Billmeyer,	Burleigh,	Corliss,	Dovener,
Bishop,	Burleson,	Cousins,	Draper,

Driscoll,	Howell,	Martin,	Smith, Iowa
Dwight,	Hull,	Maynard,	Smith, Ky.
Emerson,	Irwin,	Mercer,	Smith, S. W.
Esch,	Jack,	Mickey,	Smith, Wm. Alden
Finley,	Jackson, Kans.	Miers, Ind.	Southard,
Flanagan,	Jenkins,	Minor,	Southwick,
Fleming,	Johnson,	Moody,	Sparkman,
Fletcher,	Jones, Va.	Moon,	Sperry,
Flood,	Jones, Wash.	Morgan,	Spight,
Foerderer,	Joy,	Morrell,	Stark,
Fordney,	Kahn,	Moss,	Steele,
Foss,	Kehoe,	Mutchler,	Stewart, N. Y.
Foster, Vt.	Kern,	Needham,	Storm,
Fowler,	Kitchin, Claude	Nevin,	Sulloway,
Gaines, Tenn.	Kitchin, Wm. W.	Olmsted,	Sulzer,
Gaines, W. Va.	Kluttz,	Otjen,	Sutherland,
Gardner, Mich.	Knapp,	Overstreet,	Swann,
Gardner, N. J.	Kyle,	Patterson, Pa.	Tate,
Gibson,	Lacey,	Pearre,	Tawney,
Gilbert,	Lamb,	Perkins,	Thomas, Iowa
Gillet, N. Y.	Lawrence,	Pierce,	Thomas, N. C.
Goldfogle,	Lessler,	Powers, Mass.	Thompson,
Gooch,	Lever,	Reeder,	Tirrell,
Graff,	Lewis, Ga.	Reeves,	Trimble,
Graham,	Lewis, Pa.	Richardson, Ala.	Underwood,
Green, Pa.	Littauer,	Rixey,	Van Voorhis,
Greene, Mass.	Little,	Roberts,	Wachter,
Griggs,	Littlefield,	Robertson, La.	Wagoner,
Grosvenor,	Livingston,	Robinson, Ind.	Wanger,
Grow,	Long,	Robinson, Nebr.	Warner,
Hamilton,	Loudenslager,	Rucker,	Warnock,
Haskins,	Lovering,	Russell,	Watson,
Haugen,	McAndrews,	Ryan,	White,
Hedge,	McCall,	Schirm,	Wiley,
Hemenway,	McClellan,	Scott,	Williams, Ill.
Hepburn,	McCulloch,	Selby,	Wright,
Hill,	McLachlan,	Shackleford,	Young,
Hitt,	Maddox,	Shelden,	Zenor.
Holliday,	Mahon,	Sheppard,	
Hopkins,	Mahoney,	Showalter,	
Howard,	Marshall,	Small,	

NAYS—14.

Clayton,	Hooker,	Randell, Tex.	Slayden,
Cooney,	McRae,	Reid,	Snodgrass.
Fitzgerald,	Mann,	Richardson, Tenn.	
Gordon,	Padgett,	Sims,	

ANSWERED "PRESENT"—13.

Barney,	Hay,	Neville,	Stephens, Tex.
Burgess,	Ketcham,	Parker,	
Dayton,	Lindsay,	Prince,	
Gillett, Mass.	Miller,	Sherman,	

NOT VOTING—99.

Adams,	Evans,	Loud,	Shattuc,
Ball, Tex.	Feely,	McCleary,	Sibley,
Bellamy,	Foster, Ill.	McDermott,	Skiles,
Belmont,	Fox,	McLain,	Smith, Ill.
Benton,	Gardner, Mass.	Metcalf,	Smith, H. C.
Bingham,	Gill,	Meyer, La.	Snook,
Boreing,	Glass,	Mondell,	Stevens, Minn.
Bowersock,	Glenn,	Morris,	Stewart, N. J.
Brantley,	Griffith,	Mudd,	Swanson,
Bristow,	Hanbury,	Naphen,	Talbert,
Broussard,	Heatwole,	Newlands,	Tayler, Ohio
Bull,	Henry, Conn.	Norton,	Taylor, Ala.
Burnett,	Henry, Miss.	Palmer,	Thayer,
Calderhead,	Henry, Tex.	Patterson, Tenn.	Tompkins, N. Y.
Cochran,	Hildebrant,	Payne,	Tompkins, Ohio
Conry,	Hughes,	Pou,	Vandiver,
Creamer,	Jackson, Md.	Powers, Me.	Vreeland,
Crowley,	Jett,	Pugsley,	Wadsworth,
Curtis,	Kleberg,	Ransdell, La.	Weeks,
Dahle,	Knox,	Rhea,	Wheeler,
Dick,	Landis,	Robb,	Williams, Miss.
Dougherty,	Lassiter,	Ruppert,	Wilson,
Eddy,	Latimer,	Scarborough,	Woods,
Edwards,	Lester,	Shafroth,	Wooten.
Elliott,	Lloyd,	Shallenberger,	

So, two-thirds having voted in favor thereof, the motion of Mr. MERCER was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. MCCLEARY with Mr. BENTON.

Mr. CANNON with Mr. MCRAE.

Mr. WADSWORTH with Mr. WILLIAMS of Mississippi.

On this vote:

Mr. LANDIS with Mr. LATIMER.

Mr. MUDD with Mr. HAY.

Mr. CALDERHEAD with Mr. LESTER.

Mr. BOREING with Mr. POU.

Mr. HEATWOLE with Mr. HENRY of Texas.

Mr. HENRY of Connecticut with Mr. NEVILLE.

Mr. BOWERSOCK with Mr. JETT.

Mr. DICK with Mr. LLOYD.

The result of the vote was then announced as above recorded.

The following conferees were appointed on the part of the House: Mr. MERCER, Mr. GILLET of New York, and Mr. BANKHEAD.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 12199) to regulate the immigration of aliens into the United States disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PENROSE, Mr. FAIRBANKS, Mr. LODGE, Mr. CLAY, and Mr. MCLAURIN of Mississippi as the conferees on the part of the Senate.

DELEGATE TO UNITED STATES HOUSE OF REPRESENTATIVES FROM PORTO RICO.

Mr. COOPER of Wisconsin. Mr. Speaker, I move to suspend the rules and pass the following bill, which I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 17546) to provide for a Delegate to the House of Representatives of the United States from Porto Rico.

Be it enacted, etc., That the qualified voters of Porto Rico shall, on the first Tuesday after the first Monday of November, 1904, and every two years thereafter, elect a Delegate to the House of Representatives of the United States, whose term of office shall commence on the 4th day of March next succeeding the date of his election. Such Delegate shall have a seat in the House of Representatives, with the right to debate, but not to vote, and shall be entitled to the same compensation for salary and other allowances and to the same rights and priviliges as the Delegates from the Territories of the United States. No person shall be eligible to such election who is not a bona fide citizen and voter of Porto Rico, who is not 25 years of age, and who does not read and write the English language.

SEC. 2. That the Delegate herein provided for shall be elected in lieu of the resident commissioner from Porto Rico to the United States, provided for by section 39 of the act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900: *Provided*, That all the provisions of this act shall apply to the present resident commissioner from Porto Rico to the United States.

SEC 3. That all act and parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. UNDERWOOD. Mr. Speaker, I demand a second.

Mr. COOPER of Wisconsin. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that a second may be considered as ordered.

Mr. UNDERWOOD. I object, Mr. Speaker.

The SPEAKER pro tempore appointed as tellers Mr. COOPER of Wisconsin and Mr. UNDERWOOD.

The House divided; and the tellers reported—ayes 100, noes 2.

A second was therefore ordered.

Mr. COOPER of Wisconsin. Mr. Speaker, this bill, excepting two slight amendments, was originally reported from the Committee on Insular Affairs on the 20th of May last. The report was unanimous. It provides for the election of a Delegate from Porto Rico to the House of Representatives, that Delegate not to have the right to vote here, but to have the right to speak here, and to have other privileges accorded under the law to Delegates from the Territories of the United States. It makes provision also that the act, if the bill becomes an act, shall be applicable to the present resident commissioner from Porto Rico to the United States.

Under the Government of Spain, Porto Rico elected 16 representatives to the Chamber of Deputies and four to the Senate of the Spanish Cortes.

Mr. GILBERT. Mr. Speaker, will the gentleman from Wisconsin yield for a question?

Mr. COOPER of Wisconsin. For a question.

Mr. GILBERT. From the reading of this bill, it appears that the present resident commissioner from Porto Rico is to act as Delegate until the expiration of the Fifty-seventh Congress, which expires on the 4th of March next. The bill further provides that the Delegate hereafter to be elected on the first Tuesday after the first Monday in November, 1902, and every two years thereafter. There appears to be an interregnum between the Fifty-seventh Congress and the next election as provided for under the bill.

Mr. COOPER of Wisconsin. Mr. Speaker, in reply to the gentleman from Kentucky, I will say that the bill which was read from the Clerk's desk is amended by striking out of line 5 of section 1 the word "two" where it first appears; so that the language now reads "the election of 1904;" and that it is further amended in line 20 of page 2 by striking out the words "whose term of office is hereby extended to the date of the expiration of the Fifty-seventh Congress," these words being unnecessary, as the present resident commissioner, now here, has been reelected to the Fifty-eighth Congress.

As I was saying, Mr. Speaker, when interrupted, Porto Rico elected 16 representatives to the Spanish Chamber of Deputies and 4 to the Senate of the Spanish Cortes. The present resident commissioner, with whom I think the great majority, if not all the membership, of the House are well acquainted, was himself elected from Porto Rico as a delegate to the Spanish Cortes, and was a member of that body on the breaking out of the war between this country and Spain.

Porto Rico has 1,000,000 inhabitants. It is, I think, forever to belong to the United States of America. Its people are industrious and law-abiding. They are now prosperous and exceedingly desirous that they shall be treated on this floor as are the people

of the Territories of the United States. There is no reason in the opinion of the Insular Committees, nor do I think there ought to be any reason in the mind of any person who reflects upon the subject, why Hawaii, with less than 200,000 people, should have a Delegate entitled to speak for her on this floor, while Porto Rico, with her 1,000,000 people, is denied that privilege.

To-day the resident commissioner from Porto Rico is obliged to consult members of the House in their rooms at hotels or boarding houses, in the lobby of the House, or do the best he can in a whispered consultation on the floor. Under all the circumstances the Committee on Insular Affairs were unanimously of the opinion that this bill ought to pass, and I sincerely hope that it will pass without opposition from our friends on the other side.

Mr. Speaker, I reserve the balance of my time.

Mr. ROBINSON of Indiana. Will the gentleman yield to me a moment before he takes his seat?

Mr. COOPER of Wisconsin. I will.

Mr. ROBINSON of Indiana. Mr. Speaker, I quite agree with the gentleman's position, that Porto Rico ought to have, as the other Territories have, a Delegate on this floor. I want to supplement that remark by saying that instead of this demand being unjust or premature, I think it has only been too long delayed and that Porto Rico ought to have this Delegate according to the provisions of the bill now presented.

Mr. TAWNEY. Does the gentleman ask unanimous consent that she may be allowed a Delegate?

Mr. ROBINSON of Indiana. No; I think the usual procedure is being pursued, under the "Reed rules."

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] controls the time for twenty minutes.

Mr. UNDERWOOD. Mr. Speaker, I want to congratulate the Republican side of the House that in the expiring hours of this Congress they are at last willing to do justice to one of our colonies. I wish to call their attention to the fact that when the first bill was passed creating a colonial government in Porto Rico, the Democratic party on the floor of this House insisted that the people of Porto Rico should have a Delegate on this floor to look after their interests and attend to their business. It is true that it has taken four long years for the Republican party to wake up to the fact of the injustice that they were doing those people; but we now congratulate you on the fact that you have at last consented to come to the position taken by the Democratic party four years ago.

Mr. TAWNEY rose.

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Minnesota?

Mr. UNDERWOOD. I yield.

Mr. TAWNEY. Will the gentleman explain why he longer delays the granting of this right to Porto Rico by the speech which he is just now making?

Mr. UNDERWOOD. Well, simply from the fact that the people of the United States are entitled to some extent to know the legislation that the Republican party is "railroading" through this Congress, and when we have an opportunity to explain what legislation is going on and what you are doing, we propose to let the country know, by the records of this Congress, what is being done in these last hours.

Mr. MANN. May I ask the gentleman a question?

The SPEAKER. Does the gentleman from Alabama [Mr. UNDERWOOD] yield for a question?

Mr. UNDERWOOD. I do.

Mr. MANN. Is the gentleman in favor of this bill?

Mr. UNDERWOOD. I am.

Mr. MANN. Then I make the point of order that the gentleman is not entitled to control the time in opposition to the bill.

Mr. ROBINSON of Indiana. And I make the point of order that that comes too late.

Mr. MANN. Oh, no; there was no way of finding out the gentleman's position until he declared himself. [Cries of "Regular order!"]

Mr. UNDERWOOD. I hope that this interruption is not coming out of my time.

Mr. MANN. Mr. Speaker, the rules provide that forty minutes for debate on a motion to suspend the rules shall be divided equally between those in favor of the motion and those opposed. The gentleman from Alabama now states that he is in favor of this bill; and I raise the point of order that he is not entitled to control the time in opposition to it.

Mr. HAY. I raise the point of order that the point of the gentleman from Illinois [Mr. MANN] is "dilatory." [Laughter.]

Mr. UNDERWOOD. Mr. Speaker —

The SPEAKER. The gentleman from Alabama will suspend. When this matter was called up the gentleman from Alabama demanded a second, which was his privilege. Presumably he is on the other side of the question. But now, after he has addressed the House for some little time, the gentleman from Illinois makes the point of order that the gentleman from Alabama is not opposed to the bill and should not be allowed to represent the side in oppostion to it. While the Chair has not had an opportunity to listen to the argument of the gentleman from Alabama, the presumption is that he is opposed to the bill.

Mr. MANN. Well, Mr. Speaker, the gentleman stated a moment ago that he was in favor of the bill. It is not a question of argument.

The SPEAKER. The gentleman from Illinois will suspend a moment. It seems this argument has been going on, and now, after the argument has thus far advanced, the point of order is made. While the Chair is not entirely satisfied with the ruling, he will be compelled to hold that the objection comes too late, and will allow the gentleman from Alabama to control the twenty minutes.

Mr. UNDERWOOD. Mr. Speaker, I will say that there are others to whom I intend to yield the time. I was merely voicing my own opinion on this question. I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, yesterday when the District appropriation bill was under consideration I attempted to secure two minutes from the gentleman in charge of that bill. It was not my purpose at that time to attempt to discuss the report before the House. Rather, I had intended to explain why it was impossible for me to submit some remarks pertaining to one branch of the government of the District of Columbia which I desired to present to the House. When the District of Columbia appropriation bill was before the House in Committee of the Whole an item was taken from the bill on a point of order raised by myself. I have too great respect for this House to have it trifle with me in its present mood, and for that reason I do not at this time purpose discussing some of the vicious features of the District government which I had intended to.

I have been for some time gathering information and statistics regarding one feature of the District government. I have them here. If it were possible to have this House consider in an impartial and judicial manner the things that I have collated regarding the efficiency of the police department in the District of Columbia, I would be pleased to present them to the House. At some other time, when members have the time and will take the time to consider these matters, I will present them to the House. I do not charge that the police department of the District, as an entire force, is either corrupt or inefficient, but I have reason to believe, Mr. Speaker, from the information at my command, that under its present head it is not only inefficient, but, I am inclined to believe, in some aspects very corrupt.

The District Committee increased the salary of the chief of police of the District without a recommendation from the Commissioners. They disagreed to an item placed in the bill by the Senate increasing the salaries of the 10 lieutenants of police to an amount which did not require $100 a year for that entire increase more in addition to the amount provided for the chief's salary. The House conferees insisted on a provision of the bill which legislated out of office the present chief of the fire department because he had no previous experience in any organized fire department in the country, while they permitted a different rule to apply in respect to the chief of police. I do not intend to comment at this time upon these facts, but I wish to put upon notice those who are interested, for various reasons, in the welfare of the present chief of police of this District, that in the fullness of time—and there are several sessions of Congress at which I expect to be present—with what matter I may secure additional to the little volume I have here regarding the effectiveness of this force, I will present these facts to the House and to the country, and I am quite convinced——

Mr. PEARRE. Mr. Speaker, may I ask the gentleman a question?

The SPEAKER. Does the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. PEARRE. May I ask the gentleman when he began this investigation of the efficiency of the superintendent of police of the District of Columbia?

Mr. FITZGERALD. Yes; the gentleman may ask that.

Mr. PEARRE. Will the gentleman answer it?

Mr. FITZGERALD. Yes.

Mr. PEARRE. When?

Mr. FITZGERALD. About the adjournment of the last session of Congress.

Mr. PEARRE. Will the gentleman permit another question?

Mr. FITZGERALD. Yes.

Mr. PEARRE. What was the gentleman's motive in making that inquiry?

Mr. FITZGERALD. The same motive that prompts the gentleman in the discharge of his duty.

Mr. PEARRE. Was there no personal motive?

Mr. FITZGERALD. Not particularly.

Mr. PEARRE. May I not ask the gentleman whether he did not run counter——

The SPEAKER. The time of the gentleman from New York has expired.

Mr. FITZGERALD. I will ask the gentleman from Alabama to yield me a minute or two to answer these questions.

Mr. UNDERWOOD. I will yield the time.

Mr. PEARRE. May I ask the gentleman whether he did not run counter to that superintendent of police in the proper performance of his duty upon inauguration day.

Mr. FITZGERALD. Not at all. The chief of police ran counter to the gentleman from New York in the improper discharge of his duty after inauguration had passed. [Laughter.]

Mr. PEARRE. Then I assume the gentleman from New York believed that he was controlling the police force of the city of Washington at that time.

Mr. FITZGERALD. Does the gentleman mean me when he says "he?"

Mr. PEARRE. Yes.

Mr. FITZGERALD. Oh, no; the gentleman's assumption is so erroneous that I could not take time to explain his misapprehension.

Mr. PEARRE. This same gentleman was superintendent of police at that time.

Mr. FITZGERALD. Undoubtedly. He has been for four years, as the gentleman knows better than I do.

Mr. PEARRE. Was not the gentleman stopped by a police officer in crossing the street?

Mr. FITZGERALD. Unquestionably.

Mr. PEARRE. And did not that make the gentleman very indignant?

Mr. FITZGERALD. At that time; yes.

Mr. PEARRE. Is not that the motive for this investigation?

Mr. FITZGERALD. Oh, not at all. The motive that prompted me was the fact that the chief of police of this city, in the carrying out of a threat, maliciously and falsely uttered an interview in a public print in my city which, at the time he did utter it, he knew to be false. And it was done for the purpose, as he imagined, of injuring me.

The SPEAKER. The gentleman's additional time has expired.

Mr. UNDERWOOD. I yield five minutes to the gentleman from Virginia [Mr. HAY].

Mr. HAY. Mr. Speaker, I dislike to disagree with a colleague upon a question of this sort, but I want to say that the superintendent of police of the city of Washington discharges his duties with as much ability as any man in this country. [Applause.] He is a gentleman who is incapable of being guilty of any charges which the gentleman from New York may hereafter be able to bring against him. The gentleman certainly has not brought any against him yet, and this attack by innuendo is, in my opinion, not worthy of the gentleman from New York. Now, the gentleman says that he has a reason for it, because the superintendent of police gave out an interview to a newspaper. I say upon the authority of Major Sylvester that he never gave out any such interview, and that if any such interview appeared it was a fabrication, and that he informed the gentleman from New York of the fact, and yet the gentleman from New York now makes that charge upon this floor.

Mr. FITZGERALD. Will the gentleman yield?

The SPEAKER. Does the gentleman yield to a question?

Mr. HAY. I will.

Mr. FITZGERALD. Is the gentleman aware of the fact that the denial of the authenticity of the interview did not come until the chief of police feared that an increase of his salary would not be granted?

Mr. HAY. I am not aware of it.

Mr. FITZGERALD. Well, I assert to the gentleman that that is a fact.

Mr. HAY. And I will say to the gentleman that the superintendent of police was not aware of the publication of that interview until the gentleman from New York brought it out for the purpose of keeping down the salary of the superintendent of police, even when the superintendent of police had not asked to have his salary increased.

Mr. FITZGERALD. I will state to the gentleman that the information that that interview had been issued was brought to the knowledge of the chief of police within at the latest two weeks from the time that he himself gave it out, and I know what I am speaking of, and the gentleman speaks from hearsay purely.

Mr. HAY. I do not. I speak from the same sort of hearsay that the gentleman from New York does.

Mr. RYAN. Will the gentleman permit a question?

Mr. HAY. Oh, yes.

Mr. RYAN. Is it not a fact that this purported interview did appear in a Brooklyn paper?

Mr. HAY. Yes; it is a fact, I believe.

Mr. RYAN. Is it not a fact that the opportunity has been denied this gentleman [Mr. FITZGERALD] to prove positively that that interview emanated from the superintendent of the District police?

Mr. HAY. It is not a fact that the superintendent of the District police had any opportunity whatever to know it. He did not know it when it appeared there. He can not read every newspaper in the United States, nor can any of us do it.

Mr. RYAN. The gentleman understands that within two weeks after it appeared his attention was called to it.

Mr. HAY. If it was, it was denied at the time. I am authorized by the gentleman to say so. Now, I say, Mr. Speaker, that if there is an attack to be made upon a public official of the Government, it should be made and proofs brought. The gentleman from New York went so far as to say that the police department of this city was corruptly administered. That is a very severe charge. It is a charge which should not be brought unless the gentleman is ready now with his proofs; and I say from my knowledge of the superintendent of police that a more high-minded gentleman, a man of more integrity, a gentleman upon whom any member of this House can more implicitly rely for any statement which he may make, there is none. And I say moreover that I am sorry that the gentleman from New York should have ever brought this matter into this House; because while we can all understand that the gentleman from New York was very much enraged on the occasion of which he has spoken, we can not appreciate that he should bring the matter here.

[Here the hammer fell.]

Mr. UNDERWOOD. Mr. Speaker, I ask the gentleman from Wisconsin [Mr. COOPER] if he is going to consume any more time.

Mr. COOPER of Wisconsin. I desire to close the debate.

Mr. UNDERWOOD. I yield five minutes to the gentleman from Illinois [Mr. WILLIAMS].

The SPEAKER. The gentleman from Alabama has three minutes remaining.

Mr. WILLIAMS of Illinois. Mr. Speaker, as no discussion of the Butler case was allowed before Mr. Butler was turned out, in the three minutes which I have I wish to refer to that case very briefly. I want to call the attention of gentlemen on the other side to the fact that it is not a question of whether Mr. Butler or Mr. WAGONER was elected that has caused the complaint on this side of the House. But our protest is against the desperate methods used. We insist that when a member is elected to this House by 6,000 majority and comes here commissioned by the governor of his State, before turning him out he is entitled to a fair trial; and what you call the trial of the Butler case is as great a farce as was ever perpetrated in the House of Representatives, and you know it.

I shall not go into the merits of the case, for I can not say that I know any more about its merits than you gentlemen over there, who voted to turn him out without knowing anything about it. I admit the gentleman from Pennsylvania spent five or six days and nights, as he claims, studying this long and intricate case. But he must remember that it takes a very able lawyer to present in an intelligent manner a case like that in one hour to men who know nothing about it after he has taken one week to get an understanding of the case himself [applause on the Democratic side], and yet he says it was a very laborious case, and he came in here and in less than one hour presented to the House a case in which it required him several days and nights to read the evidence and I do not believe he claims he read it all. I took time to read the gentleman's speech—I had nothing else to engage myself with at that time, and I read it, and I find no evidence in it to justify throwing out 41 precincts, no evidence upon which to unseat Mr. Butler, except the mere conclusions of the gentleman from Pennsylvania.

I do not wonder that the gentleman from Pennsylvania is very sensitive on the question of frauds, since he has a city in his own State that has made some reputation on that question. And in that connection I desire to have read from the Clerk's desk a paper which I send up.

The SPEAKER. The time of the gentleman has expired.

Mr. WILLIAMS of Illinois. I will read it hereafter.

The SPEAKER. The gentleman from Wisconsin has fourteen minutes remaining.

Mr. COOPER of Wisconsin. I yield four minutes to the gentleman from Texas.

Mr. SLAYDEN. Mr. Speaker, for the first time since this remarkable day began, now more than a hundred hours ago, I am going to give to the House a few moments of debate pertinent to the bill under consideration. [Applause.] I have been interested in the report on this bill, which recommends that the present commissioner from the colony of Porto Rico be given the power, privileges, and emoluments of a Delegate in the Congress of the

United States. I can not but help contrast that meager allowance to the representative of nearly 1,000,000 people with the privileges which they enjoyed under the ancient and, as we are in the habit of saying, decaying and corrupt Kingdom of Spain.

In the Spanish Cortes the island of Porto Rico had 4 senators and 16 representatives, granted all the powers and privileges of all the other senators and representatives of that Kingdom. They had full power to vote, full power to actually represent their people. In exchange for that we concede them, or did concede them, first, the sorry privilege of having a commissioner to hang around the doors of this Chamber and send in his card and thus seek the privilege of conferring with a member of this House about the business of a million people, and that too while we claim that we are a representative Government. We have advanced with time, and now we propose to accord him the privilege of speaking upon the floor of this House, but all the privileges we give him fall far short of that which he enjoyed as a member in the Spanish Cortes. This is presumably a representative government. It is presumably a Government in which the people speak for themselves through representatives, a privilege which was given them by the Kingdom of Spain, and yet we deny it to them in this Government, which is supposedly a representative Government. He was there a full-fledged deputy. Here he is something which is neither fish, flesh, nor fowl—nor good red herring.

This report says that Porto Rico has nearly 1,000,000 inhabitants, and that its people are law-abiding and industrious.

Now, Mr. Speaker, if gentlemen have kept familiar with the debates in the Senate with reference to the proposed admission of Arizona and New Mexico as States of this Union, they will find that in this report, if it is to be believed, the people of Porto Rico should enjoy all the rights which any other American people enjoy; and upon the standard laid down in the debates in the Senate by distinguished gentleman from Northern and Eastern States opposed to the admission of those Territories, Porto Rico is entitled, not to have a Delegate here who has no power to vote, no real power to represent his people, but is entitled to have five members in the House of Representatives and two Senators speaking in their interests in the Congress of the United States.

Are we going to continue to deny to these people the privileges accorded to people similarly situated in other parts of the American Union? How long will it be before the majority party of this country is courageous enough to meet the logic of its own position? How long will it be before they will stand up here and welcome the Delegates and Senators and Representatives in Congress from the Philippine Islands? This is true but tardy justice to the people of Porto Rico, and little as it does I shall favor it, and will gladly join hands with the gentleman from Wisconsin and other Representatives in doing the full measure of justice to these people. [Applause.]

Mr. COOPER of Wisconsin. Mr. Speaker, I now yield four minutes to the gentleman from Maryland [Mr. PEARRE].

Mr. PEARRE. Mr. Speaker, I might perhaps crave the indulgence of the House to say a word or two about the matter the gentleman from New York [Mr. FITZGERALD] has referred to by reason of the fact that I am a member of the Committee on the District of Columbia, which recommended the increase of salary of the officer whose reputation and character are in controversy here. I asked the gentleman, Mr. Speaker, while he was talking upon this subject whether his motive in this matter was not a personal one, and whether it had not arisen from the fact that he had run foul of the police department in the proper exercise of its duty and its authority.

As I understand the case, sir—and it is thought that in the absence of the superintendent of the police that some one should state the facts in his defense—the gentleman from New York on Inauguration Day was attempting to cross Pennsylvania avenue when a police officer, stationed there with instructions not to permit anybody to cross at that place at that time, politely indicated to the gentleman from New York what his orders were, but the gentleman from New York imperiously suggested that he was a member of Congress, and claimed immunity from all rules and regulations established there at that time and place by the police department. That was the beginning of the difficulty, and that is what gave rise to the suggestion of an investigation by the gentleman from New York.

Mr. FITZGERALD rose.

The SPEAKER. Does the gentleman from Maryland yield to the gentleman from New York?

Mr. FITZGERALD. Mr. Speaker, the gentleman has made a statement, and I think he ought to permit me to ask a respectful question.

Mr. PEARRE. What is it?

Mr. FITZGERALD. I desire to know whether the gentleman from Maryland ever read the trial of the officer he mentions for the occurrence about which he speaks?

Mr. PEARRE. I did not read the full account of the trial of the officer, and I should not have acted on a newspaper report if I had read it.

Mr. FITZGERALD. If the gentleman would read that report he would see that his statement is entirely at variance with the testimony of every single person that testified on that occasion.

Mr. PEARRE. The gentleman from New York has not vouchsafed to the House any statement of what occurred at that time, and would not admit that his motive was a personal one. The gentleman will not deny now——

Mr. FITZGERALD. I could not admit what was not true, and I respectfully decline to do so now.

Mr. PEARRE. The gentleman is guilty of a worse offense in concealing the truth from this House, especially when the gentleman knows the motive was a personal one.

Mr. FITZGERALD. Mr. Speaker, I call the gentleman to order.

The SPEAKER. The motives of gentlemen must not be impugned.

Mr. PEARRE. Mr. Speaker——

Mr. UNDERWOOD. Mr. Speaker, I make the point of order that when a gentleman is called to order he must take his seat.

Mr. RICHARDSON of Tennessee. The rules require, Mr. Speaker, that a gentleman when called to order for words spoken in debate should take his seat, and I insist on that rule being observed. The gentleman was called to order for words spoken in debate.

The SPEAKER. The gentleman from Maryland will take his seat. The gentleman from Wisconsin——

Mr. COOPER of Wisconsin. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has six minutes.

Mr. COOPER of Wisconsin. I yield two minutes to the gentleman from Maryland.

The SPEAKER. The gentleman from Wisconsin can not do that. The gentleman from Maryland was admonished to take his seat, and if the gentleman from Wisconsin desires to proceed he can do so, but he can not yield to the gentleman from Maryland.

Mr. COOPER of Wisconsin. I yield to the gentleman from New Mexico [Mr. RODEY].

Mr. RODEY. Mr. Speaker, there may be something pathetic in a Delegate from a Territory rising to say a word for a people that are applying for the mere privileges that Territories have—that is, a voice but not a vote in this House. I might say here, to the credit of this House, it treated the Territories at this session with all due regard and all due courtesy, for it did all it could to advance us to the enjoyment of our full rights. It is a meager privilege, indeed, to grant to the people of Porto Rico, and recollect there are over a million of them, the right to have a mere voteless Delegate on this floor, and to the beggarly method of the lobbyist in the other branch of this great Legislature.

If there is any measure in these closing days of this Congress that ought to be passed without a roll call, no matter what the minority may have determined in that regard, I submit to the members of this House that this is such a measure. A million people without any representation save such as the Porto Ricans now have was never heard of in the history of this country. It is un-American; it is ungenerous. If gentlemen here could but fully appreciate the position of a Delegate representing the people of a Territory on this floor and understand the position of a people represented in that way, there would be no hesitation in passing this bill by a rising vote.

I have but a moment of time, and therefore I desire at this time to thank the Members of this House sincerely for the courtesy they have extended to the Territorial Delegates in the great fight we have made for the rights of our people in this Congress. We have not spoken upon any subject that did not concern the Territories during the whole session, and considering that we have fought and lost, there may be something pathetic in my saying at this time a word for those people in Porto Rico who are in even a worse position than we are ourselves.

You have, however, done one thing for Porto Rico that you never did for the other Territories, and that is, you turned their own revenues into their own treasury for the purpose of their education; and in the course of ten years, with the large revenues derived in that way, all the rising generation there will have acquired the English language; then you will not, as has been done in some other cases, add insult to injury by unjustly charging them with ignorance and unfitness to share the blessings of this Union, brought about by your own neglect.

I say again that the granting to those people of the right of a Delegate to represent them on this floor is the very least privilege you can grant them. Remember there is on that island about a million of people—a much larger population than that of a good

many of the States. As has been well said by the gentleman from Texas, they gave up the representation they had in the Spanish Cortes to come under our flag. They expected much of this Government; they have received but little. Their disappointment must be great. This bill is but an act of simple justice to them, and it ought to pass without a dissenting vote.

[Here the hammer fell.]

Mr. RODEY. I hope the bill will pass unanimously, and without a roll call.

Mr. GROSVENOR. I rise to a question of privilege.

The SPEAKER. The gentleman from Wisconsin [Mr. COOPER] has three minutes remaining.

Mr. COOPER of Wisconsin. I want to occupy only a minute at the end of the discussion; I am willing to yield the other two minutes.

Mr. GROSVENOR. I rose to a question of privilege. I desire to make a motion in behalf of the gentleman from Maryland, growing out of the ruling of the Chair against his right to continue his argument. I do not wish to interrupt the debate beyond stating the mere fact that I dislike that a member shall be excluded from the discussion pending the question now before the House. The member from Maryland was called to order for language used in debate. The gentleman from Maryland was called to order; and, under the ruling of the Chair, was very properly directed to take his seat, for the rules make it the duty of the Chair to make such order. Thereupon the member calling him to order did not proceed, as the rule provides, by asking that the language objected to be taken down and submitted to the action of the House. I now move that the gentleman from Maryland be allowed to proceed in order.

The SPEAKER. That is a proper motion. The gentleman from Ohio moves that the gentleman from Maryland may be allowed to proceed in order.

Mr. RICHARDSON of Tennessee. I want to say that I made the point of order——

The SPEAKER. The question is not debatable.

Mr. RICHARDSON of Tennessee. I want to say that I did not intend to prevent the gentleman from Maryland from proceeding in order.

The motion of Mr. GROSVENOR, that Mr. PEARRE be allowed to proceed in order, was agreed to.

Mr. PEARRE. Mr. Speaker, how much time have I?

The SPEAKER. How much time did the gentleman from Wisconsin yield?

Mr. COOPER of Wisconsin. Two minutes.

The SPEAKER. The gentleman from Maryland is recognized for two minutes.

Mr. PEARRE. Mr. Speaker, in the very short time allowed me, not having been permitted to consume the time originally granted me, I must hurry on. Whatever the details of this matter may be, the substantial fact is that there was a clash between the gentleman from New York and the police, and that that clash resulted in the trial of the officer, and his acquittal. Those, I believe, are substantially the facts.

Mr. FITZGERALD. He was convicted——

Mr. PEARRE. I can not yield, especially as the gentleman and his party show such a disposition to shut out any light that may be thrown on this subject.

Now, Mr. Speaker, if as great a man as President Grant was stopped on one occasion by a police officer in the city of Washington, and he commended the man for carrying out his orders, I can see, under like circumstances, no detriment or humiliation to the dignity of the Representative from the city of Brooklyn in yielding the same respectful regard to the proper authority of the police in Washington City as that great man saw fit to yield.

Mr. Speaker, when this matter comes up again we may have further time to discuss it. It should never have been brought up in this House, because Major Sylvester, the superintendent of police, has no opportunity here to defend himself. The proper place for an investigation—the proper place for the presentation of these charges—was before the Commissioners of the District of Columbia. It was not right that a gentleman, feeling himself aggrieved, should come in here, where the other man is not able to make a defense, and make charges, even to the extent of corruption, against one of the best chiefs of police in the United States—a man who by reason of his incorruptibility, by reason of his courage, by reason of his skill in detective matters and police work, has been selected by the National Police Association as its chief and president. [Applause.]

The SPEAKER. The gentleman from Wisconsin has one minute remaining.

Mr. COOPER of Wisconsin. Mr. Speaker, in view of the fact that no gentleman on the other side is opposed to this bill, and everyone on this side is in favor of it, I hope that it will be passed without a roll call.

The SPEAKER. The question is to suspend the rules and pass the bill which the Clerk has reported.

Mr. UNDERWOOD. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 207, nays 0, answered "present" 16, not voting 128; as follows:

YEAS—207.

Acheson,	De Armond,	Knapp,	Rhea,
Alexander,	Dinsmore,	Kyle,	Richardson, Tenn.
Allen, Ky.	Dougherty,	Lacey,	Rixey,
Allen, Me.	Douglas,	Lamb,	Roberts,
Aplin,	Dovener,	Landis,	Robinson, Ind.
Babcock,	Draper,	Latimer,	Robinson, Nebr.
Barney,	Driscoll,	Lawrence,	Russell,
Bartlett,	Dwight,	Lessler,	Ryan,
Bates,	Eddy,	Lester,	Scott,
Beidler,	Esch,	Lever,	Shelden,
Bell,	Fitzgerald,	Lewis, Pa.	Sheppard,
Billmeyer,	Flanagan,	Littlefield,	Sims,
Bishop,	Fleming,	Livingston,	Slayden,
Blackburn,	Fletcher,	Lloyd,	Small,
Blakeney,	Flood,	Long,	Smith, Ill.
Boreing,	Fordney,	Loud,	Smith, Ky.
Boutell,	Gaines, Tenn.	Loudenslager,	Smith, H. C.
Bowie,	Gaines, W. Va.	McAndrews,	Smith, S. W.
Brandegee,	Gardner, Mich.	McLachlan,	Smith, Wm. Alden
Breazeale,	Gardner, N. J.	McLain,	Snodgrass,
Brick,	Gibson,	Maddox,	Snook,
Bromwell,	Gooch,	Mahon,	Southwick,
Brown,	Graff,	Mahoney,	Sperry,
Brundidge,	Graham,	Marshall,	Spight,
Bull,	Greene, Mass.	Martin,	Stark,
Burke, S. Dak.	Griffith,	Maynard,	Stevens, Minn.
Burkett,	Grosvenor,	Mickey,	Stewart, N. Y.
Burleigh,	Grow,	Miers, Ind.	Sulloway,
Burleson,	Hamilton,	Minor,	Sulzer,
Burton,	Hanbury,	Mondell,	Swann,
Butler,	Haskins,	Moody,	Swanson,
Calderhead,	Haugen,	Moon,	Tate,
Caldwell,	Hay,	Morgan,	Tawney,
Candler,	Henry, Conn.	Morris,	Tayler, Ohio
Capron,	Hepburn,	Moss,	Taylor, Ala.
Cassel,	Hildebrant,	Mudd,	Thomas, N. C.
Cassingham,	Hitt,	Needham,	Thompson,
Clark,	Holliday,	Neville,	Tirrell,
Clayton,	Howard,	Nevin,	Trimble,
Coombs,	Hull,	Norton,	Underwood,
Cooper, Wis.	Irwin,	Olmsted,	Van Voorhis,
Corliss,	Jack,	Otjen,	Wagoner,
Cowherd,	Jackson, Md.	Overstreet,	Warner,
Creamer,	Jenkins,	Padgett,	Warnock,
Cromer,	Jones, Va.	Palmer,	Wiley,
Crumpacker,	Jones, Wash.	Parker,	Williams, Ill.
Currier,	Kahn,	Patterson, Pa.	Williams, Miss.
Cushman,	Kehoe,	Payne,	Woods,
Dalzell,	Kern,	Powers, Mass.	Wright,
Darragh,	Ketcham,	Randell, Tex.	Young,
Davey, La.	Kitchin, Wm. W.	Reeder,	Zenor.
Davidson,	Kluttz,	Reeves,	

NAYS—0.

ANSWERED "PRESENT"—16.

Adamson,	Foster, Vt.	Little,	Prince,
Burgess,	Gilbert,	Mann,	Shackleford,
Emerson,	Joy,	Miller,	Sherman,
Finley,	Lindsay,	Pierce,	Wanger.

NOT VOTING—128.

Adams,	Elliott,	Kleberg,	Scarborough,
Ball, Del.	Evans,	Knox,	Schirm,
Ball, Tex.	Feely,	Lassiter,	Selby,
Bankhead,	Foerderer,	Lewis, Ga.	Shafroth.
Bartholdt,	Foss,	Littauer,	Shallenberger,
Bellamy,	Foster, Ill.	Lovering,	Shattuc,
Belmont,	Fowler,	McCall,	Showalter,
Benton,	Fox,	McCleary,	Sibley,
Bingham,	Gardner, Mass.	McClellan,	Skiles,
Bowersock,	Gill,	McCulloch,	Smith, Iowa
Brantley,	Gillet, N. Y.	McDermott,	Southard,
Bristow,	Gillett, Mass.	McRae,	Sparkman,
Broussard,	Glass,	Mercer,	Steele,
Brownlow,	Glenn,	Metcalf,	Stephens, Tex.
Burk, Pa.	Goldfogle,	Meyer, La.	Stewart, N. J.
Burnett,	Gordon,	Morrell,	Storm,
Cannon,	Green, Pa.	Mutchler,	Sutherland,
Cochran,	Griggs,	Naphen,	Talbert,
Connell,	Heatwole,	Newlands,	Thayer,
Conner,	Hedge,	Patterson, Tenn.	Thomas, Iowa
Conry,	Hemenway,	Pearre,	Tompkins, N. Y.
Cooney,	Henry, Miss.	Perkins,	Tompkins, Ohio
Cooper, Tex.	Henry, Tex.	Pou,	Vandiver,
Cousins,	Hill,	Powers, Me.	Vreeland,
Crowley,	Hooker,	Pugsley,	Wachter,
Curtis,	Hopkins,	Ransdell, La.	Wadsworth,
Dahle,	Howell,	Reid,	Watson,
Davis, Fla.	Hughes,	Richardson, Ala.	Weeks,
Dayton,	Jackson, Kans.	Robb,	Wheeler,
Deemer,	Jett,	Robertson, La.	White,
Dick,	Johnson,	Rucker,	Wilson,
Edwards,	Kitchin, Claude	Ruppert,	Wooten.

So the rules were suspended and the bill was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. MCCLEARY with Mr. BENTON.

Mr. FOERDERER with Mr. ROBERTSON of Louisiana.

Mr. BROWNLOW with Mr. PIERCE.

Mr. THOMAS of Iowa with Mr. SLAYDEN.

Mr. EMERSON with Mr. GILBERT.
Mr. DEEMER with Mr. MUTCHLER.
Mr. WANGER with Mr. ADAMSON.
Mr. MANN with Mr. JETT.
For the vote:
Mr. WEEKS with Mr. GOLDFOGLE.
Mr. WATSON with Mr. LEWIS of Georgia.
The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its Reading Clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 12098) to amend section 1 of the act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for a right of way for railroads in the district of Alaska."

HOMESTEAD SETTLERS IN ALABAMA.

Mr. WILEY. Mr. Speaker, I move that the rules be suspended and that the bill (H. R. 15802) for the relief of certain homestead settlers in the State of Alabama be passed as amended by the committee, which amendment is in the form of a substitute.

The SPEAKER. The gentleman from Alabama moves that the rules be suspended and that the following bill be passed with the committee amendments by way of a substitute. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 15802) for the relief of certain homestead settlers in the State of Alabama.

Be it enacted, etc., That whenever any person, association, or corporation that has recovered, in any court of competent jurisdiction, the title to any land which is included in any homestead entry made on lands granted by the Congress of the United States to the State of Alabama to aid in the construction of the Mobile and Girard Railroad, or the Tennessee and Coosa Railroad, which recovery of said land was made or had by virtue of the title asserted and claimed by either of said railroad companies or its vendee, or successor in interest, shall execute a deed conveying all his or their interest in, or claim to, the land included in such homestead entry to the United States, and file the same with the Secretary of the Interior, such person, association, or corporation shall be entitled to receive from the Secretary of the Interior a certificate authorizing them or their assigns to enter, within one year from the issuance of such certificate, of the public lands of the United States in the State of Alabama, subject to homestead entry, an area equal to that contained in the tract so deeded and relinquished, and all certificates which have not been presented as a basis for the entry of a specific tract within one year of their issuance, as above, shall be void, and each and every certificate issued shall have plainly printed across the face thereof the date of its expiration.

SEC. 2. That the Secretary of the Interior shall prescribe all necessary rules and regulations for the administration of this act.

Mr. MONDELL. Mr. Speaker, I demand a second.

Mr. WILEY. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore (Mr. SHERMAN). The gentleman from Alabama asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. DE ARMOND. I object.

The SPEAKER pro tempore. The gentleman from Missouri objects. The gentleman from Alabama [Mr. WILEY] and the gentleman from Wyoming [Mr. MONDELL] will take their place as tellers.

The House divided; and the tellers reported—ayes 78, noes 0.

So a second was ordered.

The SPEAKER pro tempore. The gentleman from Alabama is recognized in favor of the bill.

Mr. WILEY. Mr. Speaker, the bill under consideration is an amendment, by way of substitute, for H. R. 15802, which I had the honor to introduce in the House on the 9th day of last December.

The lands involved in the bill under consideration form a part of a body of lands in alternate sections granted to the State of Alabama by an act of Congress to aid in the construction of railroads in that State, approved June 3, 1856. The two railroad companies mentioned in the bill were duly incorporated under the laws of the State of Alabama. The Tennessee and Coosa Railroad was partly finished and in operation prior to the month of September, 1890. Prior to January 1, 1890, the Mobile and Girard Railroad Company had completed a line of road from Girard to Troy, a distance of 84 miles. Up to that time the United States had not then taken any action to forfeit said land grant or to resume title to any of the public domain included therein.

The general assembly of Alabama passed an act, approved February 1, 1858, in pursuance of said act of Congress, accepting said grant in strict compliance with the terms and conditions prescribed therein. The lands in controversy (about 18,000 acres) are opposite to and coterminus with those parts of the railroad companies named in the bill, which were completed and in operation prior to the 29th day of September, 1890, the date of the act passed by Congress known as the "forfeiture act," reclaiming and reinvesting in the Federal Government title to all the lands embraced in the original grant beyond the limit of railway construction, but expressly confirming title in the railroads, or their vendees, to such alternate sections as were contiguous to those portions of the roads which were completed and in operation at the time of the passage of said "forfeiture act." Both of these railroad companies had, prior to September 29, 1890, sold to various persons all, or nearly all, of the lands granted to them by said act of Congress; so that for the purpose of properly considering the provisions of the pending measure we may safely assume that the railroads as corporations have been eliminated, and the problem now presented for solution is a question of law and equity between the vendees of the railroads on the one hand, and bona fide settlers on the other hand, who were encouraged to locate their homesteads on these reserved lands under a mistaken construction of said "forfeiture act."

This is the issue between the parties, clean cut and well defined.

This brief statement of the law and the facts is deemed necessary to a proper understanding of the merits of the pending bill.

The measure we are now considering grows out of a difference of interpretation which was put upon this "forfeiture act" of Congress by the Interior Department and the courts, both State and Federal. The Interior Department threw the door wide open and erroneously allowed about 18,000 acres of these reserved railroad lands, commonly designated as "earned lands," to be subjected to homestead entries, substantially an equal quantity belonging to each of these railroads or their vendees, and situate for the most part in the second, third, and seventh districts of the State.

These settlements were made in good faith, the settlers themselves paying the customary fees and charges incident to such entries and making final proof as required by the statute, and thereupon patents bearing the red seal of the Government, in many instances, were regularly issued to them. These confiding men and women, who had acted in good faith upon the invitation of the Commissioner of the General Land Office at Washington, and were encouraged in this alluring manner to buy their homes, believing they each held the best possible title from the greatest Government in the world, did not hesitate to make valuable and permanent improvements on the lands which they had thus entered. These homes thus acquired are the summum bonum of their earthly possessions—their domiciles, their castles—humble shelters for their wives and children; domestic hearthstones around which cluster the sweetest and tenderest memories of life.

Having located on what was advertised to be unappropriated and unreserved portions of the public domain, these "sons of toil," all unconscious of the black cloud of disaster slowly gathering in the skies, and which subsequently burst in fury upon their unprotected heads, went to work felling forests, building houses, cultivating fields, laboring to better their fortunes and to bring back the "olden and golden" prosperity which ought to abide in valley and on hillside, in the pure air of rustic life, and under the stimulus of rural industry. But misfortune, unexpected and therefore unprovided for, overtook and overwhelmed these peaceful and contented, these honest and unsuspecting settlers. The trouble came about in this way:

The vendees of the railroad companies, having secured a perfect title to these same lands by said "forfeiture act," were not content, of course, to give up their property without a struggle. To have surrendered their just claims under the circumstances would have been contrary to human nature. When you put your fingers upon a man's pocketbook you generally touch his patriotism. With clashing interests came jarring opinions, and as a result these purchasers from the railroad companies instituted certain actions of ejectment in both State and Federal courts and prosecuted these suits to a successful termination. They were victorious; and as a consequence some of these homesteaders, my constituents, have already been evicted from their homes, while the sheriff holds in hand writs of possession in other cases, ready to oust these worthy and unoffending citizens in the event this meritorious bill fails to be enacted into a law during the few remaining days of an expiring Congress.

These legal writs or mandates are suspended temporarily—held in abeyance, awaiting the outcome of this legislation. They are hanging like the "sword of Damocles" over defenseless heads of these settlers, whose entire fortunes are dependent upon the fate of this bill. After much labor and difficulty on my part I have succeeded in inducing the vendees of the Mobile and Girard Railroad lands (who live in my district) to consent—reluctantly to consent—to let these homesteaders alone; not to disturb them, but to take other lands of the same character and quality—the same acreage, but not the same quality—subject to homestead entry and being situate within the limits of the State of Alabama, in lieu of and as a substitute for the land so purchased, occupied, and improved by these settlers. I am advised that the vendees of the Tennessee and Coosa Railroad Company are likewise willing to do the same thing. This is manifestly a liberal proposition on their part. Of course, it is not compulsory, but, prompted by a feeling

of justice and fairness, I feel sure that if this bill becomes a law an amicable and equitable adjustment will be made speedily of this perplexing condition of affairs which now confronts so many of the unfortunate constituents of my colleagues [Messrs. CLAYTON and BURNETT] and myself, who are themselves in no sense to blame, who are innocent of any wrongdoing, and who constitute the best citizenship of our State.

As to the lands of the Tennessee and Coosa Railroad Company, which this bill as amended is also intended to cover, the Supreme Court of the United States, in a case reported in 176 United States Reports, page 242, held that these lands, which were coterminous with that part of the road completed at the date of the passage of the act, were not forfeited; that by the original act of June 3, 1856, the title to these lands passed in præsenti; that the conditions expressed in them were conditions subsequent and not precedent, and that a forfeiture could only be worked by direct legislative action or judicial proceeding.

As to the lands of the Mobile and Girard Railroad Company embraced in the bill, the supreme court of Alabama, in the case of the Van Kirk Land and Construction Company *v.* Green, following the decision of the United States Supreme Court, supra, held the fact that said railroad company was not completed within the time prescribed in the grant did not of itself operate to forfeit the title to said lands nor to deprive it of the right to dispose of the same; that by the provisions of the "forfeiture act" of 1890 lands included within the provisions of the original grant and opposite to that part of the railroad then constructed and in operation were excluded from the forfeiture, and by the express terms of said act whatever of right, title, or interest there was in the United States Government was confirmed to the railroad company or its vendees; that the land in controversy, being opposite to that portion of the railroad constructed and in operation at the date of said forfeiture act, the title to the same remained in the orginal grantee under said act, or if it has been previously conveyed, then in such vendee, and could not be divested by the conduct of the Land Commissioner of the General Land Office in leaving it out of the allotment made by him, as such Commissioner, under the provisions of said "forfeiture act;" nor could the courts be concluded by his construction of that act; that by the provisions of said act the title to the lands lying opposite to that part of the road constructed and in operation at the time the act was passed having been confirmed to the grantee or his vendee, said lands were thereby withdrawn from the public domain, and could not, therefore, rightfully be opened to homestead entry.

The able report of the Committee on Public Lands so clearly explains the status of this difficult and embarrassing land problem, I ask that the same be read. This bill alone can untangle the complication.

The vendees of the Tennessee and Coosa and the Mobile and Girard railroads, in the State of Alabama, have recovered in the courts of that State and in the courts of the United States lands which were or are in the actual possession of settlers holding them as homesteads. These lands were granted by Congress to the State of Alabama to aid in the construction of said railroads, which were completed and in operation on September 29, 1890, the date of the passage of the forfeiture act. The lands were opened by the Secretary of the Interior to homestead entry after the passage of said act of September 29, 1890; but the courts have decided that they were not forfeited by that act and that they were the property of these railroad companies or their vendees.

It is clear that the settlers should not lose their homes, and it is no less evident that the purchasers of the lands from these railroad companies should have the property which the courts have decided belong to them. The purpose of the bill is to permit the vendees of the railroads to take lands in lieu of those recovered by them in the courts, in order to insure to the homestead settlers the title to their homes, and the committee is in sympathy with that purpose; but as the bill contained several objectionable features, the committee have recommended a substitute therefor.

The substitute limits the location of the certificates to be issued to lands in Alabama and provides that they must be located within one year from their issuance. It is believed that the measure will satisfactorily adjust an unfortunate condition, for which neither class of the claimants are responsible.

But, briefly to reiterate:

There are two classes of homestead settlers in the Second Alabama district, which I have the honor to represent in this Chamber, who are especially interested in this legislation.

The first class are those above referred to, who, under the erroneous interpretation which was put upon the "forfeiture act" by the Interior Department, entered certain lands contiguous to that part of the Mobile and Girard Railroad which had been constructed and was in operation as far as the city of Troy, prior to or at the time of the passage of said act, amounting to about 9,000 acres. I repeat, the "forfeiture act" confirmed title to the railroad company, or its vendees, in and to these 9,000 acres, commonly known as "earned lands."

The Secretary of the Interior having authorized these lands to be opened to homestead settlements, many of my constituents in good faith made entries, paid the fees and charges exacted by the Government as incident thereto, obtained patents therefor in the usual manner, and placed valuable and permanent improvements thereon. The supreme court of Alabama, as above stated, in the case of Van Kirk Land and Construction Company *v.* Green, on appeal from the circuit court of Pike County, held that the purchasers from the railroad company, so far as these "earned lands" are concerned, had a better title than the settlers ever acquired; that their entries were illegal; and accordingly, writs of possession have already been issued and are in the hands of a State sheriff ready for execution, and unless I can obtain at the present short session of Congress this needed measure of relief, the result will be to turn them out of their homes, entailing upon them, in addition to the money they were forced to expend in purchasing their homesteads, the loss as well of the improvements they have erected thereon.

The second class are persons who located their homesteads upon lands beyond the limit of the constructed road southwest of Troy, acting likewise under an invitation from the Interior Department, and who in good faith paid their entrance money and put valuable improvements on their homes. Messrs. Ewing, Bishop, and others, in whom title to certain of these lands had also been confirmed by the terms of the "forfeiture act," instituted contests in the land office at Montgomery against these settlers, and, on appeal to the Interior Department in Washington, a decision was rendered against them.

It is believed that the pending bill is broad enough in its provisions to embrace and protect this second class of settlers.

There can be no doubt that this measure of relief ought to pass. The Government having sold to its own citizens, for homestead purposes, lands to which it had no title, and received from them the purchase price therefor, is now bound by the plainest principles of common honesty to do one of three things:

First. Refund to the settlers the money received from them, together with the value of their improvements; or

Second. Give them in lieu of their lost homesteads other lands of the same quality, quantity, and value; or

Third. Pass this bill, which enables the vendees of the railroad companies to enter and take other lands as a substitute for those occupied by these settlers, and thereby make an equitable adjustment, in the language of the committee's report, of "an unfortunate condition, for which neither class of the claimants are responsible."

Mr. Speaker, the helpless but deserving constituents whom I represent here, whether they come within either the one or the other of these classes, are not responsible for the condition which now exists arising from an honest difference of construction placed upon the terms of the "forfeiture act" by the Interior Department and the legal tribunals of the country. The law is against the settlers, but equity, which is supposed to supply the deficiencies of the law, is on their side. Of course, every lawyer knows that a law court looks at legal questions only and not to the equity of a particular case.

In actions of ejectment the question is purely one of legal title, and the doctrine of equitable estoppel can have no application. It is, therefore, a well-settled proposition that an equitable estoppel can not be set up against the legal title in such an action. Equity jurisprudence in this country grew out of this inadequacy of common-law forms to secure justice in particular instances. Common-law tribunals can not afford the relief herein prayed for; and these settlers, therefore, are remediless without the intervention of Congress, which is omnipotent, which ought to represent the genius of justice and the spirit of equity in such cases, and which, I am glad to say, has never failed in a proper cause to lend a helping hand under the peculiar facts disclosed in the pending bill.

There are many precedents for legislation of this character. Similar relief has been granted, under similar circumstances, to settlers who located upon railroad lands in several of the Western States, and, I submit, a more auspicious occasion has never happened, a better case was never presented, for the beneficent exercise of equity and good conscience than this measure has now brought under your consideration.

The history of a nation is in the memory of her sons. Her palladium is in their hearts. The industrial classes, the world over, have proven the safest and most conservative element of human population. They are patriotic, liberty-loving, and law-abiding. They not only fight the battles of their country in war, but serve her faithfully in peace. In every relation of life they are true. All honor to such men!

Congress, pursuing a wise and liberal policy toward that comprehensive group or class whom we delight to characterize as our splendid yeomanry—"the common masses of the common people"—passed an act on the 20th day of May, 1862, "to secure homesteads to actual settlers on the public domain." At that time a terrific internecine strife was being waged everywhere between the two great sections of the Union. Ruthless and unpitying war, with all the devastations that follow in its wake, had swept with relentless fury over our fair and fruitful fields.

Our sunny skies were red with the flames of burning towns and

black with the smoke of ancestral homes. At such an hour in the history of the Republic this beneficial law was enacted in order to furnish poor but deserving men an opportunity to buy humble homes—to give them a rooftree, to provide each of them an abiding place, and to fasten to it the inspiring ideal of a common country in which the people rule and from whom all legislative and political power is derived. In short, to make them the foundation stone upon which the whole superstructure of this magnificent Government is reared—the prop and support, the stay and hope for the preservation of civil liberty and the law of the land.

"Home, Sweet Home," is the sweetest song that ever was heard. It strikes the harp of the soul and draws out the tenderest pulsations from the heart of love in all lands and under every sky.

Mid pleasures and palaces though we may roam,
Be it ever so humble there is no place like home.

There is something irresistibly attractive in the word "home"—a refuge from the ills of life; a place of peace; a shelter from doubt; a temple of love, watched over by household gods, upon whose altars burn the incense of heaven. "Home is not four square walls, though hung with pictures and gilded." However humble, it is a shrine of our affections, a school of our hearts. Around that hallowed spot in after years old remembrances love to cluster all along our earthly pilgrimage. In our pathway through life they encircle us like an Eastern spell, and are potential in developing the moral character and in completing the perfect man.

Our American homes are the nurseries of patriotism and the civic virtues. While this Republic is advancing in the arts and sciences, in letters and learning, in wealth and culture, in navigation and commerce, and in all that relates to the civilization of the human race, the lessons of civil and religious liberty are taught in the home circle. From the sacred precincts of the household must emanate that lofty spirit of devotion and self-sacrifice which looks to the elevation of the individual man in his moral, mental, and social character, leading the long train of all other improvements, and which contribute to the making of a nation and its people truly good and great.

These lessons, taught at the mother's knee, bowing before the family shrine, give a wide scope to sentiments of the broadest and purest catholicism. They appeal to everyone in whose breast shall arise an aspiration for human rights as well as an admiration for high moral and intellectual qualities, consecrated to duty and steadily and triumphantly devoted to the accomplishment of glorious deeds—to the attainment of noblest aims.

The home life, beautiful with flowers and music and sunshine scattered around it to enliven its gloom, its portals wreathed with blossoming jasmines and the "red fruited woodbine"—an eden of brightness and gladness—is the ideal life on this earthly sphere, the true life, which brings peace, happiness, and contentment.

The poet has elaborated this sentiment in these exquisite lines:

Make home a hive, where all beautiful feelings
Cluster like bees and their honey dew bring;
Make it a temple of holy revealings
And love its bright angel with shadowed wing:
Then shall it be, when afar on life's billow,
Wherever your tempest-tossed children are flung,
They will long for the shade of the home-weeping willow,
And sing the sweet songs their mothers have sung.

Mr. Speaker, and gentlemen of the House of Representatives, you all, or most of you, have elegant residences, palatial homes. My faltering tongue can not describe them. Enjoy them to your heart's delight. My unhappy constituents, who are threatened with distress warrants, do not envy you. They are very reasonable. They only want to retain the humble cottages they built upon lands which they bought from the United States Government. Save them, I beg you. Rally to their defense, come to their rescue and deliver them from the perils which overhang them.

I yield five minutes to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, this highly meritorious bill in behalf of the deserving homesteaders in Alabama is now very narrowly escaping defeat. There are perhaps 25 and maybe 50 bills of equal merit that will go down for lack of time under the demand for roll calls; many of those bills represented by gentlemen on the other side of the Chamber, and whose bills are thus being defeated by this filibuster.

Let me call attention also to the further fact that for the last two months or six weeks bills of such a character, instead of going through by unanimous consent, as they do in the usual course of business in the House, have been held up by objections to unanimous consent, made by a member on the Democratic side of the Chamber, Mr. MOON, so that the other side of the House, first having prevented for two months the passage of unobjectionable bills like this, bills of as much merit as this, after tying them up for two months, and now finding the House Calendar blocked with them, are preventing their passage by dilatory roll calls. I am glad to know that the gentleman from Alabama [Mr. WILEY] has succeeded in saving one of them out of the wreck; but there is an abundance that will go down into the tomb on the adjournment of this House on the 4th day of March. And my Democratic friends who have thus been slaughtering their own offspring, who, like Saturn, have been eating their own children, find themselves in a position of having plenty to explain to their constituents when they go home. [Applause on the Republican side.]

Mr. DALZELL. Why do you say that the gentleman from Alabama has saved this bill?

Mr. LACEY. Because it is a good bill, and there are going to be enough Republicans who will vote for this bill to save it.

Mr. DALZELL. I hope not.

Mr. LACEY. I hope there will be.

Mr. PAYNE. If this motion should be voted down, the bill would still be on the Calendar and might be reached by unanimous consent?

Mr. DALZELL. Certainly.

Mr. PAYNE. If that side of the House should stop it by their unseemly behavior?

Mr. LACEY. Just a word further.

Mr. SCHIRM. I would like to ask the gentleman a question.

The SPEAKER pro tempore. Does the gentleman yield to the gentleman from Maryland?

Mr. LACEY. I yield for a question.

Mr. SCHIRM. I would like to know why this bill, that benefits Alabama, should take precedence over all other bills on the Speaker's desk, when the obstruction in this House has been led by a gentleman from Alabama?

Mr. LACEY. I speak not for the obstructionists of Alabama, but for the poor settlers of Alabama, whose rights I hope this side of the House will respect, notwithstanding the utter disregard that has been shown to their rights and to their claims by the other side of this Chamber.

The SPEAKER pro tempore. Does the gentleman from Alabama desire to use any more time?

Mr. WILEY. How much time have I, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has nine minutes remaining.

Mr. WILEY. I reserve the remainder of my time.

Mr. MONDELL. Mr. Speaker, I stand ready to recognize any gentleman who desires to speak in opposition to this bill, as I consider it my duty to do so, being in control of the time on this side and being myself heartily in favor of the measure. [After a pause.] As no one seems desirous of being heard in opposition to the bill, and as the gentleman from Alabama has very clearly and eloquently stated its provisions and purposes, I will consume but a moment in a brief statement relative thereto and then pass on to other matters affecting generally settlers and settlements on the public domain.

Briefly, the facts with regard to the bill before us are as follows: Years ago Congress made a grant of lands in aid of the construction of certain railways in Alabama. In 1890 an act was passed forfeiting all these grants not contiguous to completed portions of the roads. By reason of a misunderstanding as to the point to which construction had been carried the General Land Office opened to homestead settlement not only the unearned lands, but some lands contiguous to completed portions of the roads, and upon these lands settlements and entries were made.

After the land had been opened to settlement, and in some cases after Government patents and final certificates had been issued, the railway companies and their grantees brought suit against the settlers, and the courts held that the title rested in the railroads and their grantees, and in some instances writs of ejectment have already been issued and the settlers are liable at any time to lose their lands. In this condition of affairs those claiming from the railroad companies have agreed to the provisions of this bill whereby on relinquishing all their right or title to the lands claimed by the settlers they are to receive an equal area of other public lands in Alabama. The measure is exceedingly meritorious, and if we do not pass it at this time there is danger of a considerable number of settlers losing their farms and homes, through no fault of theirs, but apparently through a blunder of the General Land Office in opening to entry lands which had been granted to the railroads.

Now, I know that some of the gentlemen on this side, very properly incensed at the filibustering tactics of the minority, who are virtually holding the House up and preventing the passage of much meritorious legislation, feel inclined to vote against suspending the rules for the passage of this bill because they do not think that the minority, which is blocking legislation, should be allowed to get its measures through, when members on this side having equally meritorious measures are not granted that privilege. But, gentlemen, we may well leave with the Democratic

minority the monopoly of an exhibition of temper and of the responsibility for obstructing necessary legislation. This meritorious measure is before us and I hope it will receive the necessary two-thirds vote.

The discussion of this subject, affecting as it does settlers upon public lands, leads naturally to a general discussion of the situation as regards the public lands of the nation and settlements thereon and I wish to present to the House some views on the general subject of the land laws, and particularly in opposition to a certain agitation for the repeal of some of them.

AGAINST THE REPEAL OF THE LAND LAWS.

Uncle Sam began business as a real estate dealer over one hundred and twenty-five years ago, and during that time has conducted a large and constantly growing business in that line, having disposed of, under the various public-land laws up to the beginning of the present fiscal year, 764,422,726 acres, or a little more than a third of the entire area of our continental possessions exclusive of Alaska.

AREA OF PUBLIC LANDS SUBJECT TO ENTRY.

In spite of Uncle Sam's large real estate transactions, however, he is still the owner of a vast acreage, an acreage in fact but a trifle less than that disposed of in the last hundred and twenty-five years exclusive of railroad land grants, and there is no immediate danger of his becoming short in the real estate market or of going out of business as a purveyor of lands, for he has today in round numbers 525,000,000 acres which he offers for sale and settlement under the various land laws, or an area equal to that of all of the thirteen original States of the Union and the great States of Kentucky, Vermont, Tennessee, Maine, West Virginia, Ohio, Louisiana, Indiana, Mississippi, Illinois, Alabama, Missouri, Arkansas, Michigan, Wisconsin, and Iowa, a very goodly tract, by the way, and calculated to keep Uncle Sam in the land business for some time, even under laws which encourage reasonably rapid disposition.

AREA OF RESERVED LANDS.

In addition to the public lands subject to entry Uncle Sam has reserved as forest reserves something over 60,000,000 acres, or an area equal to the great States of New York and Pennsylvania, with Delaware thrown in for good measure. As all know who are conversant with the conditions, some of this reserved area is well adapted to settlement and has now a large population. The greater portion of it is of value for grazing purposes. In fact, considerable areas are of much more value for such purposes than for the purposes contemplated by the law under which forest reserves are created.

Then there are about 60,000,000 acres, outside of the Indian Territory, reserved for various purposes, largely for Indian reservations, from which, as tribal relations are broken up and lands are granted in severalty to the Indians, we will open to settlement and entry an area at least as large as the great State of Missouri, and still leave the Indians more lands than they can ever make good use of.

From this brief review of our real estate situation it will be seen that the pioneer and home builder still have a very considerable territory in which to establish themselves within our contiguous continental territory, and beyond this, we have the limitless area of Alaska, and if a fifth part of the surface of that great Territory can be utilized for farming and stock growing, and I have no doubt but what a much larger portion than that can be so utilized profitably, we have there, on that basis, an area on which settlers can build their homes and establish their farms, as large as Michigan and Wisconsin.

THE AGITATION FOR REPEAL.

I am led to this review of the public-land situation by the agitation which has been carried on in certain quarters for a repeal of certain laws under which title to our public lands are obtained. This agitation has for its purpose the repeal of the commutation clause of the homestead laws, the timber and stone act, and the desert-land law, and the repeal of these laws is urged, as I understand it, on the ground, first, that public lands are passing too rapidly into the hands of private owners, and at the present rate we shall not have, it is stated, any public lands left for "future generations;" second, for the alleged reason that the spirit and intent of some of these laws is being violated, and that this violation can only be cured by repeal; third, that so far as the timber and stone act is concerned the Government should cease to dispose of its timber lands and establish a Governmeut monopoly in timber and timber products.

Before entering upon a discussion as to how much truth there may be in the rather startling allegations of public land frauds which have been made in support of arguments for repeal, and the wisdom of discouraging the acquisition by individuals of the public lands, and of the proposed establishment of a gigantic Government forest monopoly, it will be well, perhaps, briefly to examine the facts as to the entry and disposition of the public lands in the recent past, particularly in the past year, and to recall for a moment the causes which underlie an increased or unusual demand for public lands.

DEMAND FOR LAND AN INDEX TO PROSPERITY.

So far as agricultural and grazing lands are concerned, the demand for such lands is the best possible index and barometer of national business conditions. Given a statement of the varying rate of disposition of the public lands throughout a decade or a century, and in it you will read with remarkable accuracy the story of the growth in population, and particularly of the rise and fall in the prices of the products of agriculture and husbandry. Increased population, other conditions being favorable, means an increased demand for public lands inevitably. An increase in the price of wheat, corn, and live-stock encourages the undertaking and development of these industries in territory and regions where under low prices they would be unprofitable.

We have been enjoying a remarkable degree of prosperity for a number of years past; we have seen the highest prices paid for live stock known in our history, and naturally we have witnessed an increasing demand for public lands, even in those regions of semiaridity where the growth of crops is questionable, in the older public-land States, where there was nothing left but the culling of generations, and in the arid regions, where the great cost of reclamation discouraged or the sparse product of irreclaimable grazing lands gave no encouragement to private ownership under the unfavorable conditions of former years. The increase in area of original entries and filings from 10,000,000 acres in 1894 to 19,000,000 in 1902 measures the increase in population and even more the enhanced value of agricultural products, as the decrease in area of original entries from thirteen and one-half millions in 1892 to eight and one-third millions in 1895 marked the decline in prosperity and in the prices of agricultural products during that period.

AREA DISPOSED OF NOT AS GREAT AS HAS BEEN SUPPOSED.

As a matter of fact, however, the great seeming increase in the disposal of public lands, as indicated by original filings and entries in the past two years, has been more apparent than real, for while the original entries for the fiscal year 1901 aggregated, in round numbers, 15½ million acres, and in 1902, 19½ millions, the final disposition of public lands for those two years, or the amount which the Government actually parted title with during those years, was in 1901 but 6½ million acres, and in 1902, 6 millions, and of the increase of nearly 4 million acres in area of original entries in 1902 above 1901 over 2½ millions were of lands in Oklahoma, which was purchased from the Indians and opened to settlement, leaving only 1½ millions of increase over the previous year, most of which occurred in three States, under all laws.

I do not cite these figures because I feel it necessary to reassure anyone who understands that the growth and development of the public-land States only comes with the passing of the public lands into private ownership, but to point out that the increase in the original entries of the public lands has only been such as a normal growth in population and increased returns from the products of the soil would naturally bring about, and for the comfort of those who are fearful that the public lands will all soon be exhausted—and that the apparent large and actual moderate increase in the amount of lands passing into private ownership necessarily implies unwise laws and lax administration.

PROPOSED REPEAL OF COMMUTATION PRIVILEGE.

The law which the repealers seem most insistent upon having taken from the statute books is that portion of the homestead law which has been part of it since its enactment, and which allows the homesteader, after fourteen months' residence and cultivation, to pay the Government $1.25 an acre, or $200 for his 160 acres, and obtain a patent for the same. The repeal of this law is demanded, as I understand it, on the theory or allegation that bona fide homestead entrymen do not commute their land, but that the commutation law is taken advantage of only by those who are desirous of obtaining public lands in considerable areas and for other purposes than actual cultivation of and residence upon each 160 acres, and the increased acreage taken under the homestead law in the past two years is cited as alleged proof of this contention.

The history of the homestead law as it operated in Minnesota, Kansas, and other States in the humid regions is a clear refutation of the claim that commutation necessarily leads to speculation, or to the acquisition of lands in large areas; nor need those timid and fearful souls who look upon every entryman of the public lands as a land-grabber and a criminal, and who are fearful lest the public domain shall not be reserved for "future generations," be particularly agitated over either the homestead entries or the commutations of the same in the past two years. As a matter of fact, the area of final homestead entries for 1902, amounting to 4,342,747.70 acres, is nearly a million acres less than the final entries in 1901, and less than 300,000 acres more than the final entries away back in 1890.

AS TO HOMESTEAD ENTRIES.

The increase in the number of original homestead entries in 1902 is due almost entirely to the vast area of former Indian lands entered in Oklahoma, amounting to nearly 4½ million acres, the vast acreage taken up in North Dakota, amounting to nearly 2½ millions, and the over 1 million acres entered in Washington. These two States and one Territory contributed nearly 8 millions to the aggregate of 14 millions of original homestead entries during the year 1902, and I have not heard any suggestion, or at least no serious attempt has been made to prove that the entries in these States and this Territory were not generally made in good faith.

There can be no doubt but what the number of original homestead entries made during the last two fiscal years was somewhat increased by entries made in view of the decision of a former Secretary of the Interior in the now famous Ella Dickey case. Back in 1896 two gallant old soldiers, one of the Union and the other of the Confederacy, engaged in a friendly rivalry in attempting to save the widow of an ex-Union soldier her homestead, with the result that they agreed upon a decision to the effect that the widow of a soldier need not reside upon her homestead. This remarkable decision seemed to have escaped general notice until about two years ago, when entries began to be made with a view of taking advantage of the interpretation of the law therein contained. While the Department, I understand, now holds that the decision was illegal and improper, it seems hardly fair to officially condemn those who were following departmental decisions. These entries, however, were manifestly not made with any thought of commuting, for it would be the height of folly to commute, could a title be acquired in five years without residence.

During the year 1902 4,342,747 acres were finally certified to homesteaders under the residence provisions of the law, while the area commuted under section 2301 of the Revised Statutes only amounted to 953,525 acres, and under all commutation provisions approximately 1,100,000 acres, so that practically only one homestead entry in five was commuted, and at the same rate of commutation, if all the remaining public lands were so disposed of, it would take over five hundred years for the commuter, who seems to trouble the dreams of the repealer, to "gobble up" the public domain.

COMMUTATION PRIVILEGE WISE.

As a matter of fact, the commutation feature of the homestead law is one of its wisest provisions. The settler who goes upon the public lands where conditions of soil and climate make it possible for him to support himself and family has little disposition to pay the Government $200 or $400, as the case may be, for a title to his 160 acres of land in advance of five years' residence. If he does so, it will be because, being without funds for the erection of buildings, or purchase of live stock, or implements, he can better afford to pay for his land, obtain a title to it, and use it as a basis of credit, than to wait five years for a patent, or because of death in his family, sickness, or other calamity it becomes necessary for him to leave his land, temporarily or permanently, before the lapse of the five-year period; under which conditions, but for the commutation clause, he would be in danger of losing his land, his labor, and improvements.

As the lands within the "rain belt" and of known fertility have become exhausted, the land seeker has been tempted into less inviting regions, in the hope that a changing of climatic conditions or better understanding of the methods of cultivation suited to the conditions would wring productiveness from the semiarid or sterile soil. Every entry made under these conditions is a challenge to the fates, the entryman staking his homestead right, his desire for a home, and his labor against the perils of the enterprise, and in thousands upon thousands of cases he has been compelled at last to strike his colors and surrender to adverse conditions or sue for a truce after years of toil and privation, though in countless other cases industry and tenacity have finally won the victory.

It is largely under such conditions, more or less modified, more or less aggravated in form, that the homesteader locates upon what remains of the public land, and the commutation clause invites his effort, because it holds out the hope to him that if he is temporarily compelled by adverse conditions to leave his land or take his family from it and utilize it to the best possible advantage in other ways than by cultivation he can obtain a title, and thus not lose all of the time and effort he has expended. No one who understands conditions in public-land States doubts that settlement will be retarded and development delayed by the repeal of the commutation clause of the homestead law.

DESERT-LAND ACT.

Some of the repealers are particularly insistent upon the repeal of the desert-land act, and, strange as it may seem, some who style themselves "irrigationists," and who claim to be the friends of irrigation development, are most clamorous for the repeal of the only law upon the statute books of the nation which provides for and compels irrigation by private enterprise. The most exaggerated statements have been made as to the working and effect of this law, and the most reckless misstatements have been uttered as to its results. Speaking of this law, Senator WARREN, of Wyoming, recently made this clear and truthful statement:

> Under this act more arid lands have been reclaimed, more barren wastes have been converted into growing fields of hay and grain, and more unproductive land has been made permanently productive than under any other law applicable to the Western country. * * * No other law properly administered reduces to so much of a minimum the opportunity for abuse and prevarication. Everywhere over the Western country the arid wastes are spotted by beautiful fields of growing grain and alfalfa, which testify beyond the possibilities of contradiction to the splended and material results legitimately accomplished under this law.

Let us see how much danger there is that all the remaining public lands shall be "grabbed," as the repealers style it, under this law which compels the entryman who goes upon a barren waste to reclaim and irrigate it and pay the Government $1.25 an acre, or $2.50 an acre within railroad limits, before he can secure a title. In the fiscal year 1901 the original desert-land entries covered 686,382 acres, and the final desert-land entries 152,160 acres, indicating that about one entryman in five was able to comply with the rigid requirements of the law and obtain a title to his land. In 1902 the original desert entries amounted to 929,230 acres, and the final desert entries amounted to 210,742 acres, or approximately but one entry finally secured to the entryman for every six entries made, the balance representing the attempts made at reclamation where the conditions were so adverse that the entryman was unable, within the four years allotted him under the law, to reclaim his land sufficiently to obtain a title, and thus the title to from four-fifth to five-sixths of the land filed upon remained in the Government, though the filing fee of 25 cents per acre had in each case been paid.

A LAW THAT COMPELS RECLAMATION.

As was well said by Senator WARREN in the interview referred to, "none of the land laws is surrounded by so many safeguards as this," and that is particularly true as regards entries made in States having the best irrigation laws, for in the administration of the desert-land law the General Land Office necessarily recognizes local laws and customs regarding the appropriation and use of water in administering the same, and it is a significant fact that those who have been the most hostile to the growing tendency and disposition in the arid States to the betterment of laws relating to the use of water in irrigation have been most vehement in their clamor for the repeal of this law, cloaking their assaults upon it under a thin guise of professed friendliness to the reclamation of the West.

Nothing is more essential to the best administration of the desert-land law than perfection of State water legislation, the necessity for which was forcibly stated by President Roosevelt in his first message to the Fifty-seventh Congress, which will make it impossible for the entryman to set up a claim to the possession of a water right for the irrigation of his tract which he does not in fact possess. In States like Colorado, Wyoming, and Utah it is a practical impossibility to secure a title under the desert-land law without the possession of a water right sufficient for the irrigation of the tract, and even in other arid States where irrigation laws are less perfect the requirements under this law are so exacting as to leave the chance or opportunity for acquiring land under it, without reclamation, exceedingly limited and remote.

An entry under the desert-land law more certainly assures the building of a home and the improvement of the land than an entry under the homestead law in the same region, even were the commutation clause of that law repealed, for the homesteader is neither required to reclaim or to any considerable extent to cultivate his land, whereas he who even indifferently and only partially reclaims a tract under the desert law must of necessity reside on or near the tract in order to secure any benefit from or maintain the value of the improvements he makes.

Formerly the area of a desert entry was a section. Irrigation laws were less perfect and the administration of the act less intelligent and vigorous than at present, and there is no doubt but what some areas passed into private ownership which were not permanently irrigated; that through the medium of the law other large areas which were irrigated passed under a single ownership. But these are very largely matters relating not to the present, but to the past, and generally to conditions which existed ten or twenty years ago. I am not certain but what we are approaching the time when the area of the desert entry may be properly reduced from 320 to 160 acres, but no more fatal blow could be struck at the development of the arid region through irrigation than the repeal of this law.

NATIONAL IRRIGATION ACT.

By the act of June 17, 1902, the nation embarked upon a policy of national reclamation. Everyone who knows the conditions in the West understands that the works undertaken under this law

will be generally of a character too large or too intricate for private or cooperative enterprise, and that under the desert-land law the farmer or the association of farmers who seek to irrigate limited tracts by diversion of streams or the building of small storage basins will, in the aggregate, reclaim infinitely more land than will be irrigated by works constructed under the national irrigation act.

Not compelled under the desert-land law immediately to establish a permanent home on the arid and nonproductive tract which he seeks to reclaim, the desert entryman is free for the three or four years during which he is reclaiming his tract to reside elsewhere, where he can give his family the advantages of settled communities, and where he may find employment, and investing his surplus earnings and savings in works of reclamation, he finally, unless his undertaking prove beyond his means and conditions less favorable than he had anticipated, reclaims his tract, which in the very nature of things he must eventally make his home and continue to irrigate and improve.

MAKES THE DESERT BLOSSOM.

An entry under the homestead law in the arid and semiarid regions, even with every condition of the law complied with, including five years' residence, if you please, may present nothing at the end of that time but a disfiguring weed patch and an abandoned shack, whereas an entry under the desert-land law, with its provisions at all reasonably complied with, must and does present a picture of verdure and fertility and a permanent and prosperous home established on lands which had been arid and practically worthless.

TIMBER AND STONE ACT.

Another law which the repealers propose to strike from the statute book is that which allows any American citizen to purchase not to exceed 160 acres of land chiefly valuable for the timber or stone it contains and not fit for agricultural purposes at $2.50 an acre. The discussion of the propriety of repealing this law involves two main questions. First, should the Government from now on seek to become a monopolist of all the remaining timber land of the nation; and, second, if the timber lands or any portion of them should be sold, should they be sold at what amounts in some instances to a nominal price or should their value be determined and a price fixed which reasonably measures the same?

FOREST RESERVATIONS, WHEN TO BE ESTABLISHED.

To the first of these propositions personally I am emphatically opposed, and for many reasons. March 3, 1891, Congress enacted a law authorizing the President "to set apart and reserve lands bearing forests, whether of commercial value or not," as forest reserves. The purposes sought to be served by the establishment of these reserves were declared in the act of June 4, 1897, as follows:

No public forest reservation shall be established except to improve and protect the forest within the reservation, or for the purpose of securing favorable conditions of water flow and to furnish a continuous supply of timber for the use and necessities of citizens of the United States; but it is not the purpose or intent of these provisions, or of the act providing for such reservations, to authorize the inclusion therein of lands more valuable for the mineral therein or for agricultural purposes than for forest purposes.

Under this act about 61,000,000 acres of lands have been reserved, and with the objects and purposes of these reservations, as declared in the statute above quoted, I am in full and hearty sympathy, and in so far as those objects have been kept clearly in view and the limitations of the act recognized and adhered to in the creation and administration of the reserves I believe the policy has the general indorsement of the people of the country. If there is other forested area the reservation and preservation of which is demanded in the carrying out of the national policy heretofore declared, such reservation, in my judgment, should be made. But we have on the public domain perhaps 60,000,000 or 70,000,000 acres of lands yet outside of the reserves, having a more or less valuable growth of timber, a great portion of which consists of scattered and detached patches and regions rough and rocky in character, bearing but a scrubby, scattering, and comparatively valueless growth of trees, and not susceptible in the main of supporting a more dense or valuable growth.

DANGER OF REPEAL.

A repeal of the timber and stone act would render it impossible for settlers in the West to obtain title to any of this land except under the homestead law or through the medium of so-called scrip, and would necessarily compel the Government to go into the business of the sale of timber piecemeal over the entire area of the public-land States, and he certainly would be a most enthusiastic optimist who would contemplate such a proposition, and the delays, criticisms, and friction, not to say peculation and fraud, which such a system would invite, with confidence and cheerfulness.

We are told that under the timber and stone act in the aggregate large areas of valuable timber lands have been purchased, and perforce this must spell public calamity and private fraud. The same causes which have led to the increases in the disposition of other public lands had their bearing on operations under the timber and stone act, to wit, good times and the accumulation of savings, and this has been augmented by the fact that timber is growing scarce in some of the regions which have heretofore been large producers, and there has been a disposition to purchase timber and stone lands in some of the States in anticipation of an increase in value with the development of transportation facilities. The aggregate of entries under this law in the recent past has not been as large as one might be led to suppose from all that has been said on the subject. The total sales for 1891 aggregated 396,445 acres, and for 1902, 545,253 acres, and estimating our public forest lands, outside of forest reserves, at the very conservative figure of 50,000,000 acres, at the rate of last year's disposal we would still be selling timber lands a hundred years hence.

The increase in 1902 over 1901 amounted to 150,000 acres, and when it is considered that the area over which these lands were sold comprises over one-third of the United States, neither the increase of sales nor the total area sold can be considered particularly large. While there have been slight increases in the sales under this act in various portions of the region over which it operates in the past two years, the principal increase has been confined to the States of Washington, Oregon, Idaho, and California.

No doubt a considerable portion of the timber lands which have been purchased under this law in the States named contained forests which, in the course of time, with the advent of transportation facilities, will be valuable, but the fact that, in these prosperous times, and with the great inquiry there has been in the past two years for forest lands, there has been but little increase in the amount of lands purchased under the timber and stone act outside of the States named is the best possible proof that the major portion of the forested area of the country is not considered worth $2.50 an acre at the present time.

WHY NOT PLACE VALUABLE FOREST LAND IN FOREST RESERVES?

Not only has the increased sales of timber lands in the last two years been confined to comparatively few States, but to a few land districts in those States, and this fact naturally leads the layman to inquire, why is it, if it be not good public policy that these timber lands, said to be very valuable, should be disposed of under this law, that they are not reserved by the creation of forest reserves? While it may be suggested that it is not wise or practicable to reserve all or even the best and the most valuable of our timber lands, some of which a high official of the Government recently reported were worth a hundred times what the Government is receiving for them, the natural inquiry is, why is it not practicable?

In view of the fact that vast areas have been included in forest reserves which were as barren of timber or even of brush as a Kansas prairie, and in view of the further fact that only the most persistent and emphatic protests have kept further large areas of this kind out of the forest reserves, and that in spite of all protests considerable regions of this character have in the past been included in forest reserves, it strikes some of us as passing strange that what are officially alleged and declared to be particularly and especially valuable timber lands, and which are located in reasonable solid and compact bodies, are not reserved and preserved under the forest-reserve law.

GET THE FOREST RESERVES IN THE RIGHT PLACE.

In this connection I am reminded of a colloquy which occurred some time ago between an official in high station and a gentleman with whom he was discussing the location of forest reserve lieu rights. Said the official, who, by the way, had had something to do with the establishment of forest reserves: "Just think of it, a man can relinquish his right to a tract of absolutely untimbered and comparatively worthless land within a forest reserve and locate the same on the most magnificent forested land on the continent, some of which contains half a million feet of lumber to the acre. Now, what do you think of that situation?" Said the gentleman thus appealed to: "What do I think of it? I think you have got your forest reserves in the wrong place."

It is my opinion that mountainous forested tracts, the preservation of which is necessary for the purposes declared in the statute relating to forest reserves above quoted, should be reserved, and that the use of these reserves should be allowed in all ways not harmful, and that such reservations should be confined absolutely to mountain and timber lands, and should not include large areas of agricultural or grazing lands, and that all of the forested lands of the Government, other than those thus reserved, should, under proper restrictions, from time to time be disposed of.

I have never believed that there should be a flat price for timber lands all over the United States. In the region covering the summit and the eastern slopes of the Rocky Mountains there is but little, if any, timber land worth more than $2.50 an acre, for the reason that the timber is generally scattering and inclined to be scrubby and of but little commercial value except for local use. On the western slope, on the contrary, the Government has no doubt sold considerable areas of timber land, which, if not at

the time sold, at least within a reasonable length of time, would be worth more than $2.50 an acre, and I think the timber and stone act might well be amended so that in regions heavily timbered a price approximately measuring the value of the tract may be obtained.

From a very considerable experience and observation it is my opinion that east of the continental divide of the Rocky Mountains, and in large areas west of it, the Government has made but few sales of land under the timber and stone act in which it did not receive all that the land was worth, and to my personal knowledge many tracts have been purchased which could not have been disposed of if owned by a private individual for as much as the Government price. Owners of small sawmills, to supply local demands, have purchased these tracts, and many thousands of acres of rough, rocky land with but a sparse growth of timber, worthless for agricultural purposes, and except in a limited way for grazing, have been purchased by settlers to round out their holdings and combine the benefits of a limited amount of pasturage with the advantages of a private wood lot, and in all this class of purchases the Government has made a most advantageous sale from every point of view.

AS TO FORESTRY.

We have heard a great deal in the past few years about European and particularly German forestry systems, and there are some very good people who are so utterly impracticable as to imagine that you can transplant, in all its detail, a forestry system maintained over limited areas in a densely populated region under a bureaucratic and monarchial form of government and fit it, without alteration or amendment, to the comparatively limitless areas of the public-land States in a region sparsely settled, largely undeveloped, from 1,500 to 2,500 miles from the seat of Government, and settled by a people unaccustomed and opposed to bureaucratic methods, and with the liveliest and most virile notions of individual ownership and local control.

No doubt we can get some valuable pointers on forest preservation from European monarchies, but in the main their methods do not and can not fit the conditions here, at least in the distant undeveloped and largely unsettled portions of the country. Every attempt to apply them will lead to friction and result in failure, and to attempt to retain in public ownership all of the public lands of the United States containing timber, to administer and protect the same and dispose of its product would be impossible of execution, impracticable, and disastrous.

WHERE THE REPEAL AGITATION COMES FROM.

Having discussed these various laws which it has been suggested should be repealed, it might not be improper to inquire as to some of the sources of the agitation for such repeal. It is very natural, it seems to me, that a conscientious official charged with the execution of the public-land laws, desirous of preserving his administration of those laws from any taint or suspicion of fraud, and to see that they are executed in accordance with their letter and their spirit, mindful of the responsibility resting upon him, should be sensitive to and influenced by criticisms which may be made relative to the character of the administration of the same, and confronted with considerable increased demands for public lands and the knowledge that at all times, under the best administration, some frauds against the spirit, if not the letter, of the laws will be perpetrated, should be influenced in his views by the disposition that exists in all Government bureaus to apply the brake at the least suspicion of danger, to err, if at all, on the side of conservatism, and by the exaggerated, inflammatory, and oftentimes untrue statements and criticisms, the cunningly devised, artfully and ingeniously executed appeals and recommendations, in person and through seemingly disinterested channels, of those who cloak a peculiar and personal interest in the repeal of the land laws under the virtuous and saintly garb of disinterested solicitation for the people's welfare and sleepless anxiety lest "the people's heritage" should be "gobbled up" and not reserved for "future generations."

Now, it may be worth our while to inquire briefly whether or not there are any people or interests in these United States that would be served and benefited by the repeal of practically all the land laws save that which allows the settler to go upon the public lands under the generally adverse and hard condition surrounding a location on the public domain at this time and obtain a title to 160 acres after five years of residence and cultivation. Everybody knows, and the repealers must admit, that the repeals recommended would largely decrease the rate of disposition of the public lands, that there would be comparatively few who would be willing to go upon the remaining public lands charged with a knowledge of the fact that under no circumstances or conditions could they ever obtain a title except after five years of residence. The idea, then, is to discourage the taking up of the public lands. That is the avowed aim and purpose of a large class of the repealers.

THE LARGE STOCK GROWERS.

Let us see who would be benefited. In the first place, every large stock owner, who, by continual purchases for a series of years, has acquired the title to all of the lands having a water frontage, or upon which water can be developed, or which is of especial value over a considerable area. He might very likely be benefited by the repeal of the commutation clause of the homestead law and the desert-land act, for while a hardy settler might venture somewhere within the limits of the area he controls and attempt reclamation under the desert act, or the establishment of a home under the homestead act with a view of commutation if the conditions proved such that he could not support his family, or even the taking of 160 acres of rocky, scrubby, timber land with the view of utilizing it for pasture purposes, or for the building of a storage reservoir, few, if any, would be found with the temerity to enter such a territory, bound to a five-year residence with his family; and thus we see that the repeal of the laws in question would undoubtedly result in the perpetuation of certain range monopolies. But so far as I know we are not hearing from people of this class with regard to these matters, whatever may be their personal interest. Most men so situated have too keen a sense of what is right and just to advocate anything of the kind, even though it might redound to their benefit.

THE LAND-GRANT RAILROADS.

In the discussion of this matter, however, we must remember that Uncle Sam has very extensive competitors in the real-estate business—competitors whom he set up in business in this line thirty to forty years ago, with the view of encouraging the building of railroads, to wit, the land-grant railways. So far as the interests of those corporations are concerned in the matter of disposition of lands, they are practically identical, and therefore we may properly consider their interests as consolidated. These railways, first and last, have received grants of 197,000,000 acres of land from the Government, about 35,000,000 of which have been forfeited, leaving about 162,000,000 of railroad grants. How great a proportion of these grants are still in the hands of the railroad companies or the land companies organized by them it is impossible at this time to determine. We do know, however, that the railroad companies own at least 64,000,000 acres of land, or an area as large as Louisiana and Michigan, for this amount of their land grants have not as yet been patented to them. Quite likely some of these unpatented lands have been already sold. It is equally probable that a considerable portion of the patented lands have not been sold. So I think it is fair to assume that the various land-grant roads still own 64,000,000 acres of land, and to this we can add some two or three hundred thousand acres as probably a fair estimate of their grants still in the hands of wagon-road companies. Even if this estimate should prove high, still it will be seen that here is a great real-estate interest.

Now, everybody knows that the value of an article depends upon two propositions:

First, the demand; second, the readily obtainable supply. Does anyone doubt that the repeal of a number of important land laws would increase the sale and largely the value of railroad lands? Let us be conservative and imagine that but 50 cents an acre is added to their value by the repeal of the desert-land act, the commutation clause of the homestead act, and the timber and stone act, and we have, on an estimate of 64,000,000 acres still in the possession of the railroad companies, the very snug sum of $32,000,000—a sum which is quite worth the getting, and in the securing of which, as a purely business proposition, in addition to the benefits which would flow from having settlement concentrated along the lines of the railways, it is conceivable it might pay to maintain under virtuous disguise a well-paid lobby.

THE LOBBY AND ITS METHODS.

Such a lobby would probably include a few journals under catchy and reassuring titles; possibly a part of a program of this kind would be the somewhat stale and threadbare policy of getting up petitions reciting in a startling and appealing style certain allegations, which would be interesting and important if true, a call to arms and slogan to the clans so artfully worded that he who innocently accepted the premises must be swept as by a Kansas cyclone to the startling, dramatic, and irresistible conclusion, to wit, that the welfare of the nation depends upon the repeal of most of the land laws, and no doubt these "artful dodgers" would be sent broadcast, care being taken to have them fall only into the hands of those having no knowledge of the facts, but such as are always glad to join in a righteous crusade, and who, taking the statements of the petitions as gospel truth, as per directions from headquarters of the repeal bureau, would sign and forward them to their Congressmen.

I have no quarrel whatever with railroads or other people who may employ what they consider legitimate methods for the

increase of their revenues and for the benefit of their interests, but, in view of the facts of the situation, it is not strange that some people refuse to accept as wholly disinterested and altruistic the frantic efforts of a certain coterie of literary and petition-distributing repealers.

Their very close connection with interests which would be largely benefited is to say the least suspicious, and, in view of the facts, their attempts to mislead the people as to the true inwardness of their repeal efforts is the most splendid exhibition of nerve and effrontery which has been witnessed for some time.

HOW PRIVATE INTERESTS WOULD PROFIT.

The manner in which the repeal of the laws we are discussing would increase the sales of land-grant lands and enhance their value is so well understood by those living in the region affected that it need not be discussed at length. Suffice it to say that the average home seeker, rather than go upon a tract of public land with the absolute assurance that he can not obtain title except at the expiration of five years' residence, would prefer to purchase land outright from a land-grant company on long time and easy payments, even at more than the very reasonable price at which land-grant lands are now offered. With the desert-land law repealed, he who sought to irrigate a tract of land, but appreciated the fact that it would be impossible during the three or four years required for the construction of his reservoirs or his ditches to reside upon the tract, as would be required under the homestead law, would naturally seek a tract of railroad or other land in private ownership for the undertaking of his project.

BENEFITS TO SCRIP HOLDERS.

We have a provision of law under which lands in private ownership within forest reserves may be exchanged for any other surveyed lands in the country, nonmineral and unreserved. It is estimated that the forest reserves of the country have within their borders, or had when established, some two and three-fourths millions of acres of land which were the basis for lieu selections. A very great proportion of these lands were railroad land-grant lands, and the right of lieu selection therefore rests in the railroad company so far as they have not disposed of the lands in question. About one and one-half million acres of these lands have been utilized as a basis for lieu selections, leaving perhaps one and one-quarter millions of acres still outstanding.

This area is largely in the hands of a few persons or corporations. At the present time these rights or scrip sell at from $4 to $5 an acre, I am told. It is said that it is largely used for the location of valuable timber lands, and in this use its only competitor is the timber and stone act, under which any citizen can secure 160 acres at $2.50 an acre. Does anyone doubt that the repeal of the timber and stone act would largely increase the value of forest reserve and, in fact, of all other classes of lieu rights and scrip? Not at all. On the contrary, no one who knows anything about the situation can honestly deny the proposition that the repeal of the timber and stone act would nearly, if not quite, double the value of all forest reserve lieu rights and other classes of so-called scrip, and here then is a modest little item of five or six millions of dollars which we would legislate into the pockets of scrip holders by the repeal of timber and stone act.

HOW IT WOULD AFFECT THE NATIONAL IRRIGATION LAW.

There is another phase of this question of repeal of the commutation clause of the homestead law, the desert-land act, and the timber and stone act which I wish briefly to discuss, and I invite the attention both of those who voted for the act of June 17, 1902, reserving the proceeds of the sales of public lands in certain States and Territories for the construction of irrigation works under the National Government, and who are therefore anxious to see the work progress under that law, and those who voted against it, largely through the fear that the expenditures for national works of irrigation would not, for a very considerable length of time, be limited to the proceeds of the sale of public lands.

Under the bill in question a fund began to accumulate at the beginning of the fiscal year ending June 30, 1901, and in the two years ending June 30, 1902, we had accumulated in the fund $7,772,721.91. So far no actual work of construction under the act has been undertaken. Under the direction of the Secretary of the Interior the work of survey and examination of certain projects has gone steadily forward, and in the no distant future it is believed that the Secretary will have before him the data to enable him to determine where work may be properly undertaken. It is now proposed, before a single project has been undertaken, before any expenditure has been made under the act, except a very moderate one for surveys and examinations, to repeal the laws under which the major portion of the fund is accumulated.

Of the approximately 7¾ millions in the irrigation fund at the beginning of the present fiscal year, $5,234,043.28 was derived from the operation of the commutation clause of the homestead law, the desert-land law, and the timber and stone act, the amount for each fiscal year, under each of these laws, being as follows:

Cash receipts.

Year.	Commuted homesteads.	Desert land.	Timber and stone.
1901	$820,782.10	$324,376.04	$992,144.93
1902	1,290,506.80	443,067.00	1,363,166.41
Two years	2,111,288.90	767,443.04	2,355,311.34

WOULD LEAVE LITTLE FOR NATIONAL IRRIGATION.

If, therefore, we had repealed the three laws in question when we enacted the national-irrigation law, instead of having in the Treasury at this time to the credit of that work 7¾ millions, we would have had in the Treasury but a trifle over 2½ millions, or an actual loss of approximately 5¼ millions, or about five-eighths of the fund. No man who has considered this feature of the case and who is honestly anxious to see the irrigation law a success, can favor the repeal of the laws under which the greater portion of our fund is obtained. I am not unmindful of the fact that certain parties who parade as the friends of irrigation are agitating the repeal of these land laws, but this need surprise no one in view of the knowledge of the hostility of the same persons to the national irrigation act as it became a law, a hostility as hot and groundless as their demand since the passage of the act for credit for the accomplishment of the same, and in view of the close cord of sympathy, and, it is claimed, of financial interest between these people and those having large land holdings.

I have already trespassed upon the time of the House longer than I had intended in the discussion of these questions, and yet the subject is so vast, so far-reaching, has so many bearings and phases that I have only been able to present, in a condensed and hurried way, a very few of the suggestions and arguments which might be made with regard to the present agitation for the repeal of the land laws under discussion. I do not wish to be understood as registering the opinion that the laws referred to, either in their provisions or in their administration, are absolutely perfect. In fact, I have suggested some amendments which I think might properly be made. But I am of the opinion that on the whole these laws have operated wonderfully well in the development and settlement of our country along the lines of the American policy of small land holdings, the carrying out of which should be our constant aim and purpose.

No one conversant with present conditions imagines that a family can be supported according to American ideas on every 160 acres of Uncle Sam's unappropriated domain. There are vast regions where 640, 1,000, or 5,000 acres of irreclaimable grazing land are required for the support of a family, and in the no distant future we should recognize this fact in legislation, so that he who reclaims a tract of irrigable land may secure the use or ownership of a reasonable area of the nonirrigable grazing land adjacent to his home. We should seek to enforce the provisions of the land laws as we now have them, and amend and modify them from time to time along the lines of encouraging rather than discouraging settlement.

Lands that can be irrigated should unquestionably be held in small tracts, and this is the constant tendency throughout the West—a tendency to decrease rather than increase the size of irrigable holdings. If, perchance, lands which the Government, through the instrumentality of the national irrigation law, should some day propose to irrigate, did to a certain extent pass into private ownership without being fully irrigated, that fact would not be a bar to irrigation under that act; the act itself would compel the breaking up of these tracts into small areas, and, as I said before, the tendency throughout the West is to decrease rather than increase the size of areas under single ownership, whether utilized under irrigation or for grazing purposes.

SUGGESTIONS AS TO AMENDMENTS.

I do not claim any peculiar or special wisdom with regard to these matters, though a lifetime of experience in public-land States and Territories has given me some very positive ideas on the subject; and if I were to make any suggestions with regard to the laws we have discussed, they would be about as follows and purely tentative:

If, as a matter of fact, the commutation feature of the homestead law has been utilized for the purpose of obtaining title to valuable timber lands, amend that clause so that lands chiefly valuable for timber and not valuable for agricultural purposes when cleared could not be obtained under its provisions.

As I stated in the early part of my remarks, it is possible that the time has arrived when it would be wise to reduce the maximum acreage of an entry under the desert-land act to 160 acres; this is a subject properly up for discussion among those interested and having the best knowledge on the subject.

So far as the timber and stone act is concerned, it is in my

opinion well adapted to the conditions east of the continental divide of the Rocky Mountains. If the more valuable timber lands in some parts of Oregon, Washington, California, and possibly Idaho and Montana, west of the continental divide, can not be practically and properly reserved, then the law should be amended as regards those regions so that the price paid per acre shall reasonably measure the value of the property disposed of.

ADMINISTRATION OF LAND LAWS.

And now one word as to the administration of the land laws. Operating over so vast an area as they do, over territory so widely and radically differing in conditions of soil, climate, and topography, it is impossible for finite wisdom to enact laws wholly and completely applicable to all sections and all conditions, and it is useless to hope that the most enlightened, thorough, and business like administration of these laws shall, in the multitude of cases, always compel full compliance with the spirit as well as the letter of the enactment. But in view of the conditions and difficulties, it is my opinion that our land laws have always been reasonably well administered and that, taken by and large and as a whole, they are better administered now than they ever have been in the history of the Union, not excepting the period when their administration was attended with much less difficulty than now by reason of the practical uniformity of conditions and the comparatively prescribed area of their operations.

The desire to own land is strong among the people of our country. The tendency to small holdings is constant and continuous. Where considerable holdings of lands suitable for the support of families in small holdings have been obtained, the tendency is to divide and to subdivide, and only over those tracts in the arid and semiarid regions, impossible of reclamation or irrigation and suited to grazing of live stock, will the tendency to ownership of larger areas than the 40, 80, or 160 acre farm continue, and there the tendency, in the main, is only to the control or ownership or use of such an area as may be necessary to the support of a family.

We do well to guard the public domain, to bend every energy to its development, and we shall work for the best interests of the people and of the country only as we encourage in a wise and conservative way the acquisition of public lands by private individuals, and invite every aid of private and cooperative enterprise in the work of irrigation reclamation, which the Government, through its recently established agency, can only undertake and accomplish over a comparatively few extensive tracts.

There are several Western States where less than a tenth of the lands comprising their area have passed into private ownership and are taxable for the support of State and county governments, schools, and all of the institutions of civilized communities. This necessarily results in burdensome taxation upon personal property and enterprise and necessitates delay in the inauguration of needed public improvements. The people of such States naturally look forward to the time when a greater portion of their area will be taxed, when by reason of personal interest as owners a greater number of people will bend their energies to develop and improve. The people of such States, those who are anxious to see the irrigation work of the National Government prosper, who seek the development of our Western country in the immediate future, and who do not look kindly upon the proposition to reserve all of our lands for "future generations," are opposed to the wholesale sweeping scheme of the "repealers."

The SPEAKER pro tempore. The gentleman from Wyoming asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER pro tempore. Does the gentleman from Alabama desire to consume any more time? [Cries of "Vote!"]

The SPEAKER pro tempore. The question is on suspending the rules and passing the bill.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 156, nays 51, answered "present" 17, not voting 127; as follows:

YEAS—156.

Acheson,	Conner,	Gaines, Tenn.	Kahn,
Adamson,	Cooper, Wis.	Gardner, N.J.	Kehoe,
Allen, Me.	Cousins,	Glass,	Kern,
Bankhead,	Cowherd,	Gooch,	Kitchin, Claude
Bartlett,	Cromer,	Gordon,	Kitchin, Wm. W.
Benton,	Crowley,	Graff,	Kluttz,
Billmeyer,	Crumpacker,	Graham,	Kyle,
Bishop,	Cushman,	Green, Pa.	Lacey,
Boreing,	De Armond,	Greene, Mass.	Lamb,
Broussard,	Dinsmore,	Hamilton,	Landis,
Brundidge,	Dougherty,	Hanbury,	Latimer,
Burke, S. Dak.	Douglas,	Haugen,	Lawrence,
Burleigh,	Eddy,	Hay,	Lester,
Burleson,	Esch,	Hedge,	Lever,
Burton,	Feely,	Hepburn,	Lewis, Ga.
Butler,	Finley,	Howard,	Lewis, Pa.
Calderhead,	Fitzgerald,	Irwin,	Lindsay,
Candler,	Flanagan,	Jackson, Kans.	Little,
Cassingham,	Fletcher,	Jenkins,	Livingston,
Clark,	Flood,	Johnson,	Lloyd,
Clayton,	Fordney,	Jones, Wash.	Loudenslager,
McAndrews,	Moon,	Ryan,	Sutherland,
McCall,	Mutchler,	Selby,	Swann,
McClellan,	Needham,	Shackleford,	Swanson,
McCulloch,	Norton,	Sheppard,	Tate,
McLain,	Olmsted,	Showalter,	Tawney,
McRae,	Otjen,	Sims,	Taylor, Ala.
Maddox,	Padgett,	Slayden,	Thomas, N. C.
Mahon,	Parker,	Small,	Thompson,
Mahoney,	Patterson, Pa.	Smith, Ky.	Trimble,
Mann,	Randell, Tex.	Smith, H. C.	Underwood,
Marshall,	Rhea,	Smith, Wm. Alden	Vandiver,
Martin,	Richardson, Ala.	Snodgrass,	Wachter,
Maynard,	Richardson, Tenn.	Southwick,	Warner,
Mickey,	Rixey,	Sparkman,	Wiley,
Miers, Ind.	Robb,	Spight,	Williams, Ill.
Miller,	Robinson, Ind.	Steele,	Williams, Miss.
Mondell,	Rucker,	Stephens, Tex.	Woods,
Moody,	Russell,	Stevens, Minn.	Zenor.

NAYS—51.

Alexander,	Capron,	Hill,	Reeder,
Aplin,	Cassel,	Hull,	Roberts,
Barney,	Currier,	Jack,	Schirm,
Bartholdt,	Dalzell,	Jackson, Md.	Scott,
Bates,	Darragh,	Long,	Shelden,
Beidler,	Davidson,	M. Lachlan,	Southard,
Blackburn,	Driscoll,	Morgan,	Stewart, N. Y.
Brandegee,	Dwight,	Mudd,	Tirrell,
Brick,	Fowler,	Nevin,	Van Voorhis,
Bristow,	Gardner, Mich.	Overstreet,	Watson,
Brown,	Gibson,	Payne,	Wright,
Bull,	Grosvenor,	Pearre,	Young.
Burkett,	Hemenway,	Powers, Mass.	

ANSWERED "PRESENT"—17.

Burgess,	Gaines, W. Va.	Moss,	Smith, Iowa
Coombs,	Grow,	Pierce,	Thomas, Iowa.
Dayton,	Haskins,	Prince,	
Emerson,	Joy,	Shattuc,	
Foss,	Knapp,	Sherman,	

NOT VOTING—127.

Adams,	Deemer,	Jett,	Robinson, Nebr.
Allen, Ky.	Dick,	Jones, Va.	Ruppert,
Babcock,	Dovener,	Ketcham,	Scarborough,
Ball, Del.	Draper,	Kleberg,	Shafroth,
Ball, Tex.	Edwards,	Knox,	Shallenberger,
Bell,	Elliott,	Lassiter,	Sibley,
Bellamy,	Evans,	Lessler,	Skiles,
Belmont,	Fleming,	Littauer,	Smith, Ill.
Bingham,	Foerderer,	Littlefield,	Smith, S. W.
Blakeney,	Foster, Ill.	Loud,	Snook,
Boutell,	Foster, Vt.	Lovering,	Sperry,
Bowersock,	Fox,	McCleary,	Stark,
Bowie,	Gardner, Mass.	McDermott,	Stewart, N. J.
Brantley,	Gilbert,	Mercer,	Storm,
Breazeale,	Gill,	Metcalf,	Sulloway,
Bromwell,	Gillet, N. Y.	Meyer, La.	Sulzer,
Brownlow,	Gillett, Mass.	Minor,	Talbert,
Burk, Pa.	Glenn,	Morrell,	Tayler, Ohio
Burnett,	Goldfogle,	Morris,	Thayer,
Caldwell,	Griffith,	Naphen,	Tompkins, N. Y.
Cannon,	Griggs,	Neville,	Tompkins, Ohio.
Cochran,	Heatwole,	Newlands,	Vreeland,
Connell,	Henry, Conn.	Palmer,	Wadsworth,
Conry,	Henry, Miss.	Patterson, Tenn.	Wagoner,
Cooney,	Henry, Tex.	Perkins,	Wanger,
Cooper, Tex.	Hildebrant,	Pou,	Warnock,
Corliss,	Hitt,	Powers, Me.	Weeks,
Creamer,	Holliday,	Pugsley,	Wheeler,
Curtis,	Hooker,	Ransdell, La.	White,
Dahle,	Hopkins,	Reeves,	Wilson,
Davey, La.	Howell,	Reid,	Wooten
Davis, Fla.	Hughes,	Robertson, La.	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill passed.

The following additional pairs were announced:

For the session:

Mr. GROW with Mr. HOOKER.

Until further notice:

Mr. BLAKENEY with Mr. NEVILLE.

Mr. MOSS with Mr. ALLEN of Kentucky.

Mr. GAINES of West Virginia with Mr. BOWIE.

Mr. COOMBS with Mr. DAVEY.

Mr. WM. ALDEN SMITH with Mr. BURNETT.

Mr. FOSS with Mr. FOX.

Mr. BABCOCK with Mr. HENRY of Texas.

Mr. HOPKINS with Mr. PATTERSON of Tennessee.

Mr. BALL of Delaware with Mr. BALL of Texas.

Mr. SAMUEL W. SMITH and Mr. SHEPPARD, on this vote.

Mr. SMITH of Iowa with Mr. STARK.

Mr. HANBURY. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. HANBURY. I was.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. HANBURY, and he voted "yea," as above recorded.

Mr. WARNOCK. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present, and in his seat, and listening, when his name was called and did not hear it?

Mr. WARNOCK. I was present listening up to the beginning of the W's and did not hear my name called.

The SPEAKER. That does not answer the requirements.

Mr. WARNOCK. That is as far as I can go.

The SPEAKER. The gentleman can not vote. [Laughter.]

The result of the vote was then announced as above recorded.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. BARNES, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On March 2, 1903:

H. R. 1027. An act granting a pension to Lavinia Cook;

H. R. 3100. An act providing for the conveyance of Widows Island, Maine, to the State of Maine;

H. R. 4178. An act for the relief of Austin A. Yates;

H. R. 5028. An act for the relief of Francis M. Oliver;

H. R. 15461. An act for the relief of Daniel F. Lee;

H. R. 15520. An act to establish a standard of value and to provide for a coinage system in the Philippine Islands;

H. R. 15985. An act to confirm certain forest lieu selections made under the act approved June 4, 1897;

H. R. 16522. An act granting an increase of pension to Caleb C. Van Sickell;

H. R. 16567. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1904; and

H. R. 16885. An act to extend to the port of Niagara Falls, N. Y., the privileges of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement.

AMENDING SECTION 3394, REVISED STATUTES, RELATING TO TOBACCO.

Mr. STEELE. Mr. Speaker, I move to suspend the rules and take from the Speaker's table the bill (H. R. 16457) to amend section 3394 of the Revised Statutes of the United States, relating to tobacco.

The SPEAKER. The Chair will admonish the gentleman from Indiana that if this is the bill that the Chair understands it to be, it is not on the Speaker's table, but is on the Union Calendar.

Mr. STEELE. I move to discharge the Committee of the Whole House on the state of the Union, and suspend the rules and pass the bill as amended.

The SPEAKER. The Clerk will read the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 2 of an act to amend sections 3362 and 3394 of the Revised Statutes of the United States, relating to tobacco, approved July 1, 1902, be, and the same is hereby, amended so as to read as follows:

"None of the packages of manufactured smoking or chewing tobacco, snuff, cigars, or cigarettes prescribed by law shall be permitted to have packed in, or attached to, or connected with them, or their contents, any article or thing whatsoever other than the manufacturer's wrapper and labels, the internal-revenue stamp, and the tobacco, snuff, cigars, or cigarettes, respectively, put up therein on which tax is required to be paid under internal-revenue laws; nor shall there be affixed to or branded, stamped, marked, written, or printed upon said packages or their contents any promise or offer of any promise, or any order or certificate, for any gift, prize, premium, payment, or reward. And it shall be unlawful for any manufacturer of tobacco, snuff, cigars, or cigarettes, or wholesale or retail dealer in manufactured tobacco, snuff, cigars, or cigarettes, or for any other person, firm, or corporation, to give or offer to give, directly or indirectly, any gift or premium for the return of any tag, label, or coupons, or any article or thing attached to or connected with any statutory package of tobacco, snuff, cigars, or cigarettes bearing or having attached thereto any internal-revenue stamp. Any violation of the provisions of this paragraph shall subject the offender to the penalties and punishments provided by section 3456 of the Revised Statutes of the United States: *Provided*, That nothing in this act contained shall be so construed as to exclude from any package referred to in the preceding paragraph a label or certificate indicating the character of labor employed in the manufacture of the contents of such package."

The SPEAKER. The question is on suspending the rules and passing the bill as amended.

Mr. UNDERWOOD. On that motion I demand a second.

Mr. GROSVENOR. I demand a second.

Mr. UNDERWOOD. I yield to the gentleman from Ohio [Mr. GROSVENOR] for that purpose. I thought he was not going to make the demand, and that is the reason I made it.

Mr. STEELE. I ask unanimous consent that a second be considered as ordered.

Mr. GROSVENOR. I have no objection.

Mr. UNDERWOOD. I shall have to object.

The SPEAKER, under the rule, appointed as tellers on seconding the motion to suspend the rules Mr. GROSVENOR and Mr. STEELE.

The House divided; and the tellers reported—ayes 100, noes 8.

So the motion was seconded.

The SPEAKER. The Chair recognizes the gentleman from Indiana [Mr. STEELE] to control the time in favor of the motion, and the gentleman from Ohio [Mr. GROSVENOR] to control the time against it, each gentleman being entitled to twenty minutes.

Mr. STEELE. Mr. Speaker, this bill proposes to restore that section of the Dingley law which was repealed only a very few months ago which will prevent the use of coupons or tags or other devices to be returned to dealers in exchange for prizes to be given out on account of the number of packages of certain classes of tobacco that are sold. I am not going to discuss the bill, because every gentleman here is perfectly familiar with its effect, and because two or three gentlemen are very anxious to speak upon the bill, while I am not.

I reserve the balance of my time for the present.

Mr. SNODGRASS. Does this bill interfere in any way with trade-marks?

Mr. STEELE. It does not, nor with union-labor labels nor with tags.

Mr. LITTLE. As I understand, the purpose of the bill is simply to remove the gambling or prize feature in the sale of tobacco.

Mr. STEELE. Yes; precisely—to eliminate that.

Mr. LESSLER. Why was the law repealed a few months ago?

Mr. STEELE. You will have to ask somebody else that question; I give it up. [Laughter.]

Mr. CLAYTON. Will the gentleman allow me a question?

Mr. STEELE. Yes, sir.

Mr. CLAYTON. This bill is against the tobacco trust, is it not, in your opinion?

Mr. STEELE. Well, it is in favor of fair dealing.

Mr. CLAYTON. And do not you think it is against the tobacco trust, and is not the tobacco trust trying to defeat its passage?

Mr. STEELE. Well, I have heard so. [Laughter.]

Mr. Speaker, I reserve the balance of my time.

Mr. GROSVENOR. Well, Mr. Speaker, I do not think the negative side of this proposition ought to be called on to make out its case before the affirmative side has been presented. Here is a proposition to change a certain statute, and to change the entire practice (if one step in this direction is to follow another, as would naturally be the case) of a dozen of the principal businesses of the country. And in this position of the question the gentleman reserves his time. If he has any reason to give why this bill ought to pass, it seems to me he ought to say so. It has not been a year since Congress passed the law which the gentleman now proposes to repeal. Mr. Speaker, I am willing to have a vote. [Cries of "Vote!" "Vote!"]

The SPEAKER. The question is on suspending the rules and passing the bill as amended.

Mr. UNDERWOOD. On that question I ask for a division.

Mr. CLAYTON and others demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 171, nays 10, answered "present" 16, not voting 154; as follows:

YEAS—171.

Acheson,	Draper,	Lindsay,	Richardson, Tenn.
Alexander,	Driscoll,	Littauer,	Rixey,
Allen, Me.	Dwight,	Little,	Robb,
Aplin,	Finley,	Littlefield,	Robinson, Ind.
Ball, Del.	Flanagan,	Long,	Rucker,
Barney,	Flood,	Loudenslager,	Russell,
Bartholdt,	Foerderer,	Lovering,	Schirm,
Bartlett,	Foss,	McAndrews,	Selby,
Bates,	Gaines, Tenn.	McCall,	Shackleford,
Billmeyer,	Gardner, Mich.	McCleary,	Shelden,
Bishop,	Gibson,	McClellan,	Sheppard,
Blackburn,	Gillet, N. Y.	McLachlan,	Slayden,
Boutell,	Glass,	Maddox,	Small,
Brandegee,	Gooch,	Mahon,	Smith, Ky.
Brick,	Gordon,	Mahoney,	Smith, H. C.
Bristow,	Graff,	Marshall,	Snodgrass,
Broussard,	Griggs,	Martin,	Southwick,
Brown.	Hamilton,	Maynard,	Steele,
Burk, Pa.	Hanbury,	Mercer,	Stevens, Minn.
Burke, S. Dak.	Haskins,	Mickey,	Stewart, N. Y.
Burkett,	Hay,	Miers, Ind.	Sulloway,
Burleson,	Hepburn,	Minor,	Sutherland,
Caldwell,	Hildebrant,	Moody,	Swanson,
Candler,	Hill,	Moon,	Tate,
Capron,	Hitt,	Morris,	Tawney,
Cassel,	Hopkins,	Mudd,	Tayler, Ohio
Cassingham,	Howard,	Mutchler,	Thomas, N. C.
Clayton,	Hull,	Needham,	Thompson,
Connell,	Irwin,	Norton,	Trimble,
Cousins,	Jack,	Olmsted,	Underwood,
Cowherd,	Jackson, Kans.	Otjen,	Vandiver,
Cromer,	Jackson, Md.	Padgett,	Van Voorhis,
Crumpacker,	Jenkins,	Parker,	Vreeland,
Currier,	Jones, Wash.	Patterson, Pa.	Wachter,
Cushman,	Kitchin, Claude	Payne,	Wagoner,
Dahle,	Kitchin, Wm. W.	Pearre,	Warner,
Dalzell,	Kluttz,	Perkins,	Warnock,
Darragh,	Knapp,	Powers, Mass.	Wiley,
Davidson,	Lamb,	Randell, Tex.	Williams, Miss.
Davis, Fla.	Latimer,	Reeder,	Woods,
De Armond,	Lawrence,	Reeves,	Wright,
Dinsmore,	Lewis, Ga.	Rhea,	Zenor.
Douglas,	Lewis, Pa.	Richardson, Ala.	

NAYS—10.

Dovener,	Haugen,	Lester,	Sperry.
Gardner, N. J.	Lacey,	Roberts,	
Grosvenor,	Lessler.	Southard,	

ANSWERED "PRESENT"—16.

Adamson,	Gaines, W. Va.	Kyle.	Sherman,
Burgess,	Henry, Conn.	Mann	Smith, Iowa
Elliott,	Holliday,	Miller,	Stark,
Emerson,	Joy,	Prince,	Young.

NOT VOTING—154.

Adams,	Benton,	Brownlow,	Clark,
Allen, Ky.	Bingham,	Brundidge,	Cochran,
Babcock,	Blakeney,	Bull,	Conner,
Ball, Tex.	Boreing,	Burleigh,	Conry,
Bankhead,	Bowersock,	Burnett,	Coombs,
Beidler,	Bowie,	Burton,	Cooney,
Bell,	Brantley,	Butler,	Cooper, Tex.
Bellamy,	Breazeale,	Calderhead,	Cooper, Wis.
Belmont,	Bromwell,	Cannon,	Corliss,

Creamer,	Griffith,	Meyer, La.	Skiles,
Crowley,	Grow,	Mondell,	Smith, Ill.
Curtis,	Heatwole,	Morgan,	Smith, S. W.
Davey, La.	Hedge,	Morrell,	Smith, Wm. Alden
Dayton,	Hemenway,	Moss,	Snook,
Deemer,	Henry, Miss.	Naphen,	Sparkman,
Dick,	Henry, Tex.	Neville,	Spight,
Dougherty,	Hooker,	Nevin,	Stephens, Tex.
Eddy,	Howell,	Newlands,	Stewart, N. J.
Edwards,	Hughes,	Overstreet,	Storm,
Esch,	Jett,	Palmer,	Sulzer,
Evans,	Johnson,	Patterson, Tenn.	Swann,
Feely,	Jones, Va.	Pierce,	Talbert,
Fitzgerald,	Kahn,	Pou,	Taylor, Ala.
Fleming,	Kehoe,	Powers, Me.	Thayer,
Fletcher,	Kern,	Pugsley,	Thomas, Iowa
Fordney.	Ketcham,	Ransdell, La.	Tirrell,
Foster, Ill.	Kleberg,	Reid,	Tompkins, N. Y.
Foster, Vt.	Knox,	Robertson, La.	Tompkins, Ohio
Fowler,	Landis,	Robinson, Nebr.	Wadsworth,
Fox,	Lassiter,	Ruppert,	Wanger,
Gardner, Mass.	Lever,	Ryan,	Watson,
Gilbert,	Livingston,	Scarborough,	Weeks,
Gill,	Lloyd,	Scott,	Wheeler,
Gillett, Mass.	Loud,	Shafroth,	White,
Glenn,	McCulloch,	Shallenberger,	Williams, Ill.
Goldfogle,	McDermott,	Shattuc,	Wilson,
Graham,	McLain,	Showalter,	Wooten,
Green, Pa.	McRae,	Sibley,	
Greene, Mass.	Metcalf,	Sims,	

So the rules were suspended, the Committee of the Whole House on the state of the Union was discharged, and the bill as amended was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. SHOWALTER with Mr. LATIMER.

Mr. BOREING with Mr. LLOYD.

Mr. GRAHAM with Mr. MCRAE.

Mr. LANDIS with Mr. SIMS.

Mr. HEDGE with Mr. JOHNSON.

Mr. STORM with Mr. TAYLOR of Alabama.

For the vote:

Mr. HEATWOLE with Mr. DOUGHERTY.

Mr. WEEKS with Mr. BANKHEAD.

Mr. SCHIRM with Mr. WILLIAMS of Illinois.

Mr. KYLE with Mr. CROWLEY.

Mr. YOUNG with Mr. DAVEY of Louisiana.

Mr. BURLEIGH with Mr. GOLDFOGLE.

Mr. BEIDLER with Mr. BALL of Texas.

The result of the vote was announced as above recorded.

MAJ. WILLIAM CRAWFORD GORGAS.

Mr. SLAYDEN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1695) to authorize the promotion of Maj. William Crawford Gorgas, surgeon of the Army of the United States.

The SPEAKER. The gentleman moves to suspend the rules and pass the following bill, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Maj. William Crawford Gorgas, surgeon, United States Army, to the grade of assistant surgeon-general, United States Army, with the rank of colonel, the number in that grade of the Medical Department to be temporarily increased for that purpose during the time that he may hold that office.

Mr. UNDERWOOD. I demand a second, Mr. Speaker.

Mr. SLAYDEN. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Texas asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. UNDERWOOD. I object.

The SPEAKER. Objection is made by the gentleman from Alabama. The Chair appoints to tell the House the gentleman from Texas, Mr. SLAYDEN, and the gentleman from Alabama, Mr. UNDERWOOD.

The House divided; and the tellers reported—ayes 58, noes 1.

So a second was ordered.

The SPEAKER. The Chair recognizes the gentleman from Texas and the gentleman from Alabama.

Mr. MANN. Mr. Speaker, I wish to make a point of order on the recognition to ascertain whether the gentleman from Alabama is opposed to the bill.

Mr. UNDERWOOD. I will answer that, Mr. Speaker. I myself demanded a second in order that I might yield to the gentleman from New York, who is opposed to the bill. I now yield all of my time to him.

The SPEAKER. Then the gentleman from New York will be recognized and not the gentleman from Alabama.

Mr. TAWNEY. Does the gentleman from Alabama not think that the gentleman from New York was capable of demanding a second?

Mr. FITZGERALD. I did demand a second.

Mr. SLAYDEN. Mr. Speaker, this is a bill which proposes to recognize the extraordinary services rendered to the country by a medical officer during the occupancy of the island of Cuba by the United States Army. There were three medical officers down there, Major Reed, Major Gorgas, and Lieut. Col. Valery Havard, all of whom rendered conspicuous and valuable services to the country. Major Reed, who made the valuable discoveries as to the method of the transmission of yellow fever, is dead, and no reward can go directly to him. Major Gorgas is living, and it is in his behalf that this bill has been proposed. It has the indorsement of the Secretary of War, of the Surgeon-General of the Army, of the Adjutant-General of the Army, and is strongly indorsed in a letter from Gen. Leonard Wood, who says:

It gives me great pleasure, as Major Gorgas's commanding officer for the past two and a half years, to most earnestly invite to your favorable consideration the recognition, as proposed in this bill, of the excellent work performed by Major Gorgas as chief sanitary officer of the city of Habana, a work of inestimable value, not only to the inhabitants of the city and island, but to the inhabitants of the Southern States.

This letter was addressed to a Senator.

The bill proposes to create for this purpose the rank of colonel, and to advance Major Gorgas to that rank.

Mr. Speaker, I reserve the balance of my time, yielding the floor now to the gentleman from New York.

The SPEAKER. The gentleman reserves the balance of his time. The gentleman from New York [Mr. FITZGERALD] is recognized.

Mr. FITZGERALD. Mr. Speaker, it is unfortunate to be compelled to oppose a bill to promote a man who has rendered meritorious service, but the passage of this bill will do such gross injustice to other men in the service that I can not permit it to pass without raising my voice in protest.

Major Gorgas was the chief sanitary officer stationed at Habana, but while he was stationed there he was under the command of his superior officer, Lieut. Col. Valery Havard, who was in charge of the medical service in the entire island of Cuba. Major Gorgas, with unlimited resources placed at his command, did simply what any other intelligent and efficient medical officer in the service of the Army would have done. He cleaned up the city of Habana. The work was under the direction of Lieutenant-Colonel Havard.

Major Gorgas's position enabled him to sign the weekly statements of the vital statistics issued by our forces in Cuba at the time, and these were spread broadcast throughout the United States, and in this way Major Gorgas got his great reputation. Lieutenant-Colonel Havard rendered just as distinguished, if not more distinguished, service than Major Gorgas. It is unfair to him and to the other men in the medical branch of the Army to promote Major Gorgas over them. His promotion to the rank of colonel will jump thirty or thirty-five officers who now rank him in the medical service. It will place him six or seven numbers over Lieutenant-Colonel Havard, who is now 35 numbers above him in rank, and has been six years longer in the medical service of the Army. Major Gorgas is not entitled to any of the credit which came from the discovery of the agency of the mosquito in the transmission of yellow fever. That great scientific discovery belongs peculiarly to Major Reed. I think Congress in the last session passed an act to promote Major Reed to the rank of colonel, that being an additional colonelcy, and against that promotion there was no protest, because it was recognized that his service was of a preeminent character.

Mr. HAY. Major Reed never was promoted to be a colonel.

Mr. FITZGERALD. No; he died. But I believe a bill passed.

Mr. HAY. No; no bill was ever introduced.

Mr. FITZGERALD. My information was that the bill had been introduced, but that Major Reed died before he could be promoted.

Mr. HAY. He died before the bill was introduced.

Mr. HULL. There was a pension bill to give $125 a month to his widow.

Mr. FITZGERALD. The intention was to reward Major Reed.

Mr. HAY. And I will say to the gentleman that in the same recommendation Major Gorgas was recommended to be a lieutenant-colonel.

Mr. FITZGERALD. Major Reed died before the intended promotion occurred.

Mr. LESSLER. I should like to know from the gentleman if this man can not be promoted now to be a lieutenant-colonel, if there is a vacancy.

Mr. HAY. There is no vacancy. This is to create an additional colonel.

Mr. LESSLER. But as a recognition of his service, if there is a vacancy in the numbers ahead of him, could he be promoted.

Mr. FITZGERALD. I am not familiar enough with the matter to state that.

Mr. HULL. He could not jump anybody else.

Mr. FITZGERALD. I have here, Mr. Speaker, a copy of an order issued from the headquarters of the Army of the Department of Cuba, dated Habana, December 27, 1901. It reads as follows:

No. 259.] HEADQUARTERS DEPARTMENT OF CUBA,
Habana, December 27, 1901.

The military governor of Cuba directs the publication of the following:

Upon relieving Lieut. Col. Valery Havard, deputy surgeon-general, United

States Army, chief surgeon of the Department of Cuba, of the many duties which he has been performing in connection with the civil government of the island, covering a period from the fall of 1898 until the present time, the military governor desires to thank Colonel Havard for his thorough, able, and conscientious performances of all duties assigned to him. Colonel Havard's duties have covered almost every field of sanitary work and have been of the greatest value to the insular government and the people of the island.

H. L. SCOTT, *Adjutant-General.*

[Traducción.]

No. 259.] CUARTEL GENERAL, DEPARTAMENTO DE CUBA,
Habana, 27 de Diciembre de 1901.

El Gobernador Militar de Cuba ha tenido á bien disponer la publicación de lo siguiente:

Al relevar al Teniente Coronel Valery Havard, Cirujano General Delegado del Ejército de los Estados Unidos, de las funciones que ha tenido á su cargo, relacionadas con el ramo del Gobierno Civil de esta Isla, desde el Otoño de 1898 hasta la fecha; cumple á los deseos del Gobernador Militar hacer presente, que se complace en reconocer el celo, inteligencia y fidelidad con que el Coronel Havard ha desempeñado su destino. Sus servicios han abarcado casi todos los detalles de la Higiene, produciendo los más satisfactorios resultados, así para el Gobierno, como para el pueblo de la Isla.

H. L. SCOTT,
El Ayudante General.

If this bill passes, this man, who is the superior officer of Major Gorgas and under whom Major Gorgas performed his work, will become the inferior of Major Gorgas. Major Gorgas was not even a member of Major Reed's commission which carried on the work instituted by him and which originated from the discovery of the agency of the mosquito in the transmission of yellow fever. I appeal to the House not to pass this bill and do so great an injustice to other men of equally meritorious service, however meritorious Major Gorgas's services may have been. I have nothing to say in condemnation of his work. This bill, it is true, has received the approval of different officials of the War Department, and yet it does not appear that at the time they sanctioned and approved this bill the services of Colonel Havard had been called to their attention. I reserve the balance of my time, and will yield to any gentleman who wishes to oppose the bill.

Mr. LESSLER. I would like to ask the gentleman if there was not a vacancy at the head of the corps of the Army a short time ago, and, as a brigadier-general is the head of that corps, as I understand, if this man's services were so tremendously valuable, why was he not put at the head of that corps?

Mr. FITZGERALD. I am not familar with the law regulating promotions in the medical service of the Army.

Mr. STEELE. He could have been nominated for appointment by the President.

Mr. LESSLER. Why not have had the officials recommend that rather than bring it up in this way?

Mr. HULL. He could not have been appointed a brigadier-general.

Mr. SLAYDEN. I yield such time as he desires to the gentleman from Iowa.

Mr. FITZGERALD. I reserve the balance of my time.

Mr. HULL. Major Gorgas could not have been appointed a brigadier-general at the time, for the reason that he was not a lieutenant-colonel. The law which provides for making a brigadier-general by detail in the service provides that they shall be taken from not below the grade of lieutenant-colonel.

Mr. LESSLER. Could he not have been given that grade?

Mr. HULL. He could not under the law for promotions. If there was a vacancy above him, and he had distinguished himself in the field, being a senior major, he could have got the grade of lieutenant-colonel, but under the law you can not jump a junior over a senior.

Mr. LESSLER. Does the gentleman say that for gallant and meritorious service in the Army there is no way of promoting a man who is in inferior rank?

Mr. HULL. I do mean to say that, and I am glad of it. But if a man is so distinguished in his services he could be made a brigadier-general; he could be promoted up to and including the grade of colonel. But the President has absolutely no power to jump a junior over a senior. He could be given temporary rank in the volunteer service.

Mr. LESSLER. Funston got it.

Mr. HULL. He was made a brigadier-general of volunteers.

Mr. LESSLER. He got promoted to the regulars.

Mr. HULL. No; he was not in the Regular Army. He never was a commissioned officer of the Regular Army. When he received his promotion it was from that of brigadier-general of volunteers to brigadier-general of the regular force.

Mr. STEELE. I was mistaken. I had forgotten that under the provisions of the recent law they must select from not under the grade of lieutenant-colonel.

Mr. HULL. If I may be pardoned for just a word. It was not intended by the committee, I know, to do any injustice to any officer in the Medical Corps. I know, further, that the general law limits the man to the file above, and in some sense it is a discrimination against the officers, of course. But no junior is placed in a higher position than a senior by this. At the same time it was considered that this was due to this man for the great services that he rendered in connection with the yellow-fever investigation in Cuba, especially when it is backed up as it was by the unanimous recommendation of his superior officers of the War Department. The committee thought it was no more than just to him to give him this promotion.

Mr. LESSLER. Who were the other officers associated with him in this work?

Mr. HULL. Major Reed was the other officer.

Mr. SLAYDEN. I would like to ask the gentleman from New York if he has consumed all the time in this debate that he wishes to? [Cries of "Vote!"]

Mr. FITZGERALD. I do not desire to use any more time.

Mr. STEELE. I would like to say just a word or two.

Mr. FITZGERALD. I yield such time to the gentleman as he desires.

Mr. STEELE. My opinion is that it is a bad precedent to come to Congress with the recommendation that a man should be promoted over his superior officer every time an officer of the Army has done his duty and seems to have done it very well. There is a way of having officers do their duty, whether they wish to or not, and if they are not efficient, or if they do not desire to do their whole duty, to muster them out of the service of the Government on account of their inefficiency. It is a rank injustice to give one officer an opportunity to perform especially good services and to deny another officer an opportunity to merit promotion. The officer who has been favored with an opportunity is promoted, while another officer by lack of opportunity can not be promoted. It is absolutely unfair. Nine times out of ten where officers were kept from Cuba it was against their will. They wanted to go over there. They wanted an opportunity to fight and to show what was in them.

Now, because they were denied this opportunity and others were allowed to go, the officers who got the favor overslaughed those who would have liked to have had the opportunity in many cases. As brave men as ever did duty have been thus overslaughed. I do not believe it is right. There is nothing especially meritorious in this case. Surgeon Reed undoubtedly discovered that yellow fever was carried from one person to another by the mosquito, and for that reason special favor has been asked for his widow, which I favor. Now they come up with another officer, because he was with Major Reed, and ask for him special favor; and it is discovered here that there is still another officer, who also has been with Major Reed performing special service, and that he ought to be a brigadier-general or a colonel. His time will come hereafter, I suppose. It all creates heartburnings where there is no occasion for it.

Mr. SLAYDEN. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman from Texas has eighteen minutes remaining, and the gentleman from New York has five minutes remaining.

Mr. SLAYDEN. I will ask the gentleman from New York if he will not occupy some of his time now?

Mr. FITZGERALD. Two gentlemen have asked me for time.

Mr. SLAYDEN. I will ask the gentleman from New York to use his time now.

Mr. FITZGERALD. Will the gentleman from Texas use his time in one speech?

Mr. SLAYDEN. Yes.

Mr. FITZGERALD. Then I yield three minutes to the gentleman from New York [Mr. LESSLER].

Mr. LESSLER. Mr. Speaker, the pigeonholes of the committee upon which I have the honor to be are filled with two classes of bills. One is for men who have been thrown out of one branch of this Government's armed force who desire to override the decision of the officers who tried them and threw them out and to get back through Congressional aid, and the other is a set of bills to either promote men, give them more pay, or give them medals for doing their duty. Now, I am glad that the gentleman from Indiana [Mr. STEELE] spoke about the men who, during the Spanish-American war, did not have the opportunity to go to the front, but wore their uniforms and did the heroic work of sticking to the desk and looking after the feeding and the clothing and the other hard, strenuous work that men do not care to do and for which men do not get medals on the field of battle.

I think when we take up a bill of this kind that we ought to think of the other members of the corps, who have nobody here to protest in their behalf and who for the Government did the best that was in them, instead of shirking and not giving them anything, especially awards of merit by act of Congress. Congress has provided ways of recognizing ability. Congress and the people have enacted laws by which men are recognized when they do a great and good work for the Government. The men who are doing the everyday work, the humble work, a full day's

conscientious work, ought not to be thrown aside by a bill of this kind. I hope the bill will not pass.

Mr. STEELE. I want to explain that I was not talking in behalf of the gentlemen particularly who are at their desks, but in behalf of those officers who had to do duty on the frontier, do routine duty, while others had the opportunity of distinguishing themselves.

Mr. FITZGERALD. Mr. Speaker, I yield the balance of my time to the gentleman from Indiana [Mr. ROBINSON].

Mr. ROBINSON of Indiana. Mr. Speaker, I would like to have the gentleman from Texas yield me three minutes of his time, for I think what I shall say will be in the interest of the public service, so that it will not militate against him seriously.

Mr. HAY. The gentleman from Texas has agreed to yield to me the balance of his time, and I could not yield to the gentleman from Indiana to make a speech against the bill.

Mr. ROBINSON of Indiana. I did not know that the gentleman from Texas had yielded his time. Mr. Speaker, I simply rose for the purpose of saying that it has come to this pass. After all the charges for hours by the Republican side of this House that we were obstructing legislation of great and national importance we come to this proposition at this time as the business before this House and before the country for needed legislation.

Have we not had emphasized to us as clear as noonday that there is no public legislation of vital importance that is obstructed by the Democratic side of the House in their efforts to have orderly procedure guide us in the transaction of public business in this body? [Applause on the Democratic side.] Here we have division on this side and division on the other side about this question which is of no public significance. Why does not the Republican side present the great measures that they say we have obstructed? Now, this shows the futility of your censure of us for asking that this House of Representatives do business in an orderly way under the rules that the majority in their tyranny have fastened as a yoke upon our necks. This case you can not say is of public importance. No; it is a special matter, an individual matter, which gives undue preferentiality to one officer against others equally deserving; a matter that militates against some of the best officers of the service by giving preference to another. This is the pretty pass that the House of Representatives is driven to after the great parade made by the Republicans that the Democrats were obstructing legislation. Willingly we leave the decision to the country. [Applause on the Democratic side.]

Mr. SLAYDEN. I yield the residue of my time to the gentleman from Virginia [Mr. HAY].

Mr. HAY. I have sixteen minutes, I believe, Mr. Speaker. I yield five minutes to the gentleman from New Jersey [Mr. PARKER].

Mr. FITZGERALD. I rise to a parliamentary inquiry. I wish to know whether one gentleman is to use the residue of the time on the affirmative side. That was the information furnished on the floor.

Mr. HAY. The gentleman from New York [Mr. FITZGERALD] asked, I believe, whether we were going to close in a single speech, and I understand that my friend from Texas [Mr. SLAYDEN] answered in the affirmative.

Mr. SLAYDEN. I did not then know anything about any arrangement between the gentleman from Virginia and the gentleman from New York.

Mr. HAY. In order to carry out in good faith that agreement with the gentleman from New York [Mr. FITZGERALD] I can not yield to the gentleman from New Jersey.

Mr. FITZGERALD. If another arrangement has been made I shall not object, but my impression was—I say it in all fairness—that ordinarily one gentleman should close.

Mr. SLAYDEN. I want to say to the gentleman from New York that when I made the statement to him I had no knowledge that any other gentleman wanted to say anything about this question except my friend from Virginia. I expected that the debate would close in five minutes.

Mr. FITZGERALD. I will not object.

Mr. SLAYDEN. I yield the residue of my time to the gentleman from Virginia.

Mr. HAY. I yield to the gentleman from New Jersey [Mr. PARKER] for five minutes.

Mr. PARKER. Mr. Speaker, during the years that I have served upon the Committee on Military Affairs I have been invincibly opposed to special bills for the promotion of officers of the Army unless they were recommended by the Executive. To allow officers to come here on their own behalf—to work for themselves for promotion by act of Congress—or, if they do not come themselves, to get their friends to procure such action, would demoralize any military service in the world. On the other hand, to interfere with or restrict the right and duty of the Executive to recognize distinguished, extraordinary, and valuable services to the country by recommending to Congress special officers to be rewarded for such extraordinary service, would be to take away from the Army one great incentive to special zeal and efficiency in that service.

The precedents for such action as is here proposed are numerous. We made General Grant a general because it was recommended by the Chief Executive and was demanded by the whole nation. In this case two American doctors—Dr. Reed and Dr. Gorgas—performed such extraordinary service in stamping out the yellow fever from its own home, and protecting our soil from its inroads and its dangers, that the Secretary of War and, I believe, the President, recommended that special promotion should be granted by act of Congress to both of these gentlemen.

We are told that there is no haste; that a measure of this kind ought not to be brought in at this time. Sir, one of those men is dead, and his widow has been seeking a pension. The other man to whom the country owes the service which resulted in such extraordinary and valuable results is still alive. The Executive, the Commander in Chief, the one with whom such honor should originate, has, through the Secretary of War, recommended some small reward to be accorded by Congress for this distinguished service. We desire efficiency in that corps—a corps that is called upon at times to do work just as dangerous as that performed in battle. We are asked to recognize and reward service in averting what may be more to be dreaded than war—"the pestilence that walks in darkness." If we desire zeal and efficiency in the service of this corps, let us not turn our backs upon the recommendation of him who in his seat as Commander in Chief of our Army and Navy is trying to give to this country the best service that it has ever known.

Mr. HAY. Mr. Speaker, it may be true, as has been said by the gentleman from Indiana [Mr. STEELE], that it is bad practice and bad precedent to legislate in this way for officers of the Army generally. But those who are acquainted with the make-up of the Army know that the scientific corps, the Medical Corps, of the Army have had, and will continue to have, very little opportunity for promotion of those men who have distinguished themselves. Major Gorgas has distinguished himself, according to the Secretary of War and according to the Surgeon-General, by "extraordinary service" in ridding the island of Cuba of yellow fever; and the brilliant character of this scientific achievement can not be better stated than in the words of this report. And I desire, gentlemen of the House, to mark that Major Gorgas and Major Reed are spoken of alike in the recognition of this great achievement.

I pause here to say that no greater achievement for the human race has ever happened than the discovery of Major Reed, aided by Major Gorgas, in finding out how the yellow fever is propagated and how its ravages may be aborted. It ought to be esteemed by members of this House a proud privilege to recognize the services of men who have cooperated in bringing about a great and wonderful achievement in medicine, unequaled since the days of Jenner, when he discovered vaccination as a preventive for smallpox.

A MEMBER. Even greater than that.

Mr. FITZGERALD. Let me ask the gentleman a question: Does the gentleman believe that Congress in rewarding Major Gorgas would do an act of injustice to men who, under Major Gorgas, conducted these operations?

Mr. HAY. I do not believe that Congress ought to do an injustice to any man; but I believe it should do justice to the men who carried this matter to a successful conclusion. For my part, I have never heard that Lieutenant-Colonel Havard had anything specially to do with this question of yellow fever. I do not wish to do him the least injustice. I am willing to accord to him all the praise and all the glory which he may have acquired; but I do say that when the Senate of the United States has been able to pass this bill without a dissenting voice, the representatives of the people, who are in touch with the people, ought to be able to meet them on common ground. I say that this great discovery has not only saved the lives of thousands of people, and will save the lives of thousands of people yet to come, but it has opened the ports of this country and will keep them open for all time to come. The scourge of yellow fever will nevermore lay its hand upon the people of the United States, and that great boon is due to the labors and the work of these men. I ask of you, my fellow-members on this floor, to accord to Major Gorgas the meed of praise and honor which he has achieved and which is recognized to be due to him by the scientific world as well as by his superior officers. [Applause.]

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken.

The SPEAKER. In the opinion of the Chair, two-thirds——

Mr. FITZGERALD. Mr. Speaker, I demand a division.

Mr. HAY. I make the point of order that the gentleman's demand for a division comes too late.

Mr. FITZGERALD. The Chair has made no announcement and I am entitled to know what the announcement of the Chair is before I demand a division.

The SPEAKER. The Chair would dislike to shut the gentleman off. The gentleman demands a division.

The House divided; and there were—ayes 63, noes 11.

Mr. BENTON. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 134, nays 26, answered "present" 45, not voting 144; as follows:

YEAS—134.

Adams,	Dwight,	Kyle,	Rucker,
Alexander,	Esch,	Lacey,	Russell,
Allen, Me.	Feely,	Lester,	Schirm,
Aplin,	Finley,	Lever,	Shattuc,
Bankhead,	Flanagan,	Lindsay,	Sheppard,
Bartholdt,	Fletcher,	Livingston,	Sibley,
Bartlett,	Flood,	Long,	Sims,
Bates,	Gaines, W. Va.	McAndrews,	Slayden,
Beidler,	Gardner, Mass.	McLachlan,	Small,
Benton,	Gardner, Mich.	Maddox,	Smith, Iowa
Billmeyer,	Gardner, N. J.	Mahoney,	Smith, S. W.
Blackburn,	Gibson,	Marshall,	Snodgrass,
Brick,	Gooch,	Martin,	Southard,
Bull,	Gordon,	Maynard,	Stark,
Burke, S. Dak.	Graff,	Miers, Ind.	Stevens, Minn.
Burkett,	Greene, Mass.	Miller,	Sulloway,
Burleigh,	Griggs,	Minor,	Swanson,
Burleson,	Haskins,	Mondell,	Tawney,
Candler,	Haugen,	Moody,	Tirrell,
Capron,	Hay,	Moon,	Trimble,
Clark,	Hedge,	Morgan,	Underwood,
Clayton,	Hitt,	Morris,	Vandiver,
Connell,	Howard,	Mudd,	Vreeland,
Cooper, Wis.	Howell,	Mutchler,	Wagoner,
Corliss,	Hull,	Needham,	Warner,
Cowherd,	Irwin,	Otjen,	White,
Creamer,	Jack,	Padgett,	Williams, Ill.
Cromer,	Jackson, Md.	Parker,	Williams, Miss.
Crowley,	Jenkins,	Powers, Me.	Woods,
Crumpacker,	Johnson,	Randell, Tex.	Wright,
Cushman,	Jones, Va.	Reeves,	Young,
Davis, Fla.	Jones, Wash.	Richardson, Tenn.	Zenor.
Dinsmore,	Ketcham,	Robb,	
Dovener,	Kluttz,	Roberts,	

NAYS—26.

Bishop,	Fowler,	Lovering,	Shackleford,
Brandegee,	Kitchin, Wm. W.	McClellan,	Smith, H. C.
Cassingham,	Lessler,	Mann,	Steele,
Dalzell,	Lewis, Pa.	Mercer,	Stewart, N. Y.
Darragh,	Littlefield,	Reeder,	Sulzer.
Driscoll,	Loud,	Robinson, Ind.	
Fitzgerald,	Loudenslager,	Ryan,	

ANSWERED "PRESENT"—45.

Adamson,	Currier,	Hill,	Powers, Mass.
Barney,	Davidson,	Holliday,	Prince,
Boutell,	De Armond,	Joy,	Scott,
Brown,	Draper,	Kahn,	Sherman,
Burgess,	Emerson,	Knapp,	Showalter,
Burk, Pa.	Foster, Vt.	McCleary,	Smith, Ill.
Burton,	Gillet, N. Y.	Mahon,	Southwick,
Cannon,	Gillett, Mass.	Metcalf,	Sperry,
Cassel,	Hamilton,	Olmsted,	Warnock.
Conner,	Hanbury,	Palmer,	
Coombs,	Hemenway,	Patterson, Pa.	
Cousins,	Henry, Conn.	Payne,	

NOT VOTING—146.

Acheson,	Edwards,	Lassiter,	Selby,
Allen, Ky.	Elliott,	Latimer,	Shafroth,
Babcock,	Evans,	Lawrence,	Shallenberger,
Ball, Del.	Fleming,	Lewis, Ga.	Shelden,
Ball, Tex.	Foerderer,	Littauer,	Skiles,
Bell,	Fordney,	Little,	Smith, Ky.
Bellamy,	Foss,	Lloyd,	Smith, Wm. Alden
Belmont,	Foster, Ill.	McCall,	Snook,
Bingham,	Fox,	McCulloch,	Sparkman,
Blakeney,	Gaines, Tenn.	McDermott,	Spight,
Boreing,	Gilbert,	McLain,	Stephens, Tex.
Bowersock,	Gill,	McRae,	Stewart, N. J.
Bowie,	Glass,	Meyer, La.	Storm,
Brantley,	Glenn,	Mickey,	Sutherland,
Breazeale,	Goldfogle,	Morrell,	Swann,
Bristow,	Graham,	Moss,	Talbert,
Bromwell,	Green, Pa.	Naphen,	Tate,
Broussard,	Griffith,	Neville,	Tayler, Ohio
Brownlow,	Grosvenor,	Nevin,	Taylor, Ala.
Brundidge,	Grow,	Newlands,	Thayer,
Burnett,	Heatwole,	Norton,	Thomas, Iowa
Butler,	Henry, Miss.	Overstreet,	Thomas, N. C.
Calderhead,	Henry, Tex.	Patterson, Tenn.	Thompson,
Caldwell,	Hepburn,	Pearre.	Tompkins, N. Y.
Cochran,	Hildebrant,	Perkins,	Tompkins, Ohio
Conry,	Hooker,	Pierce,	Van Voorhis,
Cooney,	Hopkins,	Pou,	Wachter,
Cooper, Tex.	Hughes,	Pugsley,	Wadsworth,
Curtis,	Jackson, Kans.	Ransdell, La.	Wanger,
Dahle,	Jett,	Reid,	Watson,
Davey, La.	Kehoe,	Rhea,	Weeks,
Dayton,	Kern,	Richardson, Ala.	Wheeler,
Deemer,	Kitchin, Claude	Rixey, s	Wiley,
Dick,	Kleberg,	Robert on, La.	Wilson,
Dougherty,	Knox,	Robinson, Nebr.	Wooten.
Douglas,	Lamb,	Ruppert,	
Eddy,	Landis,	Scarborough,	

So the rules were suspended and the bill was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. FOSTER of Vermont with Mr. POU.

Mr. HOPKINS with Mr. SMITH of Kentucky.

Mr. HEATWOLE with Mr. TATE.

Mr. PATTERSON of Pennsylvania with Mr. RICHARDSON of Alabama.

Mr. HUGHES with Mr. BOWIE.

Mr. SCHIRM with Mr. CLAUDE KITCHIN.

Mr. COUSINS with Mr. DINSMORE.

Mr. BALL of Delaware with Mr. LEWIS of Georgia.

Mr. COOMBS with Mr. DAVEY of Louisiana.

Mr. WANGER with Mr. ADAMSON.

Mr. SHELDEN with Mr. RHEA.

On this vote:

Mr. KNAPP with Mr. SNOOK.

Mr. FORDNEY with Mr. GAINES of Tennessee.

Mr. DOUGLAS with Mr. PUGSLEY.

Mr. ALLEN of Maine with Mr. LAMB.

Mr. APLIN with Mr. JETT.

Mr. DAVIDSON with Mr. WILEY.

Mr. ACHESON with Mr. LITTLE.

Mr. HENRY of Connecticut. Mr. Speaker, I desire to vote.

The SPEAKER pro tempore. Was the gentleman in his seat and listening when his name should have been called?

Mr. HENRY of Connecticut. I am not quite certain whether I was or not. I came in at the door about that time.

The SPEAKER pro tempore. Under the gentleman's statement the Chair does not think he is entitled to vote.

BENJAMIN FRANKLIN HANDFORTH.

Mr. GARDNER of New Jersey. Mr. Speaker, I move that the rules be suspended and that the bill (S. 4641) for the relief of Benjamin Franklin Handforth be passed.

The bill was read, as follows:

Be it enacted, etc., That the President is hereby authorized to appoint a retiring board, which shall have power, notwithstanding the record and sentence of court-martial, dated December 7, 1887, to review the case of former Lieut. Benjamin F. Handforth, from his admission as a cadet at the Military Academy to the date of his dismissal from the Army, with the view of determining whether his present insanity existed at the time of such dismissal or is due or traceable to service origin. The board shall have power also to take into consideration the facts and circumstances of his present insanity in whatever bearing they may legitimately have upon the subject of inquiry. In the event said board shall find that said insanity existed at the time of such dismissal or is due or traceable to service origin, the President is authorized to nominate and, by and with the advice and consent of the Senate, to appoint the said Benjamin Franklin Handforth to the rank in the Army held by him at the date of his dismissal, and to retire him with such rank, the retired list being increased in number to that extent.

The SPEAKER pro tempore. The question is on suspending the rules and passing the bill which has just been read by the Clerk.

Mr. RICHARDSON of Tennessee. I demand a second.

Mr. GARDNER of New Jersey. I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. The gentleman from New Jersey asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. RICHARDSON of Tennessee. I object.

The SPEAKER pro tempore appointed as tellers Mr. GARDNER of New Jersey and Mr. RICHARDSON of Tennessee.

The House divided; and there were—ayes 71, noes 1.

Accordingly a second was ordered.

The SPEAKER pro tempore. The gentleman from New Jersey is recognized to control the time in the affirmative and the gentleman from Tennessee [Mr. RICHARDSON] in the negative.

Mr. GARDNER of New Jersey. Mr. Speaker, this bill does nothing of itself or arbitrarily. It provides for the convening of a retiring board to determine either of two facts: First, whether Lieutenant Handforth was insane when he was dismissed from the Army; or, second, whether his present insanity is traceable to his military service.

The case in a nut shell is this: Handforth was appointed from the State of New Jersey. He graduated at West Point. He served many years as an officer in the United States Army, doing faithful and efficient service. In about 1887 he began to act in a very eccentric manner. He was tried by court-martial for conduct unbecoming an officer and a gentleman, refused to make any defense, and of course was convicted.

When his case was taken before the President he did the unusual thing to write a letter to the President, asking that the findings of the court-martial be approved. He went out over the country and was immediately discovered to be an insane man, and has been from then until now almost continuously confined in some insane asylum. He is now in the Illinois Asylum for Insane Criminals, because his people are not able to keep him in any better place, and the physician in charge of that asylum, whose letter is appended to this report, and which may be read if desired, states that he is satisfied that the patient was insane when he was dismissed from the Army.

It is a fact in the case that has no relation to the present matter that the man is really in the late stages of consumption. Now, all that is asked is that a board of inquiry shall be convened to determine, first, whether he was insane at the time of the conduct for which he was dismissed; second, whether his present insanity is traceable to his military service. If these facts are determined in his favor by the board, then the President is authorized to put him on the retired list, otherwise nothing can be done. It is an eminently fair bill. It has the approval, in so far as I know, of everybody who has had any contact with the case. Now, the opening sentence of the report of the Committee on Military Affairs is: "This case is a sad and exceptional one."

Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demanded a second on this bill which under the rules gives me the right to control the time in opposition to it. I did not fully understand the bill and I could not hear it read distinctly from the desk. I have now examined the bill and report and I do not desire to take up the time of the House in opposing the bill. If there is any gentleman here who desires to oppose it I will yield him time; and if not—that is, if no gentleman desires to take the floor in opposition to the bill—I only wish to add that I think that this unfortunate man ought to have the relief asked for in the bill. I believe it right, and I am so desirous of doing him full justice that I consent that a vote be taken, and I will ask that it be a record vote by the yeas and nays, in order that we may all go on record in favor of this meritorious bill. [Laughter.]

Mr. SULZER. I would like to say to the gentleman——

The SPEAKER pro tempore. The question is on suspending the rules and passing the bill.

Mr. SULZER. Mr. Speaker, just a word. I want to say to the gentleman from Tennessee——

Mr. RICHARDSON of Tennessee. I yield.

Mr. SULZER. That I am in favor of this bill; but I have another bill, somewhat similar, on the Speaker's desk—a privileged bill—and I would like to know how it is that the gentleman from New Jersey is recognized to pass his bill and I am not recognized to pass my bill. [Laughter.]

Mr. RICHARDSON of Tennessee. Is he also insane?

Mr. SULZER. Oh, no; my friend is not insane, but he may go insane if this bill does not pass. [Laughter.] I hope that this bill will pass, and that I will also get a chance to pass my bill. That is all I want to say now.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RICHARDSON of Tennessee. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 178, nay 1, answered "present" 23, not voting 149; as follows:

YEAS—178.

Adams,	Feely,	Latimer,	Robb,
Adamson,	Finley,	Lessler,	Roberts,
Alexander,	Fitzgerald,	Lester,	Robinson, Ind.
Allen, Me.	Fletcher,	Lewis, Pa.	Rucker,
Aplin,	Flood,	Lindsay,	Ryan,
Babcock,	Foerderer,	Littauer,	Scott,
Bankhead,	Foster, Vt.	Littlefield,	Selby,
Bartholdt,	Fowler,	Livingston,	Shackleford,
Bartlett,	Gaines, Tenn.	Lloyd,	Shattuc,
Bates,	Gaines, W. Va.	Loudenslager,	Sheppard,
Beidler,	Gardner, Mass.	McAndrews,	Showalter,
Boreing,	Gardner, Mich.	McCleary,	Sibley,
Brick,	Gardner, N. J.	McClellan,	Sims,
Bristow,	Gibson,	McLachlan,	Smith, Ill.
Burk, Pa.	Gillet, N. Y.	McLain,	Smith, Iowa
Burke, S. Dak.	Gooch,	Maddox,	Smith, H. C.
Burkett,	Gordon,	Mahon,	Smith, S. W.
Burleigh,	Graff,	Mahoney,	Snodgrass,
Burleson,	Greene, Mass.	Marshall,	Southwick,
Burton,	Griggs,	Martin,	Sperry,
Butler,	Grosvenor,	Mercer,	Stark,
Calderhead,	Hamilton,	Mickey,	Stevens, Minn.
Candler,	Hanbury,	Miers, Ind.	Stewart, N. Y.
Cannon,	Haskins,	Miller,	Sulloway,
Capron,	Haugen,	Minor,	Sulzer,
Clark,	Hay,	Mondell,	Sutherland,
Clayton,	Hedge,	Moody,	Swanson,
Connell,	Henry, Conn.	Moon,	Tawney,
Conner,	Hepburn,	Morgan,	Tirrell,
Cooper, Wis.	Hill,	Mudd,	Trimble,
Corliss,	Howard,	Mutchler,	Van Voorhis,
Cromer,	Howell,	Needham,	Vreeland,
Crumpacker,	Hull,	Nevin,	Wachter,
Currier,	Irwin,	Olmsted,	Wagoner,
Cushman,	Jack,	Otjen,	Wanger,
Dalzell,	Jenkins,	Padgett,	Warner,
Darragh,	Johnson,	Palmer,	Warnock,
Davidson,	Jones, Va.	Parker,	White,
De Armond,	Kern,	Powers, Me.	Williams, Ill.
Dougherty,	Kitchin, Wm. W.	Powers, Mass.	Woods,
Dovener,	Kluttz,	Pugsley,	Wright,
Draper,	Knapp,	Reeder,	Young,
Dwight,	Kyle,	Reeves,	Zenor.
Eddy,	Lacey,	Richardson, Ala.	
Esch,	Lamb,	Richardson, Tenn.	

NAY—1.

Bishop.

ANSWERED "PRESENT"—23.

Barney,	Cowherd,	McRae,	Sherman,
Boutell,	Gillett, Mass.	Mann,	Slayden,
Brandegee,	Graham,	Metcalf,	Steele,
Brown,	Holliday,	Moss,	Stephens, Tex.
Cassel,	Joy,	Patterson, Pa.	Underwood.
Cousins,	Kitchin, Claude	Payne,	

NOT VOTING—149.

Acheson,	Dick,	Kleberg,	Scarborough,
Allen, Ky.	Dinsmore,	Knox,	Schirm,
Ball, Del.	Douglas,	Landis,	Shafroth,
Ball, Tex.	Driscoll,	Lassiter,	Shallenberger,
Bell,	Edwards,	Lawrence,	Shelden,
Bellamy,	Elliott,	Lever,	Skiles,
Belmont,	Emerson,	Lewis, Ga.	Small,
Benton,	Evans,	Little,	Smith, Ky.
Billmeyer,	Flanagan,	Long,	Smith, Wm. Alden
Bingham,	Fleming,	Loud,	Snook,
Blackburn,	Fordney,	Lovering,	Southard,
Blakeney,	Foss,	McCall,	Sparkman,
Bowersock,	Foster, Ill.	McCulloch,	Spight,
Bowie,	Fox,	McDermott,	Stewart, N. J.
Brantley.	Gilbert,	Maynard,	Storm,
Breazeale,	Gill,	Meyer, La.	Swann,
Bromwell,	Glass,	Morrell,	Talbert,
Broussard,	Glenn,	Morris,	Tate,
Brownlow,	Goldfogle,	Naphen,	Tayler, Ohio
Brundidge,	Green, Pa.	Neville,	Taylor, Ala.
Bull,	Griffith,	Newlands,	Thayer,
Burgess,	Grow,	Norton,	Thomas, Iowa
Burnett,	Heatwole,	Overstreet,	Thomas, N. C.
Caldwell,	Hemenway,	Patterson, Tenn.	Thompson,
Cassingham,	Henry, Miss.	Pearre,	Tompkins, N. Y.
Cochran,	Henry, Tex.	Perkins,	Tompkins, Ohio
Conry,	Hildebrant,	Pierce,	Vandiver,
Coombs,	Hitt,	Pou,	Wadsworth,
Cooney,	Hooker,	Prince,	Watson,
Cooper, Tex.	Hopkins,	Randell, Tex.	Weeks,
Creamer,	Hughes,	Ransdell, La.	Wheeler,
Crowley,	Jackson, Kans.	Reid,	Wiley,
Curtis,	Jackson, Md.	Rhea,	Williams, Miss.
Dahle,	Jett,	Rixey,	Wilson,
Davey, La.	Jones, Wash.	Robertson, La.	Wooten.
Davis, Fla.	Kahn,	Robinson, Nebr.	
Dayton,	Kehoe,	Ruppert,	
Deemer,	Ketcham,	Russell,	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The following additional pairs were announced:

Until further notice:

Mr. BROMWELL with Mr. CASSINGHAM.

Mr. BOWERSOCK with Mr. COONEY.

Mr. BULL with Mr. RUSSELL.

Mr. THOMAS of Iowa with Mr. SLAYDEN.

On this vote:

Mr. WACHTER with Mr. POU.

Mr. JACKSON of Kansas. Mr. Speaker, I would like to be recorded.

The SPEAKER. Was the gentleman present and listening when his name should have been called and failed to hear it?

Mr. JACKSON of Kansas. No; some one spoke to me and my attention was attracted for the moment.

The SPEAKER. The gentleman can not vote.

The result of the vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

H. R. 17493. An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16990) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 8186. An act for the relief of John D. Chadwick;

H. R. 6745. An act for the relief of Anthony R. Ravenscroft;

H. R. 6703. An act for the relief of George A. Rogers; and

H. R. 16138. An act granting the right of way to the Kenova and Big Sandy Railroad Company through the Government lands at Lock No. 2, Big Sandy River, and at Lock No. 3, Big Sandy River, both in Wayne County, W. Va.

GENERAL DEFICIENCY BILL.

The SPEAKER. The Chair lays before the House the bill (H. R. 17493) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes, with Senate amendments, which the Clerk will report.

The Clerk read the Senate amendments at length.

The SPEAKER. The question is, Will the House disagree to the Senate amendments en bloc and ask for a conference with the Senate?

The question was taken; and the Chair announced that the ayes had it.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I ask for a division.

Mr. PAYNE. Well, Mr. Speaker, we might as well have the yeas and nays.

The SPEAKER. The gentleman from New York demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 197, nays 0, answered "present" 16, not voting 138; as follows:

YEAS—197.

Alexander,	Eddy,	Lessler,	Scott,
Allen, Me.	Elliott,	Lester,	Selby,
Aplin,	Esch,	Lever,	Shackleford,
Babcock,	Feely,	Lewis, Pa.	Shattuc,
Bankhead,	Finley,	Lindsay,	Sheppard,
Barney,	Fitzgerald,	Littauer,	Showalter,
Bartholdt,	Flanagan,	Littlefield,	Sibley,
Bartlett,	Fletcher,	Lloyd,	Sims,
Bates,	Flood,	Long,	Slayden,
Beidler,	Foerderer,	Loudenslager,	Small,
Bishop,	Gaines, Tenn.	Lovering,	Smith, Ill.
Boreing,	Gaines, W. Va.	McAndrews,	Smith, Iowa
Bowersock,	Gardner, Mass.	McCleary,	Smith, H. C.
Brandegee,	Gardner, Mich.	McClellan,	Smith, S. W.
Brick,	Gardner, N. J.	McLachlan,	Snodgrass,
Bristow,	Gibson,	McLain,	Southard,
Brown,	Gillet, N. Y.	McRae,	Southwick,
Burk, Pa.	Gooch,	Maddox,	Sperry,
Burke, S. Dak.	Gordon,	Mahon,	Stark,
Burkett,	Graff,	Mahony,	Steele,
Burleigh,	Greene, Mass.	Marshall,	Stevens, Minn.
Burton,	Grosvenor,	Martin,	Stewart, N. Y.
Butler,	Hamilton,	Mercer,	Sulloway,
Calderhead,	Haskins,	Miers, Ind.	Sulzer,
Caldwell,	Haugen,	Mondell,	Sutherland,
Candler,	Hay,	Moody,	Swanson,
Cannon,	Heatwole,	Morrell,	Tate,
Capron,	Hedge,	Morris,	Tawney,
Cassel,	Hemenway,	Moss,	Thomas, N. C.
Clark,	Henry, Conn.	Mudd,	Tirrell,
Clayton,	Hepburn,	Mutchler,	Tompkins, N. Y.
Connell,	Hill,	Needham,	Trimble,
Conner,	Hitt,	Nevin,	Underwood,
Cooper, Tex.	Holliday,	Olmsted,	Van Voorhis,
Cooper, Wis.	Howard,	Otjen,	Vreeland,
Corliss,	Hull,	Padgett,	Wachter,
Cowherd,	Irwin,	Palmer,	Wadsworth,
Cromer,	Jack,	Parker,	Wagoner,
Crumpacker,	Jackson, Kans.	Payne,	Wanger,
Currier,	Jenkins,	Perkins,	Warner,
Cushman,	Johnson,	Powers, Me.	Warnock,
Dalzell,	Jones, Va.	Powers, Mass.	White,
Darragh,	Kahn,	Reeder,	Williams, Ill.
Davidson,	Kitchin, Wm. W.	Reeves,	Woods,
De Armond,	Kluttz,	Richardson, Tenn.	Wright,
Dougherty,	Knapp,	Robb,	Young,
Dovener,	Kyle,	Roberts,	Zenor.
Draper,	Lacey,	Robinson, Ind.	
Driscoll,	Lamb,	Rucker,	
Dwight,	Latimer,	Ryan,	

NAYS—0.

ANSWERED "PRESENT"—16.

Boutell,	Emerson,	Gillett, Mass.	Mann,
Burgess,	Foster, Vt.	Joy,	Miller,
Cassingham,	Fowler,	Kitchin, Claude	Richardson, Ala.
Cousins,	Gilbert,	Little,	Sherman.

NOT VOTING—138.

Acheson,	Deemer,	Knox,	Robinson, Nebr.
Adams,	Dick,	Landis,	Ruppert,
Adamson,	Dinsmore,	Lassiter,	Russell,
Allen, Ky.	Douglas,	Lawrence,	Scarborough,
Ball, Del.	Edwards,	Lewis, Ga.	Schirm,
Ball, Tex.	Evans,	Livingston,	Shafroth,
Bell,	Fleming,	Loud,	Shallenberger,
Bellamy,	Fordney,	McCall,	Shelden,
Belmont,	Foss,	McCulloch,	Skiles,
Benton,	Foster, Ill.	McDermott,	Smith, Ky.
Billmeyer,	Fox,	Maynard,	Smith, Wm. Alden
Bingham,	Gill,	Metcalf,	Snook,
Blackburn,	Glass,	Meyer, La.	Sparkman,
Blakeney,	Glenn,	Mickey,	Spight,
Bowie,	Goldfogle,	Minor,	Stephens, Tex.
Brantley,	Graham,	Moon,	Stewart, N. J.
Breazeale,	Green, Pa.	Morgan,	Storm,
Bromwell,	Griffith,	Naphen,	Swann,
Broussard,	Griggs,	Neville,	Talbert,
Brownlow,	Grow,	Newlands,	Tayler, Ohio
Brundidge,	Hanbury,	Norton,	Taylor, Ala.
Bull,	Henry, Miss.	Overstreet,	Thayer,
Burleson,	Henry, Tex.	Patterson, Pa.	Thomas, Iowa
Burnett,	Hildebrant,	Patterson, Tenn.	Thompson,
Cochran,	Hooker,	Pearre,	Tompkins, Ohio
Conry,	Hopkins,	Pierce,	Vandiver,
Coombs,	Howell,	Pou,	Watson,
Cooney,	Hughes,	Prince,	Weeks,
Creamer,	Jackson, Md.	Pugsley,	Wheeler,
Crowley,	Jett,	Randell, Tex.	Wiley,
Curtis,	Jones, Wash.	Ransdell, La.	Williams, Miss.
Dahle,	Kehoe,	Reid,	Wilson,
Davey, La.	Kern,	Rhea,	Wooten.
Davis, Fla.	Ketcham,	Rixey,	
Dayton,	Kleberg,	Robertson, La.	

So the House disagreed to the amendments of the Senate and agreed to ask a conference with the Senate.

The following additional pairs were announced:

For the rest of the day:

Mr. MANN with Mr. JETT.

Mr. FOSTER of Vermont with Mr. POU.

The result of the vote was announced as above stated.

The SPEAKER announced the appointment of Mr. CANNON, Mr. BARNEY, and Mr. LIVINGSTON as conferees on the part of the House.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 7361. An act for the relief of C. W. Colehour; and

H. R. 1517. An act for the relief of Robert Brigham.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 7659. An act to amend section 1 of an act entitled "An act to amend sections 5191 and 5192 of the Revised Statutes of the United States," and for other purposes;

H. R. 12199. An act to regulate the immigration of aliens into the United States; and

H. R. 16910. An act making appropriation for the Department of Agriculture for the fiscal year ending June 30, 1904.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 7285. An act authorizing, empowering, and directing the Commissioner of Fish and Fisheries to establish in the State of Florida, on the Gulf of Mexico, a station for the investigation of problems connected with the marine fishery interests of the region; and

S. 7283. An act to amend an act entitled "An act to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington," approved May 19, 1896.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. BARNES, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On March 2, 1903:

H. R. 1027. An act granting a pension to Lavinia Cook;

H. R. 3100. An act providing for the conveyance of Widows Island, Maine, to the State of Maine;

H. R. 4178. An act for the relief of Austin A. Yates;

H. R. 5028. An act for the relief of Francis M. Oliver;

H. R. 15461. An act for the relief of Daniel F. Lee;

H. R. 15520. An act to establish a standard of value and to provide for a coinage system in the Philippine Islands;

H. R. 15985. An act to confirm certain forest lieu selections made under the act approved June 4, 1897;

H. R. 16522. An act granting an increase of pension to Caleb C. Van Sickell;

H. R. 16567. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1904; and

H. R. 16885. An act to extend to the port of Niagara Falls, N. Y., the privileges of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement.

POST-OFFICE APPROPRIATION BILL.

Mr. LOUD. Mr. Speaker, I present a conference report on the Post-Office appropriation bill, with the accompanying statement of the House conferees.

The report was read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16990) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 6, 7, 8, 9, 17, 21, 22, 26, 32, 33, 35, 36, and 41.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, 14, 20, 23, 24, 25, 28, 29, 34, 37, 38, 39, and 40, and agree to the same.

Change sections to number consecutively.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Page 2, line 11, after the word "officers," strike out the following: "one at $3,500; 1 at New York, N. Y., $4,000; 1 at Chicago, Ill., $4,000," and insert in lieu thereof the following: "two at $3,500: *Provided*, That the salary of the assistant postmaster at Chicago shall be fixed at $3,500 per annum;" and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Page 2, line 24, strike out the amount named and insert in lieu thereof "$94,100;" and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an

amendment as follows: Page 10, line 15, strike out the amount named and insert in lieu thereof the following: "one superintendent of money-order division, 1 superintendent of registry, 1 superintendent of mails, and 1 superintendent of delivery, at $3,000 each, $24,800;" and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: Page 10, line 23, strike out the amount named and insert in lieu thereof the following: "$13,900;" and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Page 12, lines 3 and 4, strike out the amount named and insert "$250;" and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: Page 12, line 4, after the word "dollars," strike out the amendment and insert in lieu thereof the following: "of which not more than $190,000 shall be expended in rentals of machines: *Provided*, That no canceling machine shall be rented at an annual rental exceeding the rate now paid by the Department: *And provided further*, That the Postmaster-General shall, whenever in his opinion it is advisable, purchase canceling machines, and shall report fully to the next Congress in regard to said machines, whether they should be purchased or rented, all facts connected therewith, and what steps ought to be taken to protect the interests of the Government therein;" and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: Page 14, line 13, strike out "ten" and insert "eight;" and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: Page 14, lines 14 and 15, strike out the amount named and insert "nineteen thousand two hundred;" and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: Page 16, line 8, strike out the amount named and insert "twenty-one thousand seven;" and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: Page 17, line 22, strike out in the paragraph all after the word "Postmaster-General" and in lieu thereof insert the following: "$2,000: *Provided*, That not exceeding $200 of this amount appropriated may be used for necessary traveling expenses of the First Assistant Postmaster-General within the District of Columbia: *And provided further*, That a sum not exceeding $300 may be used for the purchase of city directories and books of reference;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Page 23, line 24, after "four," strike out the paragraph and insert in lieu thereof the following: "compensation and expenses of United States delegate to the Universal Postal Congress to convene at Rome, Italy, not to exceed $7,500;" and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: Page 25, after line 8, strike out the matter inserted and insert the following: "For the employment of special counsel, to be appointed by the Attorney-General, when requested by the Postmaster-General, and at compensation to be fixed by the Attorney-General, not exceeding this temporary appropriation, to prosecute and defend, on behalf of the Post-Office Department, all suits now pending or which may hereafter arise affecting the second-class mailing privilege, $25,000;" and the Senate agree to same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Page 25, line 9, after the word "items," strike out the matter inserted and insert the following: "$1,000: *Provided*, That not exceeding $200 of this amount appropriated may be used for necessary traveling expenses of the Third Assistant Postmaster-General within the District of Columbia;" and the Senate agree to the same.

E. F. LOUD,
GEO. W. SMITH,
CLAUDE A. SWANSON,
Managers on the part of the House.

WM. E. MASON,
BOIES PENROSE,
A. S. CLAY,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16990) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904, submit the following written statement in explanation of the effect of the action agreed upon in the accompanying conference report on each of the Senate amendments, as follows:

The Senate made 41 amendments to the bill, producing a total decrease of $1,840,841.40. An increase of $3,000 is made in the item of compensation to postmasters, $1,500 for assistant postmasters, $12,800 for superintendents of money-order, registry, mails, and delivery service, $90,000 for canceling machines, $7,200 for special agents in charge of rural free-delivery service, $600 for a vehicle for the First Assistant Postmaster-General, $1,000 for increase of salaries of superintendent and assistant superintendent of Railway Mail Service, $25,000 for special counsel fees to defend suits pending in regard to the second-class mailing privilege, and $58.60 for claims.

By the action of the conferees the Senate recedes from amendments involving a decrease of $1,901,641.40.

By the action of the conferees the amount carried in this bill is increased $71,500 above that carried in the bill at the time it passed the House.

The effect of the action of the conferees on amendment No. 1 reduces the amount $3,000.

On amendment No. 2: An increase in the salary of the postmaster at Chicago from six to eight thousand dollars.

Amendment No. 3 increases the salary of the assistant postmaster at Chicago from $3,000 to $3,500.

Amendment No. 4 reduces the number of assistant postmasters at $3,000 from 17 to 16. Amendment No. 5 corrects totals. Amendments 6, 7, 8, and 9 the Senate recedes. The effect of amendment No. 10 is to increase the salaries of the superintendent of money order, superintendent of registry, superintendent of mails, and superintendent of delivery from $2,700 to $3,000, and corrects the total in the amount appropriated. Amendment No. 11 corrects totals. The effect of the action of the conferees on amendment No. 12 is to increase the amount for canceling machines $40,000 above amount allowed by the House and $50,000 below that allowed by the Senate. The action of the conferees on amendment No. 13 is to limit the amount which may be used for rental of canceling machines to $190,000, and to provide that $60,000 may be used in the discretion of the Postmaster-General for the purchase of canceling machines.

The effect of the action of the conferees on amendment No. 14 permits the use of automobiles. Upon amendment No. 15 the action of the conferees is to reduce the number of special agents in charge of divisions from 10, as provided by the Senate, to 8. Amendment No. 16 corrects total.

Amendment No. 17: The effect of the action of the conferees is to strike out the provision for the payment of tolls on toll roads. Amendment No. 18 corrects totals. Amendment No. 19 limits the amount of money the First Assistant Postmaster-General may expend for traveling expenses in the city of Washington to $200 per annum. The effect of the action of the conferees upon amendment No. 20 is to provide $300 per annum for hire of a vehicle in the First Assistant Postmaster-General's division. Upon amendments Nos. 21 and 22 the action of the conferees increases the amount of appropriation for railroad mail pay to the amount carried in the bill as it passed the House and removes the limitation that no deficiency shall be created.

The action of the conferees upon amendment No. 23 increases the salary of the General Superintendent of Railway-Mail Service to $4,000, and No. 24 increases the salary of the assistant general superintendent to $3,500.

Amendment No. 25 corrects a total.

The effect of the action of the conferees on amendment No. 26 is to strike out the proposed extention of special-facility service from Newton to Fort Scott, Kans. Upon amendment No. 27 the effect of the action of the conferees is to provide compensation and expenses of delegate to Universal Postal Congress at Rome. The action upon amendment No. 28 provides for the manufacture of books of stamps. On amendment No. 29 the action of the conferees makes permanent law the provision relating to the indemnity of $100 for loss of first-class registered matter.

The action of the conferees on amendment No. 30 allows the employment of special counsel to defend the Government in suits relating to second-class mail privileges, and appropriates $25,000 for such purpose. Upon amendment No. 31, the action of the conferees limits the expenditure of the Third Assistant Postmaster-General for traveling expenses in the city of Washington to $200. The effect upon amendments No. 32 and 33 is to strike out of the bill two private claims. Upon amendment No. 34 the effect is to strike out the provision relating to mailing of third and fourth class matter without affixing postage stamps.

The effect of the action of the conferees upon amendments 35 and 36 is to leave the provision in the bill as it passed the House relating to punishment of persons for interference with railway mail clerks while on duty, and strikes out the provision of the Senate relating to the same matter. Amendments 37, 38, and 39 correct the numbers of sections. The effect of the action of the conferees upon amendment No. 40 is to permit the sender of third and fourth class mail matter to receive personally or by order undelivered matter. Upon amendment No. 41 the action of the conferees strikes out the Senate provision relating to registration of public documents by members of Congress.

E. F. LOUD,
GEO. W. SMITH,
CLAUDE A. SWANSON,
Managers on the part of the House.

Mr. LOUD. Mr. Speaker, the statement just read very clearly sets forth everything contained in these amendments. The Senate at this session has made very few amendments that were of any importance on this bill. The only amendments remaining as presented to the House by the conferees are some few relating to increase of salaries. There is an increase of the salary of the postmaster at Chicago from $6,000 to $8,000; there is an increase of the salary of the superintendents at Chicago from $2,700 to $3,000; there is an increase of the salary of the General Superintendent of the Railway Mail Service from $3,500 to $4,000.

While the House conferees did not like to assent to these increases of salary, large as the salaries now are, yet, after the example had been set by our great Appropriations Committee in increasing the salaries of some of the officers in charge of divisions in the Post-Office Department, we could not possibly stop it. When you have once established the principle of increasing to a certain amount the salary of a division superintendent, then you can not stop until you have gone down along the whole line. But I want the House to understand, and the Committee on Appropriations to understand, that they first set this precedent of increasing the salaries of division superintendents, or gentlemen in charge of divisions, from $3,500 to $4,000.

The Senate did adopt, without discussion, an amendment in relation to railroad mail pay, cutting it down something like $2,000,000. Then on the floor of the Senate there was put on a provision that there should be no deficiency created. When we got into conference it was discovered that the amendment had not been properly matured, so the Senate receded.

The bill carries about $75,000 more than when it passed the House. The conferees are, I think, well satisfied with the result of their labors.

Mr. SNODGRASS. Mr. Speaker, I should like to occupy a few minutes.

Mr. LOUD. I believe I am limited to ten minutes. Mr. Speaker, how much time have I used?

The SPEAKER pro tempore (Mr. SHERMAN). Four minutes; the gentleman has six minutes remaining.

Mr. LOUD. I would gladly yield five minutes of my six to the other side if they would enter into an agreement not to call the roll on the final passage of this bill.

Mr. CLAYTON. We can not do that.

Mr. LOUD. I yield the gentleman from Tennessee [Mr. SNODGRASS] one minute.

Mr. SNODGRASS. Mr. Speaker, I avail myself of these sixty seconds to inform the House that we have on the Calendar a bill to increase the pension of the old Mexican soldiers from $8 to $12 a month. A great many of us on this side of the House have been

working to have that bill reported; and we were rejoiced a few moments ago when the Chairman of the Committee on Pensions came over here and informed us that he expected to try to get that bill up. We are anxious that he should do that to-night.

We have spent days here, Mr. Speaker, in increasing the pensions of Federal soldiers; and to that I have made no objection. I believe in liberal pensions for the Federal soldiers.

[Here the hammer fell.]

Mr. SNODGRASS. I hope the gentleman will yield me another minute.

Mr. LOUD. I yield the gentleman one minute more.

Mr. SNODGRASS. Mr. Speaker, in this Congress and the last we have passed various bills to increase the pensions of Union soldiers; but we have forgotten the fact that more than half a century ago the Mexican soldiers rendered distinguished service to the country. Yet they have been discriminated against; niggardly provision for them has been made by this Government. The Mexican soldier receives now a pension of only $8 a month; and in order to get any more he must subscribe to a pauper oath. As have other gentlemen, I have introduced bills both in this and the last Congress to remove these objectionable restrictions against their drawing pensions.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SNODGRASS. Will the gentleman give me another minute?

Mr. LOUD. I have got to yield to my colleague on the committee. How much time have I remaining?

The SPEAKER pro tempore. Three and one-half minutes.

Mr. LOUD. I yield three minutes to the gentleman from Tennessee [Mr. MOON].

Mr. MOON. I will yield that to my colleague, if the gentleman will permit me.

Mr. LOUD. I have yielded all the time I have but half a minute.

Mr. MOON. Will the gentleman allow me to yield to my colleague the time he has given me?

Mr. LOUD. I do not care what the gentleman does with it.

Mr. MOON. I yield to the gentleman from Tennessee [Mr. SNODGRASS].

Mr. SNODGRASS. Now, Mr. Speaker, we want to appeal to this House to-night to pass that bill. We will stay here all night with you if you will pass that bill.

Several MEMBERS. Without a roll call?

Mr. SNODGRASS. I do not think that gentlemen ought to make that kind of a condition. We will give you three or a dozen roll calls if you will pass that bill. [Laughter.] We will sit with you from now until to-morrow morning. Gentlemen, I think this is a serious matter. I have appealed to my distinguished friend from Ohio who stands before me, and I believe I can say for him that he is heartily in favor of this bill. These old soldiers are rapidly passing to their graves, and if we ever expect to do anything for them that is to be of any benefit the time has come for us to do it.

Mr. CANNON. Will the gentleman ask to pass it by unanimous consent?

Mr. SNODGRASS. I would be glad to ask to pass it by unanimous consent.

Mr. LACEY. Then ask it and stop talking about it. Ask it.

Mr. SNODGRASS. Mr. Speaker, I will ask unanimous consent, if I can be recognized for that purpose, to take from the Calendar that bill.

The SPEAKER pro tempore. At the proper time the Chair will be glad to recognize the gentleman, but not now.

Mr. SNODGRASS. And I hope we can come to an agreement on this proposition. Now, Mr. Speaker, I think it is the duty of this House to pass this bill. I believe that the old Federal soldiers are heartily in favor of this. These old Mexican soldiers have not had anybody to——

Mr. HULL. As soon as this bill passes, ask unanimous consent and we will pass it without any roll call.

Mr. SNODGRASS. But, whether unanimous consent is given or not, for myself I would be glad to give it. I think this bill should be considered. It is the duty of this House to take up this bill and pass it. We have spent a few hours here to-night in passing private bills and that time might well have been employed in the passage of this bill.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LOUD. Mr. Speaker, I will endeavor to use the half minute in order to avoid moving the previous question.

Mr. RICHARDSON of Tennessee. Will the gentleman allow me to ask him a question in reference to this bill?

Mr. LOUD. Certainly.

Mr. RICHARDSON of Tennessee. I only wanted to ask the gentleman if there is any change of existing law in this bill in respect to the payment of——

The SPEAKER pro tempore. The time of the gentleman has expired. [Laughter.]

Mr. RICHARDSON of Tennessee. I was going to ask in reference to tollgate charges for mail carriers on rural routes.

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

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RICHARDSON of Tennessee. I call for a division.

The House proceeded to divide.

Mr. LOUD. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 190, nays 2, answered "present" 14, not voting 145; as follows:

YEAS—190.

Alexander,	Driscoll,	Kyle,	Roberts,
Allen, Me.	Dwight,	Lacey,	Robinson, Ind.
Aplin,	Eddy,	Lamb,	Ryan,
Bankhead,	Esch,	Lessler,	Selby.
Bartholdt,	Feely,	Lester,	Shattuc,
Bartlett,	Finley,	Lever,	Showalter,
Bates,	Fitzgerald,	Lewis, Pa.	Sibley,
Beidler,	Flanagan,	Lindsay,	Sims,
Bishop,	Fletcher,	Littlefield,	Slayden,
Boreing,	Flood,	Livingston,	Smith, Ill.
Boutell,	Foerderer,	Lloyd,	Smith, H. C.
Bowersock,	Fowler,	Long,	Smith, S. W.
Brandegee,	Gaines, Tenn.	Loud,	Smith, Wm. Alden
Breazeale,	Gaines, W. Va.	Loudenslager,	Snodgrass,
Brick,	Gardner, Mass.	Lovering,	Southard,
Bristow,	Gardner, Mich.	McAndrews,	Sperry,
Brown,	Gardner, N. J.	McCleary,	Stark,
Burk, Pa.	Gibson,	McClellan,	Steele,
Burke, S. Dak.	Gillet, N. Y.	McLachlan,	Stevens, Minn.
Burkett,	Gooch,	McLain,	Stewart, N. Y.
Burleigh,	Gordon,	Maddox,	Sulloway,
Burleson,	Graff,	Marshall,	Sutherland,
Burton,	Green, Pa.	Martin,	Swanson,
Butler,	Greene, Mass.	Mercer,	Tate,
Calderhead,	Griggs,	Miers, Ind.	Tawney,
Caldwell,	Grosvenor,	Minor,	Tayler, Ohio
Candler,	Hamilton,	Mondell,	Thomas, N. C.
Cannon,	Hanbury,	Moody,	Tirrell,
Capron,	Haskins,	Moon,	Tompkins, N. Y.
Cassel,	Haugen,	Morrell,	Trimble,
Clark,	Hay,	Morris,	Underwood,
Clayton,	Hedge,	Mudd,	Van Voorhis,
Connell,	Henry, Conn.	Mutchler,	Vreeland,
Conner,	Hepburn,	Needham,	Wachter,
Cooper, Tex.	Hill,	Nevin,	Wadsworth,
Cooper, Wis.	Hitt,	Olmsted,	Wagoner,
Corliss,	Holliday,	Otjen,	Wanger,
Cousins,	Howard,	Padgett,	Warner,
Cowherd,	Hull,	Palmer,	Warnock,
Cromer,	Irwin,	Parker,	White,
Crumpacker,	Jack,	Payne,	Williams, Ill.
Curtis,	Jackson, Kans.	Perkins,	Williams, Miss.
Dalzell,	Jenkins,	Powers, Mass.	Woods,
Darragh,	Johnson,	Randell, Tex.	Wright,
De Armond,	Jones, Va.	Reeder,	Young,
Dougherty,	Kahn,	Reeves,	Zenor.
Dovener,	Kitchin, Wm. W.	Richardson, Tenn.	
Draper,	Knapp,	Robb,	

NAYS—2.

Russell,	Sheppard.

ANSWERED "PRESENT"—14.

Burgess,	Foster, Vt.	Mann,	Shackleford,
Cassingham,	Gilbert,	Miller,	Sherman.
Elliott,	Joy,	Prince,	
Emerson,	Kitchin, Claude	Richardson, Ala.	

NOT VOTING—145.

Acheson,	Deemer,	Landis,	Rucker,
Adams,	Dick,	Lassiter,	Ruppert,
Adamson,	Dinsmore,	Latimer,	Scarborough,
Allen, Ky.	Douglas,	Lawrence,	Schirm,
Babcock,	Edwards,	Lewis, Ga.	Scott,
Ball, Del.	Evans,	Littauer,	Shafroth,
Ball, Tex.	Fleming,	Little,	Shallenberger,
Barney,	Fordney,	McCall,	Shelden,
Bell,	Foss,	McCulloch,	Skiles,
Bellamy,	Foster, Ill.	McDermott,	Small,
Belmont,	Fox,	McRae,	Smith, Iowa
Benton,	Gill,	Mahon,	Smith, Ky.
Billmeyer,	Gillett, Mass.	Mahoney,	Snook,
Bingham,	Glass,	Maynard,	Southwick,
Blackburn,	Glenn,	Metcalf,	Sparkman,
Blakeney,	Goldfogle,	Meyer, La.	Spight,
Bowie,	Graham,	Mickey,	Stephens, Tex.
Brantley,	Griffith,	Morgan,	Stewart, N. J.
Bromwell,	Grow,	Moss,	Storm,
Broussard,	Heatwole,	Naphen,	Sulzer,
Brownlow,	Hemenway,	Neville,	Swann,
Brundidge,	Henry, Miss.	Newlands,	Talbert,
Bull,	Henry, Tex.	Norton,	Taylor, Ala.
Burnett,	Hildebrant,	Overstreet,	Thayer,
Cochran,	Hooker,	Patterson, Pa.	Thomas, Iowa
Conry,	Hopkins,	Patterson, Tenn.	Thompson,
Coombs,	Howell,	Pearre,	Tompkins, Ohio
Cooney,	Hughes,	Pierce,	Vandiver,
Creamer,	Jackson, Md.	Pou,	Watson,
Crowley,	Jett,	Powers, Me.	Weeks,
Currier,	Jones, Wash.	Pugsley,	Wheeler,
Cushman,	Kehoe,	Ransdell, La.	Wiley,
Dahle,	Kern,	Reid,	Wilson,
Davey, La.	Ketcham,	Rhea,	Wooten.
Davidson,	Kleberg,	Rixey,	
Davis, Fla.	Kluttz,	Robertson, La.	
Dayton,	Knox,	Robinson, Nebr.	

So the conference report was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. DAVIDSON with Mr. BRUNDIDGE.

Mr. BLACKBURN with Mr. BILLMEYER.

Mr. MOSS with Mr. ALLEN of Kensucky, for balance of evening.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate announced that that body had insisted upon its amendments to the bill (H. R. 17493) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. ALLISON, and Mr. TELLER as the conferees on the part of the Senate.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I desire to call up the conference report on the agricultural appropriation bill.

The SPEAKER pro tempore. The gentleman from New York calls up a conference report on the agricultural appropriation bill, which the Clerk will read.

Mr. WADSWORTH. Mr. Speaker, I ask unanimous consent to do away with the reading of the report, and let the statement be read.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to dispense with the reading of the conference report, and that the statement be read instead thereof. Is there objection?

Mr. RICHARDSON of Tennessee. I object.

The SPEAKER pro tempore. The gentleman from Tennessee objects. The Clerk will read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16910) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1904, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 14, 15, 18, 19, 20, 21, 22, 34, 37, 53, 54, 62, and 74.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 16, 23, 24, 25, 26, 27, 29, 32, 35, 39, 40, 43, 44, 47, 48, 49, 50, 51, 52, 56, 57, 58, 59, 60, 61, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 75, 76, 77, 78, 79, 80, 81, 84, and 85; and agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: Restore the matter stricken out; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,248,520;" and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$130,000;" and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$37,000;" and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Strike out of said amendment "for the establishment in the State of California of experiment stations," and in lieu thereof insert "in cooperation with the experiment station of the State of California;" and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$35,000;" and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$290,000;" and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$674,960;" and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$312,860;" and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000;" and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$170,000;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$212,480;" and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: On page 39 of the bill, in line 18, after the word "thousand," strike out the words "five hundred;" and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$65,000;" and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$35,000;" and the Senate agree to the same.

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

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

Statement to accompany the conference report on the bill (H. R. 16910) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1904.

The bill as it passed the House carried $5,268,860. As it passed the Senate it carried $6,108,360, of which sum, however, $500,000 is not for the routine or current expenses of the Department, but is an "emergency appropriation," "to enable the Secretary of Agriculture to stamp out and eradicate foot-and-mouth disease and other contagious diseases of animals" should the necessity arise (and therefore may not be used at all), and the bill provides that it shall not be used for any other purpose; so that the actual amount for the current and routine work of the Department as passed by the Senate was $5,608,360, and the amount carried by the bill as agreed to by your conferees is $5,478,160, showing, therefore, an actual increase over the amount carried by the bill as it passed the House of $209,300.

The following amendments, concurred in by your conferees, show the increases:

No. 1 adds to salary of private secretary to Secretary of Agriculture	$250
Nos. 24 and 25 add 1 clerk, class 4, and takes out 1 clerk, class 3, from salary roll of Bureau of Plant Industry, making a net increase of	200
No. 28 adds to Division of Vegetable Pathology	20,000
No. 30 adds to Division of Pomology	7,000
No. 32 adds to Division of Botany	10,000
No. 33 adds to Division of Grass and Forage Plants	5,000
No. 41 adds to Bureau of Forestry	58,860
No. 45 adds to Bureau of Soils	40,000
No. 48 adds to Division of Biological Survey	5,000
No. 49 provides for transportation of elk or other game animals presented to the Government	1,000
No. 51 adds to the salary of the Chief of Division of Accounts	250
Nos. 56, 57, and 58 changes the Division of Statistics to a bureau and adds to the salary of chief thereof	500
No. 63 adds to the general expenses of Bureau of Statistics	15,000
No. 68 adds to the general expenses of Division of Foreign Markets	1,000
No. 71 adds to the general expenses of Department library	2,000
No. 75 adds to appropriations for Agricultural experiment stations	9,000
No. 82 adds for irrigation investigations	40,000
No. 83 adds to road investigation	5,000
Total increases	220,060

The following amendments, concurred in by your conferees, show the decreases:

No. 11. Salaries in Weather Bureau	$40	
No. 36. In the amount for seeds	10,000	
No. 39. Salaries, Bureau of Forestry	720	
Total decreases		10,760
Net increase		209,300

All other amendments (except 85) are mere corrections of totals, phraseology, and the like, and are not material.

Amendment numbered 85 is the "emergency appropriation" to enable the Secretary of Agriculture to stamp out any contagious diseases of animals should emergency arise, therefore the amounts carried by the bill as agreed upon are as follows:

For current and routine expenses	$5,478,160
For emergency	500,000
Total	5,978,160

Mr. WADSWORTH. Mr. Speaker, the statement is so full, and covers all the details of the bill so well, that I do not care to consume any time, and I yield five minutes to the gentleman from Mississippi [Mr. WILLIAMS]. I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Mississippi is recognized for five minutes, and the House will please give him attention while he is heard.

Mr. WILLIAMS of Mississippi. I yield five minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN. Mr. Speaker, a session of Congress, probably one of the most extraordinary ever held, is rapidly drawing to a close. Gentlemen on the other side of the Chamber are laboring to create the impression in the country that they are working with might and main to pass certain appropriation bills and other great public measures against the strenuous opposition of this side of the House, which they characterize as entirely indefensible.

I call attention to the fact that long before any controversy involving the filibuster, as they call it, arose on this floor, by the deliberate action of the Republicans in this House and their coparceners at the other end of the Capitol, all legislation demanded by the American public had been throttled and rendered hopeless. [Applause on the Democratic side.] Under the pretense of amending the interstate-commerce bill, defective as it was, you took away from it its most potent features and rendered it even more useless than it has been during the fifteen years in which you have sat here and listened session after session to appeals for its effective amendment.

You also undertook to deal with the trusts, and how did you do

it? You placed in the Department of Commerce bill a little section of law about an inch long, as harmless as harmless could be, and then confessed its total inadequacy by reporting by the unanimous vote of the Republicans on the committee what is called the Littlefield trust bill, knowing that it would go to the other end of the Capitol and sleep the sleep that knows no waking. [Applause on the Democratic side.]

You did it because you knew that you could go to the country and again pretend that for want of time you could not enact effective trust legislation. I hold in my hand an expression of opinion by a reputable newspaper correspondent, a summing up of the situation, which I will read. You may jeer at it if you please. It embodies the opinions of the American people. It is the just censure of righteous conscience, passed upon a party which is evading the great public questions of the times and refusing to deal with them. [Applause on the Democratic side.]

The exhibition of brute force by the Republicans results from a fear they have that at an extra session of Congress they might be confronted with a demand for antitrust and tariff legislation. While there is a division of sentiment among the rank and file of the Republicans in Congress on the subject of trusts and tariff revision, the leaders are united in their determination that these questions shall not be fairly considered.

Men like Speaker D. B. HENDERSON, Representative JOHN DALZELL, and Senator NELSON W. ALDRICH would be willing even to destroy the Administration of their own President, if that were necessary, to preserve the present iniquitous tariff and to protect the trusts from serious interference.

[Cries of "Oh" on the Republican side.]

And by the way, I may remark as I pass along that while there may be some resentment on this side of the Chamber, surfeit of not a little bad breeding on the other side makes things about even. The writer goes on to say:

They mistrust the power of men of their own party to resist the popular demand for a corrective of the existing evils, and they aim to render absolute their own domination of the legislative organization of Congress. These leaders fear an extra session, as do all the Republicans, and under the cover of a necessity for action on appropriation bills in order to avoid the immediate reassembling of Congress they are arbitrarily gathering into their hands a power sufficient not only to render the minority helpless, but to stifle a visible majority and to hold in subjection members of their own party.

Mr. TAWNEY. Will the gentleman yield to me for a question?

Mr. COCHRAN. Not until there is order enough for you to be heard. I decline to yield.

The SPEAKER pro tempore. The gentleman from Minnesota is out of order.

Mr. TAWNEY. What are you reading from?

Mr. COCHRAN. I am reading from the Washington correspondence of the Baltimore Sun, a very conservative Eastern paper, which ought to be followed by the distinguished Representative of the East from Minnesota.

Mr. TAWNEY. It would be if it was a Republican paper.

Mr. COCHRAN. Ah, you would follow Republican papers, would you? [Loud applause on the Democratic side.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WADSWORTH. I yield the balance of my time to the gentleman from Illinois.

Mr. CANNON. I have listened with much interest to the clapping of hands and to the excuses made by our friends. [Laughter and applause on the Democratic side.] If you are not competent to do anything but that [clapping hands], and in perfect good temper, I am reminded, as illustrative of the position upon the part of our friends, as it seems to me, of one of Lincoln's stories—the first story I ever heard him tell on the stump.

Mr. WILLIAMS of Mississippi. That is too old.

Mr. CANNON. He said—and I think it applies to our friends—speaking of his opponent, that he reminded him of a mule that his father owned when he was a boy; and that the mule would bray and kick, and he never could tell whether the mule was braying at the kick or kicking at the bray. [Great laughter and applause].

Mr. WADSWORTH. Mr. Speaker, I call for a vote.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. RICHARDSON of Tennessee. I ask for a division.

Mr. WADSWORTH. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken, and there were—yeas 181, nays 2, answered "present" 16, not voting 152; as follows:

YEAS—181.

Adamson,	Boreing,	Burleigh,	Clayton,
Alexander,	Boutell,	Burleson,	Connell,
Allen, Me.	Bowersock,	Burton,	Cooper, Tex.
Aplin,	Brandegee,	Butler,	Cooper, Wis.
Bankhead,	Brick,	Calderhead,	Cromer,
Bartholdt,	Bristow,	Caldwell,	Crumpacker,
Bartlett,	Brown,	Candler,	Currier,
Bates,	Burk, Pa.	Cannon,	Cushman,
Benton,	Burke, S. Dak.	Cassel,	Dalzell,
Bishop,	Burkett,	Clark,	Darragh.
De Armond,	Hill,	Mondell,	Snodgrass,
Dougherty,	Hitt,	Moody,	Southard,
Dovener,	Holliday,	Moon,	Southwick,
Draper,	Howard,	Morrell,	Sparkman,
Dwight,	Hull,	Morris,	Sperry,
Eddy,	Irwin,	Mudd,	Stark,
Elliott,	Jack,	Needham,	Stephens, Tex.
Esch,	Jackson, Kans.	Nevin,	Stevens, Minn.
Feely,	Jenkins,	Otjen,	Stewart, N. Y.
Finley,	Johnson,	Padgett,	Sulloway,
Fitzgerald,	Jones, Va.	Palmer,	Sulzer,
Flanagan,	Kitchin, Wm. W.	Parker,	Sutherland,
Fletcher,	Kluttz,	Payne,	Tate,
Flood,	Knapp,	Perkins,	Tawney,
Foerderer,	Kyle,	Powers, Mass.	Thomas, N. C.
Gaines, Tenn.	Lacey,	Randell, Tex.	Tirrell,
Gaines, W. Va.	Lamb,	Ransdell, La.	Tompkins, N. Y.
Gardner, Mich.	Lessler,	Reeder,	Trimble,
Gardner, N. J.	Lever,	Reeves,	Van Voorhis,
Gibson,	Lewis, Pa.	Richardson, Tenn.	Vreeland,
Gillet, N. Y.	Lindsay,	Robb,	Wachter,
Gooch,	Livingston,	Robinson, Ind.	Wadsworth,
Gordon,	Lloyd,	Rucker,	Wagoner,
Graff,	Long,	Ryan,	Wanger,
Green, Pa.	Loud,	Scott,	Warner,
Greene, Mass.	Loudenslager,	Selby,	Warnock,
Griggs,	Lovering,	Shattuc,	Weeks,
Grosvenor,	McAndrews,	Showalter,	Williams, Ill.
Hamilton,	McCleary,	Sibley,	Williams, Miss.
Hanbury,	McClellan,	Sims,	Woods,
Haskins,	McLachlan,	Slayden,	Wright,
Haugen,	Marshall,	Small,	Young,
Hay,	Martin,	Smith, Ill.	Zenor.
Hedge,	Mercer,	Smith, Iowa	
Henry, Conn.	Miers, Ind.	Smith, H. C.	
Hepburn,	Miller,	Smith, S. W.	

NAYS—2.

Russell, Sheppard.

ANSWERED "PRESENT"—16.

Burgess,	Cowherd,	Mann,	Prince,
Capron,	Emerson,	Minor,	Richardson, Ala.
Cassingham,	Foster, Vt.	Moss,	Shackleford,
Cousins,	Joy,	Olmsted,	Steele.

NOT VOTING—152.

Acheson,	Deemer,	Ketcham,	Pugsley,
Adams,	Dick,	Kitchin, Claude	Reid,
Allen, Ky.	Dinsmore,	Kleberg,	Rhea,
Babcock,	Douglas,	Knox,	Rixey,
Ball, Del.	Driscoll,	Landis,	Roberts,
Ball, Tex.	Edwards,	Lassiter,	Robertson, La.
Barney,	Evans,	Latimer,	Robinson, Nebr.
Beidler,	Fleming,	Lawrence,	Ruppert,
Bell,	Fordney,	Lester,	Scarborough,
Bellamy,	Foss,	Lewis, Ga.	Schirm,
Belmont,	Foster, Ill.	Littauer,	Shafroth,
Billmeyer,	Fowler,	Little,	Shallenberger,
Bingham,	Fox,	Littlefield,	Shelden,
Blackburn,	Gardner, Mass.	McCall,	Sherman,
Blakeney,	Gilbert,	McCulloch,	Skiles,
Bowie,	Gill,	McDermott,	Smith, Ky.
Brantley,	Gillett, Mass.	McLain,	Smith, Wm. Alden
Breazeale,	Glass,	McRae,	Snook,
Bromwell,	Glenn,	Maddox,	Spight,
Broussard,	Goldfogle,	Mahon,	Stewart, N. J.
Brownlow,	Graham,	Mahoney,	Storm,
Brundidge,	Griffith,	Maynard,	Swann,
Bull,	Grow,	Metcalf,	Swanson,
Burnett,	Heatwole,	Meyer, La.	Talbert,
Cochran,	Hemenway,	Mickey,	Tayler, Ohio
Conner,	Henry, Miss.	Morgan,	Taylor, Ala.
Conry,	Henry, Tex.	Mutchler,	Thayer,
Coombs,	Hildebrant,	Naphen,	Thomas, Iowa
Cooney,	Hooker,	Neville,	Thompson,
Corliss,	Hopkins,	Newlands,	Tompkins, Ohio
Creamer,	Howell,	Norton,	Underwood,
Crowley,	Hughes,	Overstreet,	Vandiver,
Curtis,	Jackson, Md.	Patterson, Pa.	Watson,
Dahle,	Jett,	Patterson, Tenn.	Wheeler,
Davey, La.	Jones, Wash.	Pearre,	White,
Davidson,	Kahn,	Pierce,	Wiley,
Davis, Fla.	Kehoe,	Pou,	Wilson,
Dayton,	Kern,	Powers, Me.	Wooten.

So the report of the committee of conference was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. OVERSTREET with Mr. NEVILLE.

Mr. HEMENWAY with Mr. SHALLENBERGER.

Mr. HILDEBRANT with Mr. MAYNARD.

Mr. CAPRON with Mr. STEPHENS of Texas.

Mr. LAWRENCE with Mr. NAPHEN.

Mr. FORDNEY with Mr. UNDERWOOD, on this vote.

The result of the vote was then announced as above recorded.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. BARNES, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On February 28, 1903:

H. R. 3510. An act for the relief of the executors of James P. Willett, deceased, late postmaster of the District of Columbia.

H. R. 7648. An act to authorize the construction of a bridge across the Missouri River, and to establish it as a post road;

H. R. 12141. An act to amend an act entitled "An act amending section 4708 of the Revised Statutes of the United States, in relation to pensions to remarried widows," approved March 3, 1901;

H. R. 15595. An act confirming and ceding jurisdiction to the State of Arkansas over certain lands formerly in the Fort Smith Reservation in said State, and asserting and retaining Federal jurisdiction over certain other lands in said reservation; and

H. R. 17052. An act to authorize the building of a railroad bridge across the Tennessee River at a point between Lewis Bluff, in Morgan County, Ala., and Guntersville, in Marshall County, Ala.

On March 2, 1903:

H. R. 16509. An act to authorize the Pearl and Leaf Rivers Railroad Company to bridge Pearl River in the State of Mississippi;

H. R. 16909. An act to amend an act entitled "An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn.," approved March 2, 1901;

H. R. 17204. An act to authorize the construction of a bridge across the Arkansas River at or near Moors Rock, in the State of Arkansas;

H. R. 6516. An act for the relief of Henry P. Montgomery, surviving executor of Granville Garnett, deceased; and

H. R. 17088. An act to create a new division of the eastern judicial district of Texas, and to provide for terms of court at Texarkana, Tex., and for a clerk for said court, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 6745. An act for the relief of Anthony R. Ravenscroft;

H. R. 14050. An act to amend an act to regulate the height of buildings in the District of Columbia;

R. R. 6703. An act for the relief of George A. Rogers;

H. R. 16136. An act granting the right of way to the Kenova and Big Sandy Railroad Company through the Government lands at Lock No. 2, Big Sandy River, and at Lock No. 3, Big Sandy River, both in Wayne County, W. Va.;

H. R. 7366. An act for the relief of C. W. Colehour;

H. R. 16842. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1904, and for other purposes;

H. R. 17046. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; and

H. R. 12098. An act to amend section 1 of the act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for a right of way for railroads in the district of Alaska."

The SPEAKER announced his signature to enrolled bill of the following title:

S. 6895. An act to authorize the promotion of Maj. William Crawford Gorgas, surgeon in the Army of the United States.

ENROLLED BILLS PRESENTED TO PRESIDENT OF UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval the following bills:

H. R. 15186. An act granting an increase of pension to Isaac J. Nichols;

H. R. 15362. An act granting an increase of pension to Grace Harrington;

H. R. 15422. An act granting an increase of pension to John Mosgrove;

H. R. 15423. An act granting an increase of pension to Stephen B. Morehouse;

H. R. 14475. An act granting an increase of pension to David E. Lawton:

H. R. 14788. An act granting an increase of pension to Frank E. Hill;

H. R. 7895. An act granting an increase of pension to Sarah Bowen;

H. R. 13004. An act granting an increase of pension to Peter B. Rouch;

H. R. 12841. An act granting an increase of pension to William King;

H. R. 13316. An act granting an increase of pension to Benjamin F. Olcott;

H. R. 16996. An act granting an increase of pension to John Bougher;

H. R. 16696. An act granting an increase of pension to Freeland H. Amick;

H. R. 16856. An act granting an increase of pension to John Burke;

H. R. 16786. An act granting an increase of pension to John C. Sautter;

H. R. 16787. An act granting an increase of pension to Richard G. Hanscom;

H. R. 16785. An act granting an increase of pension to Collins W. Wight;

H. R. 16754. An act granting an increase of pension to Benjamin F. Hughes;

H. R. 15733. An act granting an increase of pension to Martin G. Cole;

H. R. 15674. An act granting an increase of pension to John A. T. McPherson;

H. R. 16351. An act granting an increase of pension to Austin. P. Merrell;

H. R. 16313. An act granting an increase of pension to James L. Davenport alias Dexter Davis;

H. R. 16210. An act granting an increase of pension to John C. Collahan;

H. R. 16073. An act granting an increase of pension to John H. Smith;

H. R. 15746. An act granting an increase of pension to Daniel R. Lucas;

H. R. 15735. An act granting an increase of pension to John H. Wheeler;

H. R. 15038. An act granting an increase of pension to Lucy T. Churchill;

H. R. 659. An act granting an increase of pension to Winfield Pierce;

H. R. 1272. An act granting an increase of pension to Joseph S. Chilcoat;

H. R. 2987. An act granting an increase of pension to Charles A. Rittenhouse;

H. R. 8149. An act granting an increase of pension James B. Martin;

H. R. 7438. An act granting an increase of pension to Byron C. Knapp;

H. R. 3213. An act granting an increase of pension to Belle L. Spaulding;

H. R. 3265. An act granting an increase of pension to Henry Pensinger;

H. R. 3353. An act granting an increase of pension to John H. Kehn;

H. R. 6724. An act granting an increase of pension to Julia Stilwell;

H. R. 8711. An act granting an increase of pension to William C. Crawford;

H. R. 9570. An act granting an increase of pension to Isaac Gabrian;

H. R. 9491. An act granting an increase of pension to John W. Brattain;

H. R. 9154. An act granting an increase of pension to Lillie V. Ball;

H. R. 8812. An act granting an increase of pension to Henry Staff;

H. R. 8314. An act granting an increase of pension to Joseph A. Kauffman;

H. R. 6876. An act granting an increase of pension to Thomas B. Faught;

H. R. 12771. An act granting a pension to William Kenny;

H. R. 10175. An act granting a pension to Mary R. Bally, formerly Mary S. Redick;

H. R. 13705. An act granting an increase of pension to Mary Ann Garrison;

H. R. 3100. An act providing for the conveyance of Widows Island, Maine, to the State of Maine;

H. R. 7864. An act to pay John F. Lawson $237.96, balance due him for services as United States mail carrier;

H. R. 15461. An act for the relief of Daniel F. Lee;

H. R. 15985. An act to confirm certain forest lieu selections made under the act approved June 4, 1897;

H. R. 16885. An act to extend to the port of Niagara Falls, N. Y., the privileges of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement;

H. R. 14384. An act to establish a life-saving station at the mouth of the Black River, at or near the city of Lorain, in the State of Ohio;

H. R. 15804. An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1904, and for other purposes;

H. R. 16573. An act to authorize the construction of a bridge across St. Francis River at or near the town of St. Francis, Ark.;

H. R. 16970. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1904, and for other purposes;

H. R. 15243. An act to authorize the President of the United States to appoint Kensey J. Hampton captain and quartermaster in the Army;

H. R. 16069. An act authorizing the Secretary of the Interior to sell certain lands therein mentioned; and

H. R. 16656. An act regulating the importation of breeding animals.

IMMIGRATION BILL.

Mr. SHATTUC. Mr. Speaker, I present a conference report on the immigration bill.

The SPEAKER. The gentleman from Ohio calls up a conference report, which the Clerk will read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12199) "To regulate the immigration of aliens into the United States," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 5, 9, 28, 29, 38, 41, and 42.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, and 115, and agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with two amendments as follows:

On page 24, line 12, after the word "deported," strike out the words, "and in all cases the burden shall be on the alien to show clearly and beyond a doubt that he is entitled to land."

On page 25, line 2, strike out the words: "*Provided*, That nothing in this section or in this act shall be construed to prevent the Secretary of the Treasury from arranging from time to time, and it shall be his duty so to arrange, in accordance with existing contracts with railroad and steamship lines in foreign contiguous territory, or in accordance with such contracts as he may enter into in the future with such or other transportation lines, for the examination and payment of head tax of aliens landing in ports in said foreign contiguous territory and destined for the United States, such examination to be held at such ports or places in said foreign contiguous territory as the Secretary of the Treasury may designate. Such examination shall, in the discretion of the Secretary of the Treasury, dispense with the necessity for further examination at United States border ports under this act."

And the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment, as follows:

On page 29, line 21, after the word "and," insert the word "if;" after the word "it," strike out the word "seems" and insert the words "is proved," and in line 23, after the word "came," insert the words "and is so certified by the examining surgeon at the port of arrival;" and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment, as follows:

On page 30, line 16, after the word "prescribe,," change the colon to a period and strike out the words "*Provided*, That no such person shall be allowed to enter as an immigrant;" and the Senate agree to the same.

W. B. SHATTUC,
ROBT. ADAMS, JR.,
Managers on the part of the House.

BOIES PENROSE,
CHARLES W. FAIRBANKS,
H. C. LODGE,
A. S. CLAY,
A. J. McLAURIN,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 12199) to regulate the immigration of aliens into the United States submits the following statement of the effect of the action taken by the conferees:

The Senate amended the bill by substituting the words "alien immigrants" for the word "passenger" as originally provided in the House bill. The provision relates to the collection of the head tax. The House conferees were of the opinion that under the Senate amendment there would be no way of determining as to who was an alien immigrant, except by the statement of the alien immigrant himself. The Senate recedes from this amendment wherever it occurs and adopts the language of the House bill.

The educational test prescribed by the House bill was eliminated by the Senate in amendment No. 10. The House conferees have agreed to this amendment, and the educational test has been eliminated from the bill.

The Senate added two sections to the bill (amendments 114 and 115), containing what is known as the anarchist provision. This embodies the most important features of a House bill favorably reported by the Judiciary Committee of the House. The House conferees have agreed to this amendment.

The House conferees have concurred in the Senate amendment striking out the part of the bill relating particularly to the contract-labor law, leaving intact the contract-labor laws heretofore enacted and now on the statute books, the only variation being that the words "offers, solicitations, or promises," were substituted for the word "contracts."

The Senate amendments relating to the administrative features of the bill have been agreed to, and in the opinion of the conferees are a great improvement over the old law.

Amendment No. 9: The Senate struck out the word "unemployed" in the sentence, "That skilled labor may be imported if labor of like kind unemployed can not be found in this country."

The Senate recedes from this amendment.

In amendments 28 and 29 the Senate inserted the word "willfully" in the provision relating to masters and owners of vessels who shall bring into the United States any alien not duly admitted by an immigrant inspector or not lawfully entitled to enter. The Senate recedes from this amendment, and this, in the opinion of the House conferees, materially increases the efficiency of the law.

The Senate recedes from its amendments numbered 41 and 42, substituting the word "sum" for the words "fine imposed."

The other amendments agreed to by the House conferees are verbal or formal in their character.

W. B. SHATTUC,
ROBERT ADAMS, JR.,
Conferees on the part of the House.

Mr. SHATTUC. Mr. Speaker, I want to be notified when I have occupied two minutes. This bill is not exactly what the Committee on Immigration wanted, and it is not exactly what the House wanted, but like all matters of legislation it is the best that we could get. I will say that a large majority of the amendments suggested by the Senate with the amendments agreed to by the conferees and put into the Senate amendments have greatly improved the bill. As stated by the conferees of the House, the educational test is left out. Many gentlemen on the floor will regret that, but it could not be passed in the Senate, and so it was left out.

I want to say that the bill is in every respect very much better than the law as it stands to-day. My friend from Alabama made a statement to-day that we were neglecting the interests of the laboring man because the contract-labor part of the bill was stricken out by the Senate. He forgot that the bill itself provides that all laws not inconsistent with this, if it becomes a law, are in force. So the old law remains in force, and it is a very good law in protecting the interests of labor.

Mr. RANDELL of Texas. Mr. Speaker, a point of order.

The SPEAKER. The two minutes of the gentleman has expired.

Mr. SHATTUC. I will yield five minutes to——

Mr. RANDELL of Texas. Mr. Speaker, I rise to a point of order.

The SPEAKER. To whom does the gentleman from Ohio yield?

Mr. SHATTUC. I yield five minutes to my friend from Missouri [Mr. ROBB].

The SPEAKER. Now the gentleman from Texas will state his point of order.

Mr. RANDELL of Texas. The first point that I will state is not the one that I intended to make when I rose. Is the action of the Chair in accordance with the rules when he refuses to hear me on a point of order until he recognizes some other gentleman and then allows him to yield the floor to another?

The SPEAKER. The Chair did not understand to whom the gentleman from Ohio yielded, and the Chair had the right to understand that before the point of order was entertained. Now, the gentleman from Texas will please state his point of order.

Mr. RANDELL of Texas. The point of order I was going to state originally was that when a member on this floor—— [Derisive and continuous laughter on the Republican side.]

The SPEAKER (after a pause). The gentleman from Missouri is recognized for five minutes.

Mr. RANDELL of Texas. But, Mr. Speaker, I rose to a point of order.

The SPEAKER. The gentleman from Texas was asked to state his point of order and did not state it.

Mr. RANDELL of Texas. I was interrupted by a sound "like the crackling of thorns under a pot." [Laughter.]

The SPEAKER. The gentleman from Texas is out of order, and the gentleman from Missouri will proceed.

Mr. ROBB. Mr. Speaker, I did not sign the report of the conferees. The bill as it will in all probability be passed is not, in my judgment, improved by the Senate amendments. It is no time, however, for discussing all the questions involved in these amendments, and I therefore desire to yield my time to the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER. Mr. Speaker——

The SPEAKER. The gentleman from Missouri is entitled to four minutes.

Mr. RUCKER. I desired very much to ask the chairman of the committee, always genial and pleasant, to answer a question, but he declined to do so.

Mr. SHATTUC. May I tell the gentleman why?

Mr. RUCKER. Oh, I know why, and no apologies are necessary. I will ask the gentleman the question now. Do I understand that the conference report leaves Senate amendment No. 8 out of the bill?

Mr. SHATTUC. What is it?

Mr. RUCKER. It is that part that relates to immigrants coming here.

Mr. SHATTUC. Yes; it strikes that out, but this does not repeal the present labor law.

Mr. RUCKER. Mr. Speaker, it seems to me that this was a very wise provision of the bill as it left the House, and ought to be in the bill now, especially in view of the fact that some other language is left in which, to my mind, puts the House in an awkward attitude. I call attention to line 13, page 4, that part of the section which reads as follows:

But this section shall not be held to prevent any person living in the United States from sending for a relative or friend who is not in the foregoing classes.

They struck out everything that excludes those that come under contract or promise or offers or solicitation or agreements to work, and it seems to me that that opened up the flood gates and permits ever foreign-born citizen or person to come here and practically under contract to perform labor.

Mr. SHATTUC. But the law already excludes them.

Mr. RUCKER. Then what was the reason of putting it in in the first place? And if it was put in, why ought it not to stay there?

Mr. SHATTUC. Because the Senators would not listen to the persuasive language of your conferees. [Laughter.]

Mr. RUCKER. Does this bill modify the contract-labor law?

Mr. SHATTUC. Not at all.

Mr. RUCKER. It is still in force. That was the impression of every member on the committee before reporting this bill.

Mr. SHATTUC. It has been a very effective labor law.

Mr. RUCKER. This law in no wise modifies that?

Mr. SHATTUC. Not at all.

Mr. RUCKER. So that under this bill no person will be permitted to come in under a contract of labor, or upon offers or solicitation for the performance of work of any kind?

Mr. SHATTUC. No, sir.

Mr. LACEY. Does not this bill modify the law as to skilled labor?

Mr. GROSVENOR. Allow me to say that, as I understand this bill—and I have very carefully looked into this point—the provision that "all laws and parts of laws inconsistent with this act are hereby repealed" excludes the idea that the bill will repeal any law that is not inconsistent with its provisions. Therefore I think the contract-labor provisions of the existing law will stand as perfectly as they did before the bill was brought in.

Mr. RUCKER. Let me ask the gentleman how he explains this language:

> But this section shall not be held to prevent persons living in the United States from sending for a relative or friend who is not of the foregoing excluded classes.

Mr. GROSVENOR. I confess that that part of the bill had not been called to my attention. I was looking only to see whether the provisions of existing law with regard to contract labor had been affected by this measure.

Mr. SHATTUC. I yield the balance of my time to my colleague, the gentleman from Pennsylvania [Mr. ADAMS].

The SPEAKER. The gentleman from Ohio [Mr. SHATTUC] has three minutes remaining.

Mr. ADAMS. Mr. Speaker, I desire to congratulate my colleagues of the House as well as the country at large on the completion of this bill. For many weeks in the first session of this Congress your committee sat here considering all the questions presented in regard to the conflicting interests of those who had something at stake in the passage of this bill. Owing to the change of the sources of immigration from the northern countries of Europe to those in the south, a different class of people had been coming to our shores. There was practically nothing standing in their way but a series of Treasury Department decisions, which had been promulgated in an effort to cure this evil. These have been carefully collated and placed in this bill. It is now in such a shape that it will stand as a barrier to protect our country against the influx of diseased persons, paupers, insane, professional beggars, and others who are now pouring into our ports.

Mr. ROBB rose.

Mr. ADAMS. I can not yield.

Mr. Speaker, this bill has been drawn in a spirit of fairness for all the interests concerned. The Senate has differed somewhat from the House; but I never saw a fairer spirit of conciliation or a greater desire to complete efficient legislation than existed between the conferees of the two Houses.

The bill is now submitted to the consideration of the House. In the judgment of the committee, after careful consideration, it will meet the great evils which are now pressing upon our country. All immigrants not desirable can be excluded under the provisions of this bill.

It is true that we were obliged to leave out that portion of the bill providing for an educational test because the Senate conferees gave us notice that the retention of that by the House meant the failure of the bill. Like sensible men, dealing with legislation which, as we all know, is always a matter of compromise, we yielded on that point, and now report the bill for the consideration of the House. It is carefully guarded in those respects which were most carefully pressed upon our attention, and it will be utterly impossible for paupers or other objectionable persons now to enter our country.

The SPEAKER. The time of the gentleman has expired.

Mr. ADAMS. I ask leave to extend my remarks in the RECORD.

Mr. RICHARDSON of Tennessee. I object.

Mr. PAYNE. I move that the House now take a recess until 11 o'clock to-morrow morning.

The SPEAKER (having put the question). The ayes appear to have it.

Mr. RICHARDSON of Tennessee. I ask for a division.

Mr. PAYNE. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 134, nays 47, answered "present" 13, not voting 157; as follows:

YEAS—134.

Acheson,	Cushman,	Joy,	Reeder,
Adams,	Dalzell,	Kyle,	Reeves,
Alexander,	Darragh,	Lacey,	Roberts,
Allen, Me.	De Armond,	Lessler,	Scott,
Aplin,	Dougherty,	Lewis, Pa.	Shattuc,
Babcock,	Dovener,	Littauer,	Showalter,
Bartholdt,	Draper,	Littlefield,	Sibley,
Bates,	Driscoll,	Long,	Small,
Beidler,	Dwight,	Loudenslager,	Smith, Ill.
Bishop,	Eddy,	Lovering,	Smith, Iowa
Blackburn,	Esch,	McCleary,	Smith, H. C.
Boreing,	Foerderer,	McLachlan,	Smith, S. W.
Boutell,	Fordney,	Mahon,	Southard,
Bowersock,	Gardner, Mass.	Marshall,	Southwick,
Brandegee,	Gardner, Mich.	Martin,	Sperry,
Brick,	Gardner, N. J.	Mercer,	Steele,
Bristow,	Gibson,	Miller,	Stevens, Minn.
Brown,	Graff,	Minor,	Stewart, N. Y.
Burk, Pa.	Greene, Mass.	Mondell,	Sulloway,
Burke, S. Dak.	Grosvenor,	Moody,	Sutherland,
Burkett,	Hamilton,	Morgan,	Tawney,
Burleigh,	Hanbury,	Morrell,	Tirrell,
Burton,	Haskins,	Morris,	Tompkins, N. Y.
Butler,	Haugen,	Mudd,	Van Voorhis,
Calderhead,	Heatwole,	Needham,	Vreeland,
Cannon,	Hedge,	Nevin,	Wadsworth,
Capron,	Hemenway,	Olmsted,	Wagoner,
Cassel,	Henry, Conn.	Otjen,	Warner,
Connell,	Hepburn,	Palmer,	Warnock,
Corliss,	Holliday,	Parker,	Woods,
Cousins,	Irwin,	Payne,	Wright,
Cromer,	Jack,	Perkins,	Young.
Crumpacker,	Jenkins,	Powers, Me.	
Currier,	Jones, Va.	Powers, Mass.	

NAYS—47.

Bartlett,	Gaines, Tenn.	McAndrews,	Selby,
Benton,	Goldfogle,	McClellan,	Shackleford,
Burleson,	Gooch,	Miers, Ind.	Sheppard,
Candler,	Green, Pa.	Moon,	Sims,
Clark,	Griggs,	Mutchler,	Snodgrass,
Clayton,	Hay,	Randell, Tex.	Tate,
Cowherd,	Jackson, Kans.	Richardson, Tenn.	Thomas, N. C.
Feely,	Kitchin, Wm. W.	Robb,	Trimble,
Finley,	Kluttz,	Robinson, Ind.	Williams, Ill.
Fitzgerald,	Lamb,	Rucker,	Williams, Miss.
Flanagan,	Lever,	Russell,	Zenor.
Flood,	Lindsay,	Ryan,	

ANSWERED "PRESENT"—13.

Burgess,	Gillett, Mass.	Patterson, Pa.	Wanger.
Cassingham,	Mann,	Richardson, Ala.	
Elliott,	Metcalf,	Sherman,	
Foster, Vt.	Moss,	Slayden,	

NOT VOTING—157.

Adamson,	Douglas,	Kleberg,	Robinson, Nebr.
Allen, Ky.	Edwards,	Knapp,	Ruppert,
Ball, Del.	Emerson,	Knox,	Scarborough,
Ball, Tex.	Evans,	Landis,	Schirm,
Bankhead,	Fleming,	Lassiter,	Shafroth,
Barney,	Fletcher,	Latimer,	Shallenberger,
Bell,	Foss,	Lawrence,	Shelden,
Bellamy,	Foster, Ill.	Lester,	Skiles,
Belmont,	Fowler,	Lewis, Ga.	Smith, Ky.
Billmeyer,	Fox,	Little,	Smith, Wm. Alden
Bingham,	Gaines, W. Va.	Livingston,	Snook,
Blakeney,	Gilbert,	Lloyd,	Sparkman,
Bowie,	Gill,	Loud,	Spight,
Brantley,	Gillet, N. Y.	McCall,	Stark,
Breazeale,	Glass,	McCulloch,	Stephens, Tex.
Bromwell,	Glenn,	McDermott,	Stewart, N. J.
Broussard,	Gordon,	McLain,	Storm,
Brownlow,	Graham,	McRae,	Sulzer,
Brundidge,	Griffith,	Maddox,	Swann,
Bull,	Grow,	Mahoney,	Swanson,
Burnett,	Henry, Miss.	Maynard,	Talbert,
Caldwell,	Henry, Tex.	Meyer, La.	Tayler, Ohio
Cochran,	Hildebrant,	Mickey,	Taylor, Ala.
Conner,	Hill,	Naphen,	Thayer,
Conry,	Hitt,	Neville,	Thomas, Iowa
Coombs,	Hooker,	Newlands,	Thompson,
Cooney,	Hopkins,	Norton,	Tompkins, Ohio
Cooper, Tex.	Howard,	Overstreet,	Underwood,
Cooper, Wis.	Howell,	Padgett,	Vandiver,
Creamer,	Hughes,	Patterson, Tenn.	Wachter,
Crowley,	Hull,	Pearre,	Watson,
Curtis,	Jackson, Md.	Pierce,	Weeks,
Dahle,	Jett,	Pou,	Wheeler,
Davey, La.	Johnson,	Prince,	White,
Davidson,	Jones, Wash.	Pugsley,	Wiley,
Davis, Fla.	Kahn,	Ransdell, La.	Wilson,
Dayton,	Kehoe,	Reid,	Wooten.
Deemer,	Kern,	Rhea,	
Dick,	Ketcham,	Rixey,	
Dinsmore,	Kitchin, Claude	Robertson, La.	

So the motion was agreed to.

The Clerk announced the following additional pairs:

For this vote:

Mr. COOPER of Wisconsin with Mr. SULZER.

Until further notice:
Mr. WANGER with Mr. ADAMSON.
Mr. WACHTER with Mr. LLOYD.
The result of the vote was announced as above recorded; and accordingly (at 11 o'clock and 46 minutes p. m.) the House was declared in recess until 11 o'clock to-morrow morning.

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 Postmaster-General, transmitting, in response to the call of the House, a copy of correspondence relating to the recent resignation of the postmaster at Indianola—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect recommending appropriations for certain public buildings, etc.—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BULL, from the Committee on Accounts, to which was referred the resolution of the House (H. Res. 481) authorizing the Clerk of the House of Representatives to pay members' clerks at the rate of $125 per month, reported the same without amendment, accompanied by a report (No. 3891); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HEATWOLE, from the Committee on Printing, to which was referred the bill of the House (H. R. 17551) to prevent and to punish the misuse of the copyright privilege of the United States, to prevent and punish the misuse of names, signs, symbols, and other things concerning Government publications, and for other purposes, reported the same without amendment, accompanied by a report (No. 3892); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the concurrent resolution of the House (H. C. Res. 80) to print 1,000 extra copies of the bulletins or reports of the Secretary of Agriculture, reported the same without amendment, accompanied by a report (No. 3893); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution of the House (H. J. Res. 272) providing for the printing of 2,000 additional copies of the annual reports of the American Historical Association, reported the same without amendment, accompanied by a report (No. 3894); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the concurrent resolution of the House (H. C. Res. 77) providing for the printing and binding of 14,000 copies of the proceedings at the unveiling of the statue of the Count de Rochambeau, reported the same without amendment, accompanied by a report (No. 3895); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the concurrent resolution of the House (H. C. Res. 75) that there be printed and bound 4,000 copies of the Report of the Irrigation Investigations in Utah, reported the same without amendment, accompanied by a report (No. 3896); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution of the House (H. J. Res. 232) providing for change of method of printing the Report on Field Operations of the Bureau of Soils, Department of Agriculture, reported the same without amendment, accompanied by a report (No. 3897); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the concurrent resolution of the House (H. C. Res. 68) that there be printed 3,500 additional copies of the Annual Report of the Commission to the Five Civilized Tribes, reported the same without amendment, accompanied by a report (No. 3898); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the concurrent resolution of the House (H. C. Res. 85) that there be printed 19,000 copies of the general summary entitled, "Review of the World's Commerce," for the year 1902, etc., reported the same without amendment, accompanied by a report (No. 3899); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution of the House (H. J. Res. 153) to print 6,000 copies of various reports and documents relating to the construction of an isthmian canal, reported the same without amendment, accompanied by a report (No. 3900); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the resolution of the House (H. Res. 86) providing for the printing of 2,000 copies of Senate Document No. 190, Fifty-sixth Congress, second session, reported the same without amendment, accompanied by a report (No. 3901); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BOREING, from the Committee on Printing, to which was referred the joint resolution of the House (H. J. Res. 270) providing for the editions to be printed of the annual and special reports of the Librarian of Congress, reported the same without amendment, accompanied by a report (No. 3902); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HEATWOLE, from the Committee on Printing, to which was referred the joint resolution of the House (H. J. Res. 281) providing for the printing annually of the Report of the Director of the Office of Experiment Stations, Department of Agriculture, reported the same without amendment, accompanied by a report (No. 3903); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BOREING, from the Committee on Printing, to which was referred the concurrent resolution of the House (H. C. Res. 88) providing for the printing of 300 copies each of the proceedings of the Board of Supervising Inspectors of Steamboats for the years 1899, 1900, 1901, and 1902, reported the same without amendment, accompanied by a report (No. 3904); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HEATWOLE, from the Committee on Printing, to which was referred the concurrent resolution of the House (H. C. Res. 67) that there be printed 6,000 copies of the Report of the Director of the Mint on the Production of Precious Metals for 1901; also 8,000 additional copies of the Report of the Director of the Mint covering operations of mints and assay offices of the United States for the year ended June 30, 1902, reported the same without amendment, accompanied by a report (No. 3905); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the concurrent resolution of the Senate (S. C. R. 61) that 15,000 copies of the Woodsman's Handbook, part 1, being Bulletin 36, Bureau of Forestry, United States Department of Agriculture, be printed and bound, reported the same without amendment, accompanied by a report (No. 3906); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the concurrent resolution of the Senate (S. C. R. 63) that there be printed and bound 16,500 copies of the proceedings in Congress upon the acceptance of the statues of Charles Carroll of Carrollton and John Hanson, reported the same without amendment, accompanied by a report (No. 3907); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the concurrent resolution of the Senate (S. C. R. 66) that there be printed 1,500 copies of the first volume of the new edition of the Senate Election Cases, reported the same without amendment, accompanied by a report (No. 3908); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution of the Senate (S. R. 77) providing for printing the general index to published volumes of the diplomatic correspondence and foreign relations of the United States, reported the same without amendment, accompanied by a report (No. 3909); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BOREING, from the Committee on Printing, to which was referred the concurrent resolution of the House (H. C. Res.

90) providing for the printing of 239,000 United States maps, reported the same with amendments, accompanied by a report (No. 3910); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HEATWOLE, from the Committee on Printing, to which was referred the joint resolution of the Senate (S. R. 149) providing for the reproduction of portraits to accompany eulogies of deceased Senators, Representatives, and Delegates, reported the same without amendment, accompanied by a report (No. 3911); which said joint resolution and report were referred to the House Calendar.

He also, from the same committee, to which was referred the joint resolution of the House (H. J. Res. 259) providing for change of method of distribution of bulletins and professional papers issued by the Geological Survey, reported the same with amendments, accompanied by a report (No. 3912); which said joint resolution and report were referred to the House Calender.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MICKEY: A bill (H. R. 17547) granting bounty to certain soldiers of the war of the rebellion—to the Committee on War Claims.

By Mr. SMITH of Iowa: A bill (H. R. 17548) to provide for the enlargement of the United States court-house and post-office at Council Bluffs, Iowa—to the Committee on Public Buildings and Grounds.

By Mr. HEATWOLE, from the Committee on Printing: A bill (H. R. 17551) to prevent and to punish the misuse of the copyright privilege of the United States, to prevent and punish the misuse of names, signs, symbols, and other things concerning Government publications, and for other purposes—to the House Calendar.

By Mr. BARTHOLDT: A joint resolution (H. J. Res. 282) to regulate the garb of diplomatic and consular representatives of the United States in foreign countries—to the Committee on Foreign Affairs.

By Mr. GIBSON: A resolution (H. Res. 482) that whenever the Speaker shall lay before the House any private bill with Senate amendment or amendments, the question shall be at once taken, without intervening motion or debate, on the motion to concur in said amendment or amendments in gross, etc.—to the Committee on Rules.

By Mr. MARTIN: Memorial from the legislature of South Dakota, to repeal the duty on lumber—to the Committee on Ways and Means.

By Mr. BURKE of South Dakota: Memorial from the legislature of South Dakota, to repeal the duty on lumber—to the Committee on Ways and Means.

By Mr. WM. ALDEN SMITH: Memorial from legislature of Michigan, asking for the passage of House joint resolution 144—to the Committee on Railways and Canals.

By the SPEAKER: Memorial of the legislature of Arizona, relating to the Pima and Santa Cruz County bonds—to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. COOPER of Texas: A bill (H. R. 17549) granting a pension to J. J. Spray—to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 17550) for the relief of J. I. Catney—to the Committee on Claims.

By Mr. HITT: A bill (H. R. 17552) to incorporate the American National Institute (Prix de Paris) at Paris, France—to the Committee on the Library.

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. BARTHOLDT: Petition of Rabbi Itzschok Elchoner Lodge, No. 132, of St. Louis, Mo., Order of B'rith Abraham, asking for an amendment to the immigration laws—to the Committee on Immigration and Naturalization.

Also, petitions of Mount Pleasant Lodge, No. 66, and St. Louis Lodge, No. 290, Order of Mutual Protection, in relation to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of the St. Louis Nailers' Union, No. 3, favoring the repeal of the desert-land law—to the Committee on the Public Lands.

Also, petition of 15 citizens of St. Louis, Mo., urging the passage of House bill for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. COOPER of Texas: Paper to accompany House bill granting a pension to J. J. Spray—to the Committee on Invalid Pensions.

By Mr. DOUGLAS: Petition of the Grand Army of the Republic, Department of New York, in favor of House bill 14105, amending section 1754 of the Revised Statutes—to the Committee on Reform in the Civil Service.

Also, petition of Calvary Methodist Episcopal Church, of New York, to prohibit liquor selling in Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. DRISCOLL: Petition of the Grand Army of the Republic, Department of New York, asking for the passage of House bill 14105, amendatory of section 1754, Revised Statutes, concerning the preference of veterans of the civil war in the civil service—to the Committee on Reform in the Civil Service.

By Mr. FITZGERALD: Petition of the Grand Army of the Republic, Department of New York, urging the passage of House bill 14105, amendatory of section 1754, Revised Statutes, concerning the preference of veterans of the civil war in the civil service—to the Committee on Reform in the Civil Service.

By Mr. GRAHAM: Resolution of Anchor Line Division, No. 217, of Bennett, Pa., Order of Railway Conductors, favoring Senate bill 3560, known as the Foraker safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

By Mr. GOOCH: Sundry papers relating to the claim of J. W. Knox—to the Committee on War Claims.

By Mr. GROSVENOR: Protests against the passage of the bill (H. R. 16457) to amend section 3394 of the Revised Statutes of the United States, relating to tobacco, from the following: T. C. Spears, of Cripple Creek, Colo.; the Joseph Y. Peeble's Sons Company, of Cincinnati, Ohio; the H. D. Lee Mercantile Company, of Salina, Kans.; Fred G. H. Woerner, of Manayunk, Pa.; E. E. Martin, of Cripple Creek, Colo.; the Hichs Company, of Shreveport, La.; Albert R. Dunn, of Easton, Pa.; Arthur Knecht, of Cripple Creek, Colo.; Chas. H. Platter, president Waples-Platter Cigar Company, of Dallas, Tex.; F. C. Stedman & Co., of Athens, Ohio; W. W. Blake, of Altoona, Pa.; Kansas City Wholesale Grocery Company and Campbell-Redell Wholesale Grocers, of Kansas City, Mo.; Allen Brothers Company, of Omaha, Nebr.; Fort Smith Wholesale Grocery Company, of Fort Smith, Ark.; National Grocer Company, of South Bend, Ind.; P. F. Murphy, president Penn Tobacco Company, of Philadelphia, Pa.; the E. S. Kibbe Company, of Hartford, Conn.; Conover & Bernhardt, of New Brunswick, N. J.; Sehon, Stevenson & Co., Hagen, Ratcliff & Co., and Blake, Van Babber & Co., of Huntington, W. Va.; J. B. Stahl, J. E. Shute, Altamont Barber, and Harry J. Taylor, of Altoona, Pa.; Parkhurst-Davis Mercantile Company, of Topeka, Kans.; Charles Hewitt, C. C. Prouty Company, and Warfield-Pratt-Howell Company, of Des Moines, Iowa: Coleman-Lysaght & Blair, of Weatherford, Tex.; and Plunkett-Jarrell Grocer Company, of Little Rock, Ark.—to the Committee on Ways and Means.

By Mr. HAMILTON: Petition of Ellsworth Post, No. 20, Grand Army of the Republic, of Hartford, Mich., in support of House bill 17103, relative to homestead rights to public lands—to the Committee on the Public Lands.

Also, petition of Walter A. Ward, of Eau Claire, Mich., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. JACK: Petition of the First Presbyterian Church of Elderton, Pa., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. OTJEN: Protest of Broom Makers' Union No. 1, of Milwaukee, Wis., against the passage of House bill 1364—to the Committee on Ways and Means.

By Mr. ROBERTS: Resolution of General Lander Post, No. 5, Grand Army of the Republic, of Lynn, Mass., against placing the statue of Gen. R. E. Lee in the United States Capitol—to the Committee on the Library.

By Mr. ROBINSON of Indiana: Petition of Amos Long and 20 other citizens of Lagrange County, Ind., in favor of the amendment to interstate-commerce law on liquor transportation—to the Committee on Interstate and Foreign Commerce.

By Mr. SCOTT: Resolutions of the convention of the Western Retail Implement and Vehicle Dealers' Association, in Kansas City, Mo., for the extension of reciprocal trade relations with other countries—to the Committee on Ways and Means.

By Mr. YOUNG: Petitions of F. J. Murphy, of the Pennsylvania Tobacco Company, and Dohan & Taitt, Philadelphia, Pa., relating to the passage of House bill 16457, to amend section 3394 of the Revised Statutes of the United States—to the Committee on Ways and Means.

Also, resolution of the Pennsylvania Society for the Prevention of Cruelty to Animals, Philadelphia, Pa., protesting against the passage of the bill amending the law in relation to the shipment of live stock—to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, *March 3, 1903.*

The Senate met at 11 o'clock a. m.

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

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

PROTECTION OF THE PRESIDENT.

Mr. HOAR. I call up the conference report on the bill (S. 3653) for the protection of the President of the United States, and for other purposes.

Mr. BAILEY. If the Senator from Massachusetts would let that matter stand until the Senator from Georgia [Mr. BACON] can be in the Chamber, it would oblige him very greatly, I know.

Mr. HOAR. I will do it, but I should like to observe that it is a little hard after a matter has been thoroughly discussed in the Senate, disposed of by a large majority, and then all the changes in the bill made in the House in the direction of yielding to the desires of the Senator from Georgia—everyone, as far as I understand it—then in the closing hours of the session to be constantly appealed to for further delay. But it is always very disagreeable to resist that sort of an appeal, and I will let the matter stand until the Senator from Georgia comes in.

Mr. BAILEY. Mr. President——

Mr. HOAR. I wish to say that I do not think it is quite fair, if we are to have a government in this country by a majority, to treat bills in that way. But I admit that there has been plenty of provocation upon our side of the Chamber at this session, and I am in no condition to lecture anybody on the other side. So I will let the matter drop until the Senator from Georgia comes in.

Mr. BAILEY. In behalf of the Senator from Georgia, I merely desire to say that what he wants is not delay, but an opportunity to discuss it. I think he has no disposition to unduly delay it.

Mr. HOAR. I have not any right to be preaching sermons from this particular spot in the Chamber just now, I agree.

STANDING AND SELECT COMMITTEES.

Mr. ALLISON. I ask leave to submit a resolution—I know it is out of order—and I ask that it may be considered at this time.

The resolution was read, as follows:

Resolved, That the standing and select committees of the Senate, as constituted at the end of this session, be, and they are hereby, continued until the next regular session of Congress or until their successors are elected.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. HOAR. Will that prevent the filling of one or two vacancies that may be needed to be filled at the special session?

Mr. ALLISON. Certainly not.

Mr. HOAR. I supposed not. I merely wanted to call attention to that fact. I think it would be desirable in the case of one or two committees, of which I am a member, to have one or two vacancies, at any rate, temporarily filled.

Mr. ALLISON. This does not interfere with the selection of committees or the reorganization of committees at the special session, if that course is considered desirable.

Mr. HOAR. The resolution says "until the next regular session."

Mr. ALLISON. Or until otherwise provided.

Mr. HOAR. I have not any objection to the resolution. It is all right. I merely called attention to that fact.

The resolution was agreed to.

EASTERN RAILROAD AND BOSTON AND MAINE RAILROAD.

Mr. ALLISON. Mr. President, I submit the conference report on the sundry civil appropriation bill.

Mr. LODGE. May I ask if that cuts off all morning business?

The PRESIDENT pro tempore. It does. A conference report is entitled to receive consideration when presented.

Mr. LODGE. I wish to dispose of some morning business which will take but a moment. I introduced a Senate resolution making an inquiry for certain figures in regard to a claim. The Senator from Alabama [Mr. PETTUS] asked that it might go over, supposing that it carried an appropriation. It carries no appropriation. It is a mere resolution of inquiry. The Senator from Alabama informed me subsequently that he had no objection, and I should be glad if that resolution could be agreed to. It comes over from yesterday.

Mr. ALLISON. The Senator knows, of course, how important it is to get the appropriation bills out of the way. However, I will yield if it will not take more than a moment.

Mr. LODGE. It will take but a moment. It is a resolution coming over from yesterday that I introduced.

The PRESIDENT pro tempore. If there be no objection, the Chair will lay before the Senate the resolution submitted yesterday by the Senator from Massachusetts [Mr. LODGE].

The resolution was read and agreed to, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to require the Commissioner of Internal Revenue, in examining the refunding claim of the Eastern Railroad Company of the State of Massachusetts, in pursuance of the act of Congress approved February 28, 1901, to examine and report to the Senate the amounts paid as taxes by the said Eastern Railroad Company and the Boston and Maine Railroad in excess of the amount legally due, under the acts of Congress approved July 1, 1862, June 30, 1864, July 14, 1870, and amendments thereof.

CREDENTIALS.

The PRESIDENT pro tempore presented the credentials of James Frank Allee, chosen by the legislature of the State of Delaware a Senator from that State for the unexpired term beginning March 4, 1901; which were read and ordered to be filed.

He also presented the credentials of LEWIS HEISLER BALL, chosen by the legislature of the State of Delaware a Senator from that State for the unexpired term beginning March 4, 1899; which were read and ordered to be filed.

Mr. MITCHELL presented the credentials of Charles W. Fulton, chosen by the legislature of the State of Oregon a Senator from that State for the term beginning March 4, 1903; which were read and ordered to be filed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17202) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 5, 7, 8, 10, 11, 14, 15, 19, 23, 24, 26, 27, 30, 31, 39, 42, 43, 44, 48, 51, 52, 53, 54, 57, 58, 59, 63, 76, 77, 80, 85, 88, 97, 98, 99, 107, 109, 116, 117, 120, 123, 126, and 140.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 6, 9, 12, 16, 17, 18, 20, 21, 22, 25, 28, 29, 32, 33, 34, 35, 36, 38, 40, 41, 45, 47, 49, 55, 56, 61, 62, 64, 65, 66, 67, 68, 73, 74, 75, 78, 81, 82, 83, 84, 86, 87, 89, 90, 91, 92, 93, 95, 96, 100, 101, 102, 103, 104, 105, 106, 118, 121, 122, 125, 129, 130, 131, 132, 133, 134, 135, 136, 138, 139, 142, 144, 145, 146, 147, 148, 150, and 151.

And agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment, after the word "dollars," insert the following: "which sum shall be expended in such manner and under such plans as will complete in every detail each and every object mentioned in this paragraph;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$205,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$95,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$30,240;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$45,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "; and a contract is hereby authorized to be entered into for such machinery, appliances, and furniture, complete in every detail, for the operation of said mint at a total cost not exceeding $225,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: Insert after the word "entry," at the end of said amendment, the following: "; but this proviso shall not apply to persons embraced in article 3 of the treaty with China of 1894;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In line 11 of the matter inserted by said amendment, before the word "*Provided*," insert ", which sum, including the amount herein appropriated shall be paid one-half out of the Treasury of the United States and one-half out of the revenues of the District of Columbia;" and after the word "same," at the end of said amendment, insert the following: "*: Provided further*, That the trustees of Howard University shall be required to supply all medical and surgical service without cost to the United States or the District of Columbia;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$295,950;" and at the end of the amended paragraph, after the word "available," insert the following: ", of which sum