Also, petition of J. E. Evans, of Emporia, Kans., favoring the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Receivers and Shippers' Association of Cincinnati, Ohio, favoring the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the executive committee of the Interstate Commerce Law Convention, relative to regulation of freight rates by the Government—to the Committee on Interstate and Foreign Commerce.

Also, petition of the General Convention of Protestant Episcopal Church, held in Boston, October, 1904, relative to harmony between capital and labor during labor disturbances—to the Committee on Labor.

Also, petition of Indianapolis News, relative to revision of trade-mark laws—to the Committee on Patents.

By Mr. CONNELL: Petition of the Association of Master Plumbers of Scranton, Pa., favoring bill providing additional appropriations for public buildings at Washington, D. C., etc.—to the Committee on the District of Columbia.

Also, petition of Lackawanna Division, No. 12, Order of Railway Conductors, of Scranton, Pa., urging passage of bill H. R. 7041—to the Committee on the Judiciary.

Also, petition of the Christian Endeavor City Union, of Scranton, Pa., asking postponement of action on Indian Territory statehood—to the Committee on the Territories.

Also, petition of the Pennsylvania Dairy Union, urging passage of bill H. R. 8678—to the Committee on Agriculture.

Also, petition of Robert S. Conklin, president of the Pennsylvania Forestry Reservation Commission, favoring passage of bill for preservation of big trees in California—to the Committee on Agriculture.

Also, petition of President Halliday, of the New England Tobacco Growers' Association, relative to reduction of tariff rates on tobacco from the Philippine Islands—to the Committee on Ways and Means.

Also, petition of the Carriage Builders' National Association, favoring increased power of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Receivers and Shippers' Association of Cincinnati, Ohio, favoring part of President's message relating to transportation—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Republican Club of New York City, favoring a reduction of representation of Southern States in Congress and the electoral college—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, petition of Russell C. Paris, past national commander of the Army and Navy Union, favoring passage of bill H. R. 3586—to the Committee on Naval Affairs.

By Mr. DENNY: Petition of Lafayette Square Woman's Christian Temperance Union, of Baltimore, against intoxicants on Government premises—to the Committee on Military Affairs.

Also, petition of the Chamber of Commerce of Baltimore, Md., against increased and combined freight rates to the port of Baltimore—to the Committee on Interstate and Foreign Commerce.

By Mr. DIXON: Papers to accompany bill H. R. 16906—to the Committee on Indian Affairs.

By Mr. DUNWELL: Petition of the Grand Street Board of Trade, of Brooklyn, N. Y., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of the Rockford (Ill.) Malleable Iron Works, concerning regulation of freight rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of the State legislative board, Brotherhood of Railroad Trainmen, for the State of Illinois, favoring bill H. R. 7041—to the Committee on Interstate and Foreign Commerce.

Also, petition of B. F. Barnes & Co., of Rockford, Ill., favoring the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

By Mr. GOLDFOGLE: Petition of the Merchants' Association of New York City, relative to abolition of duties on all products from the Philippines—to the Committee on Ways and Means.

Also, petition of the Merchants' Association of New York City, relative to regulation of towing in New York Harbor—to the Committee on Rivers and Harbors.

By Mr. GROSVENOR: Petition of citizens of Athens, Ohio, favoring perpetual peace—to the Committee on Foreign Affairs.

By Mr. GUDGER: Paper to accompany bill for relief of Catherine Green, widow of Joseph W. Green—to the Committee on War Claims.

By Mr. HENRY of Connecticut: Petition of the Young People's Society of Christian Endeavor of the Congregational Church of New Britain, Conn., against the beer canteen in the Army—to the Committee on Military Affairs.

Also, petition of the Young People's Society of Christian Endeavor of the Baptist Church of Bristol, Conn., against reinstating the beer canteen in the Army—to the Committee on Military Affairs.

By Mr. HITT: Petition of Union Lodge, No. 138, Brotherhood of Locomotive Firemen, of Freeport, Ill., favoring bill H. R. 7041—to the Committee on the Judiciary.

Also, petition of Fred Lawton, of Dixon, Ill., against Government ownership of railways—to the Committee on Intersate and Foreign Commerce.

By Mr. JAMES: Papers to accompany bill for relief of Permelia Rose—to the Committee on Invalid Pensions.

By Mr. KLINE: Petition of Union Council, No. 592, Patriotic Order Sons of America, of Gibraltar, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. LACEY: Petition of the Receivers and Shippers' Association of Cincinnati, Ohio, favoring reasonable freight rates—to the Committee on Interstate and Foreign Commerce.

By Mr. LAFEAN: Papers to accompany bill for the relief of Louis N. Brady—to the Committee on Invalid Pensions.

By Mr. LORIMER: Papers to accompany bill for relief of John Hopper—to the Committee on Pensions.

By Mr. MAHON: Papers to accompany bill for relief of William Ross Hartshorne—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Pennsylvania: Petition of Pottsville Division, No. 416, Order of Railway Conductors, favoring employees' liability bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the First Methodist Church of Shenandoah, Pa., opposing the statehood bill—to the Committee on the Territories.

Also, petition of Washington Camp, No. 62, Patriotic Order Sons of America, of Gordon, Pa., asking restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. RICHARDSON: Papers to accompany bill H. R. 10099, granting a pension to Harrison Cook—to the Committee on Pensions.

By Mr. ROBINSON of Indiana: Papers to accompany bill for relief of Joseph C. Kimsey—to the Committee on Invalid Pensions.

By Mr. RUPPERT: Petition of the Merchants' Association of New York, urging the necessity of legislation for regulation of towing in New York Harbor—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Merchants' Association of New York, favoring a reduction or abolition of tariff rates on imports from the Philippine Islands—to the Committee on Ways and Means.

By Mr. SNOOK: Paper to accompany bill H. R. 4385, increasing the pension of Thomas Thompson—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: Petition of citizens of Alvord, Tex., asking passage of a postal currency bill—to the Committee on the Post-Office and Post-Roads.

Also, papers to accompany bill for relief of Felix Lindsay—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: Papers to accompany bill for relief of Van Renselaer Gifford—to the Committee on Invalid Pensions.

By Mr. WEEMS: Petition of Steubenville (Ohio) Retail Grocers' Association, favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of J. A. White et al., favoring legislation for international arbitration—to the Committee on Foreign Affairs.

SENATE.

THURSDAY, *January 19, 1905.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

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

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection. It stands approved.

SALARIES OF TEA EXAMINERS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, requesting that authority be granted him to increase the salaries of the tea examiners at the various ports in the country not to exceed $5,000; which was referred to the Committee on Finance, and ordered to be printed.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

ELECTORAL VOTES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting the final ascertainment of electors for President and Vice-President for the State of Mississippi; which, with the accompanying paper, was ordered to be filed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

H. R. 11661. An act granting an increase of pension to William H. McClurg;

H. R. 15225. An act to amend the act relating to the printing and distribution of public documents, and for other purposes;

H. R. 15688. An act granting an increase of pension to Augustus H. Haines; and

H. R. 16720. An act permitting the building of a railroad bridge across the Red River of the North from a point on section 6, township 154 north, range 50 west, Marshall County, Minn., to a point on section 36, township 155 north, range 51 west, Walsh County, N. Dak.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented petitions of James Ross Ramsay, of Delta, Pa., and of sundry citizens of the United States, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the Territory of Oklahoma when admitted to statehood; which were ordered to lie on the table.

He also presented a petition of the Christian Endeavor Society of the Christian Church of Forestgrove, Oreg., and a petition of the congregation of the Trinity Presbyterian Church, of Philadelphia, Pa., praying for the ratification of international arbitration treaties; which were referred to the Committee on Foreign Relations.

Mr. KEAN presented the petition of Mary E. Lacey, of Rahway, N. J., praying for the enactment of legislation to increase the pensions of army nurses; which was referred to the Committee on Pensions.

He also presented a petition of the Women's Health Protective Association of New York City, praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented memorials of sundry citizens of Orange, Montclair, East Orange, Tuckerton, Camden, Plainfield, Woodstown, Elwood, Chatham, Lumberton, Newark, Atlantic Highlands, Blairstown, Bloomfield, Princeton, Greenwich, Closter, Succasunna, Flemington, Port Morris, Pemberton, and Hancocks Bridge; of the Central Woman's Christian Temperance Union, of Camden; of the Frances Willard Woman's Christian Temperance Union, of Camden; of the congregation of the Baptist Church of Hightstown; of the Woman's Christian Temperance Union of Elwood, and of the Woman's Christian Temperance Union of Clarksboro, all in the State of New Jersey, remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

He also presented a petition of Adopted Lodge, No. 3, Brotherhood of Locomotive Firemen, of Jersey City, N. J., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

Mr. OVERMAN presented a petition of Floral Division, No. 435, Brotherhood of Locomotive Engineers, of Hamlet, N. C., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

Mr. CLAY presented sundry papers to accompany the bill (S. 5840) for the relief of Elizabeth A. C. Galloway; which were referred to the Committee on Claims.

Mr. McCUMBER presented a memorial of the Woman's Christian Temperance Union of Lisbon, N. Dak., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented a petition of the Women's Health Protective Association of New York City, praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

Mr. NELSON presented a memorial of sundry citizens of Rice, Minn., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

Mr. ANKENY (for Mr. FOSTER of Washington) presented a petition of Mount Tacoma Division, No. 249, Order of Railway Conductors, of Tacoma, Wash., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also (for Mr. FOSTER of Washington) presented a petition of the Chamber of Commerce of Spokane, Wash., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Chamber of Commerce of Spokane, Wash., praying for the insertion of a clause in the naval appropriation bill providing a 4 per cent differential in favor of Pacific coast builders of United States war vessels; which was referred to the Committee on Naval Affairs.

Mr. CLARK of Montana presented a petition of Black Eagle Division, No. 356, Order of Railway Conductors, of Great Falls, Mont., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

Mr. PETTUS presented sundry papers to accompany the bill (S. 6128) for the relief of the estate of Simeon Houk, deceased; which were referred to the Committee on Claims.

Mr. FAIRBANKS presented a memorial of Divisions Nos. 1, 2, 3, 4, 5, 6, and 7, Ancient Order of Hibernians, of Marion County, Ind., and a memorial of the Boston Central Branch United Irish League of America, of Boston, Mass., remonstrating against the ratification of international arbitration treaties; which were referred to the Committee on Foreign Relations.

Mr. SPOONER presented petitions of the Retail Druggists' Association of Lincoln County, of the Retail Druggists' Association of Ozaukee and Washington counties, and of J. M. Farnsworth and sundry other citizens of Beloit, Milwaukee, Chilton, Melrose, Princeton, Reeseville, Fond du Lac, and Reedsburg, all in the State of Wisconsin, praying for the enactment of legislation amending sections 4886 and 4887 of the Revised Statutes, relating to patents affecting medicinal substances; which were referred to the Committee on Patents.

He also presented petitions of La Crosse Division, No. 61, Order of Railway Conductors; of Local Division No. 297, Brotherhood of Locomotive Engineers, of Green Bay, and of Local Division No. 405, Brotherhood of Locomotive Engineers, of Milwaukee, all in the State of Wisconsin, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

Mr. FRYE presented a memorial of the National Cigar Dealers' Association of America, remonstrating against any reduction of the duty on tobacco imported from the Philippine Islands; which was referred to the Committee on the Philippines.

REPORTS OF COMMITTEES.

Mr. MALLORY, from the Committee on Commerce, to whom was referred the bill (S. 6489) to amend section 9 of the act of August 2, 1882, concerning lists of passengers, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (H. R. 3109) for the relief of Noah Dillard, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1680) for the relief of Noah Dillard, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. McLAURIN, from the Committee on Claims, to whom was referred the bill (S. 6311) for the relief of James W. Jones, reported it with amendments, and submitted a report thereon.

SCHOOL LANDS IN MINNESOTA.

Mr. CLAPP. I call the attention of the Senator from Minnesota [Mr. NELSON] to the report I am about to make from the Committee on Indian Affairs.

I am directed by the Committee on Indians Affairs, to whom was referred the bill (S. 6522) to enable independent school district No. 12, Roseau County, Minn., to purchase certain lands, to report it favorably, without amendment.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill.

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

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

CONDEMNED CANNON FOR UNIVERSITY OF MINNESOTA.

Mr. PROCTOR. I am directed by the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 88) authorizing the Secretary of War to furnish a condemned cannon to the board of regents of the University of Minnesota, at Minneapolis, Minn., to be placed on campus as a memorial to stu-

dents of said unversity who served in Spanish war, to report it favorably with an amendment, and I ask for its present consideration.

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

The amendment of the Committee on Military Affairs was to add, at the end of the joint resolution, the following proviso:

Provided, That the United States shall incur no expense by reason of the passage of this act.

The amendment was agreed to.

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

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

BILLS INTRODUCED.

Mr. HANSBROUGH introduced a bill (S. 6712) to create the western division of the judicial district of North Dakota for judicial purposes, and to fix the time and place for holding court therein; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. WETMORE introduced a bill (S. 6713) granting an increase of pension to David A. Carpenter; which was read twice by its title, and referred to the Committee on Pensions.

Mr. OVERMAN introduced a bill (S. 6714) for the relief of the trustees of the Methodist Episcopal Church South, of Morehead City, N. C.; which was read twice by its title, and referred to the Committee on Claims.

Mr. LONG introduced a bill (S. 6715) to authorize the Auditor for the War Department to readjust the accounts of certain railway companies for transportation of troops since July 1, 1896, and for other purposes; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT of New York introduced a bill (S. 6716) granting an increase of pension to Robert B. Thomas; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 6717) for the relief of George Bauer; which was read twice by its title, and, with the accompanying papers (which were ordered to be printed), referred to the Committee on Claims.

Mr. McCUMBER introduced a bill (S. 6718) granting an increase of pension to Nathaniel Salg; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BATE introduced a bill (S. 6719) granting an increase of pension to Mary A. Myers; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6720) for the relief of the Boiling Fork Baptist Church, of Cowan, Tenn.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. FAIRBANKS introduced a bill (S. 6721) to provide for the purchase of a site and erection of a public building thereon at South McAlester, Ind., T.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 6722) granting an increase of pension to Joseph C. Kinsey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CARMACK introduced a bill (S. 6723) to allow appeals in forma pauperis from an inferior to a superior court of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 6724) for the relief of D. J. Rogers; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 6725) for the relief of A. R. Thomas, administrator of the estate of William A. Thomas, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 6726) granting a pension to Helen Grant; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TALIAFERRO introduced a bill (S. 6727) granting an increase of pension to Simeon Perry; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

EIGHTH INTERNATIONAL PRISON CONGRESS.

Mr. CULLOM. I introduce a joint resolution and ask for its immediate consideration.

The joint resolution (S. R. 92) authorizing the President to extend to the International Prison Congress an invitation to hold the Eighth International Prison Congress in the United States, was read the first time by its title, and the second time at length, as follows:

Resolved, etc., That the President be, and is hereby, authorized and requested to extend to the International Prison Congress an invitation to hold the Eighth International Prison Congress in the United States at such a time and place as may be determined by the executive committee of that congress, known as the "International Prison Commission."

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

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

AMENDMENT TO ARMY APPROPRIATION BILL.

Mr. HANSBROUGH submitted an amendment proposing to appropriate $200,000 for continuing construction and improvements at the military post at Fort Abraham Lincoln, N. Dak., intended to be proposed by him to the army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

SOLICITOR FOR THE POST-OFFICE DEPARTMENT.

Mr. HOPKINS. I ask unanimous consent to reconsider the vote by which the bill (S. 4162) providing for the appointment of a solicitor for the Post-Office Department and abolishing the office of Assistant Attorney-General for the Post-Office Department was passed by the Senate. It was passed without any consideration, and there is no written report. I think it ought to be reconsidered.

The PRESIDENT pro tempore. When did the bill pass?

Mr. HOPKINS. Day before yesterday, on the 17th.

The PRESIDENT pro tempore. The motion to reconsider will be entered. The Senator from Illinois moves that the House be requested to return the bill to the Senate. That order will be made, in the absence of objection.

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 approved and signed the following acts and joint resolutions:

On January 17, 1905:

S. R. 84. Joint resolution authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect on March 4, 1905, etc.

On January 18, 1905:

S. R. 24. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point, Luis Bográn H., of Honduras;

S. R. 78. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point, Frutos Tomas Plaza, of Ecuador; and

S. 5088. An act to aid the Western Alaska Construction Company.

On January 19, 1905:

S. 5889. An act to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River; and

S. 6261. An act permitting the building of a railroad bridge across the Mississippi River at the city of Minneapolis, State of Minnesota, from a point on lot 2 to a point on lot 7, all in section 3, township 29 north, range 24 west of the fourth principal meridian.

ADDITIONAL JUDGE FOR DISTRICT OF NEW JERSEY.

Mr. KEAN. I ask unanimous consent for the present consideration of the bill (S. 5768) to provide for an additional judge of the district court of the United States for the district of New Jersey.

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

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

CLOSING OF PART OF ALLEY.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 6088) authorizing the closing of part of an alley in square No. 733, in the city of Washington, D. C.

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

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, page 2, line 24, before the word "value," to strike out "assessed" and insert "true,"

so as to read "equal to the true value per square foot of said original lot No. 3."

The amendment was agreed to.

The next amendment was, in section 1, page 3, line 1, to strike out "according to the most recent assessment of said last-mentioned lot" and to insert "as determined by the board of assistant assessors of the District of Columbia;" so as to read:

And that part of said original lot 3 hereinbefore mentioned, equal to the true value per square foot of said original lot No. 3, in said square No. 733, as determined by the board of assistant assessors of the District of Columbia, which said deed of conveyance by said Commissioners upon its execution and delivery and the conveyance aforesaid of said hereinbefore first-mentioned part of said original lot No. 3 and the payment of the purchase money aforesaid shall operate to divest the United States of their title to the land composing said part of said alley so conveyed and vest the same in the said James Cardinal Gibbons, archbishop of Baltimore.

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 15, after the word "aforesaid," to insert the word "shall;" so as to make the section read:

SEC. 2. That said part of said original lot 3, when conveyed to the United States, shall be forever used as an alley, and that the said Commissioners upon receipt of the purchase money aforesaid shall cover the same into the Treasury of the United States.

The amendment was agreed to.

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

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

PAY INSPECTOR E. B. ROGERS.

Mr. HALE. I ask leave to call up the bill (S. 4778) for the relief of Pay Inspector E. B. Rogers, United States Navy.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to E. B. Rogers, pay inspector, United States Navy, $1,000, this sum to be a payment in full for all losses of personal property incurred by him by reason of the destruction by fire of the Windsor House at Yokohama, Japan, on the morning of February 8, 1886.

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

LODE CLAIMS IN ALASKA.

The PRESIDENT pro tempore. The Calendar is before the Senate under Rule VIII.

The bill (S. 5183) to modify the law pertaining to the acquisition and holding of lode claims in the district of Alaska was announced as first in order on the Calendar.

The PRESIDENT pro tempore. The bill was considered as in Committee of the Whole yesterday, and the first committee amendment was agreed to. There are other amendments reported from the Committee on Mines and Mining.

Mr. HOPKINS. That is the bill to which the attention of the Senate was called yesterday?

The PRESIDENT pro tempore. It is.

Mr. HOPKINS. I ask that it be laid aside for the present.

The PRESIDENT pro tempore. The Senator from Illinois objects to the present consideration of the bill. It will go over without prejudice.

RESTORATION OF AMERICAN CITIZENSHIP.

The bill (S. 4438) to restore American citizenship to any woman whose citizenship has been lost or suspended by marriage with a foreigner was announced as next in order.

The PRESIDENT pro tempore. The bill has heretofore been considered as in Committee of the Whole. It went over yesterday on an objection by the Senator from Connecticut [Mr. PLATT].

Mr. HALE. It should go over again, because some Senators who desire to speak upon it are not present.

The PRESIDENT pro tempore. The Senator from Maine asks that the bill may go over. It will go over without prejudice.

ACCEPTANCE OF DECORATIONS.

The bill (S. 4947) granting permission to George W. Hill, Henry E. Alford, G. B. Brackett, William A. Taylor, H. W. Wiley, M. A. Carleton, and John I. Shulte, all of the Department of Agriculture, to accept decorations tendered them by the Government of France, was announced as next in order.

Mr. CULLOM. I think that bill had better go over.

The PRESIDENT pro tempore. The bill went over yesterday on an objection by the Senator from Connecticut [Mr. PLATT]. It will go over without prejudice.

TRADE RELATIONS IN FOREIGN COUNTRIES.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

I transmit herewith a communication from the Acting Secretary of State, accompanied by reports from the diplomatic and consular officers, upon the feasibility of regular cooperation between the two branches of our foreign service for the better promotion of American industry and trade. Basing his conclusions upon the views expressed in these reports, the Acting Secretary recommends that provision be made for six special agents, with the diplomatic rank and title of commercial attaché, to be sent abroad to make practical trial of the proposed plan; to report to the Department of State conditions existing in different countries which might suggest modifications or changes in the general scheme; to prepare, for the Department of Commerce and Labor, reports upon commerce and manufactures, or upon kindred topics, of a more exhaustive and comprehensive character than is ordinarily obtainable at present; and to visit consulates, examine their workings, and suggest such changes, either to the consular officers or to the Department of State, as would tend to the general improvement and strengthening of the service.

It is proposed that these agents shall be chosen primarily for their expert knowledge, but shall be not merely specialists, except for particular investigations that might, from time to time, be required, but practical men of affairs, with the experience best suited to fit them for their executive duties. It is suggested that the consular service might supply the best type of agents desired, and that, for this reason, and also because of the incentive to merit which would thus be provided, appointments should be made preferably from among those consular officers who have demonstrated their special fitness and capacity.

It will, in my opinion, be found upon examination that, while the measure proposed is a modest and more or less tentative one, involving comparatively slight expense, it promises important and far-reaching consequences in the judicious strengthening of our whole foreign service in the interest of trade, and the gradual development of capacities in it but imperfectly available as yet to make it fully adequate to the demands of our productive energy as a nation. Agriculture in the United States has long been dependent for its prosperity upon the demand from abroad for its surplus product; and of late years our manufacturing industries have found that they were outstripping the capacity of even our enormous home market, and are now looking more and more to foreign consumption for relief from accumulating stocks. According to an estimate of the Department of Commerce and Labor, our exports of manufactures in the calendar year 1904 "will not only exceed the highest figures of any earlier year, but may probably pass the $500,000,000 line, as against 434 millions in the high-record year, the fiscal year 1900, 151 millions in 1890, 103 millions in 1880, 68 millions in 1870, and 40 millions in 1860." The magnitude and steady growth of this export movement from our workshops and factories are such as to suggest the grave importance of providing it with all the official apparatus necessary to its full and free development.

It is generally admitted that in recent years the consular service, whatever may be its defects of system, has developed a commercial utility which has been of great practical value. It would be most regrettable, however, if this improvement, which has been brought about by the zeal and energy of individual consuls rather than by the efforts of the service as a whole, and also, to a large extent, by the special direction of the Department of State, should be accepted as fully satisfying even present requirements, not to speak of the prospective demands of a rapidly expanding commerce. For this reason I cordially commend to the consideration of Congress the recommendations of the Acting Secretary of State, looking to the gradual systematizing and equipment of the whole foreign service, by simple and inexpensive means, as an auxiliary, responsive at all points, to what may reasonably be expected of it by the great industrial and commercial interests which are so deeply concerned in enlarging their share of the world's trade.

In view of the interest and importance of the subject to the public, and especially to the business community, I also suggest that authority be given for the printing of a special edition of 5,000 copies of the Acting Secretary's letter, together with the appended reports from diplomatic and consular officers, of which 2,000 copies shall be for distribution by the Department of State.

THEODORE ROOSEVELT.

WHITE HOUSE,
Washington, January 18, 1905.

The PRESIDENT pro tempore. Either the Committee on Foreign Relations or the Committee on Commerce have jurisdiction of this subject. It relates to the diplomatic as well as to the consular service. The message will be referred to the Committee on Foreign Relations and printed. There is a large body of documents which were sent directly to the Government Printing Office, it is stated.

CONDITIONS IN ALASKA.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Territories, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report on the condition and needs of the natives of Alaska, made by Lieut. G. T. Emmons, United States Navy, retired.

Lieutenant Emmons had for many years peculiar facilities for ascertaining the facts about the natives of Alaska and has recently concluded an investigation made on the ground by my special direction. I very earnestly ask the attention of the Congress to the facts set forth in this report as to the needs of the native people of Alaska. It seems to me that our honor as a nation is involved in seeing that these needs are met. I earnestly hope that legislation along the general lines advocated by Lieutenant Emmons can be enacted.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 19, 1905.*

ACCEPTANCE OF GIFT.

The PRESIDENT pro tempore. The next bill on the Calendar will be stated.

The bill (S. 5269) to authorize Mr. Herbert W. Bowen, minister of the United States to Venezuela, to accept a gift conferred upon him by the Shah of Persia, was announced as next in order.

The PRESIDENT pro tempore. This bill was reached yesterday and went over on the objection of the Senator from Connecticut [Mr. PLATT].

Mr. DANIEL. I renew the objection.

The PRESIDENT pro tempore. Objection being made, the bill goes over, retaining its place.

ESTATE OF CHARLES L. PERKINS.

The bill (S. 4276) for the relief of the estate of Charles L. Perkins was announced as next in order.

The PRESIDENT pro tempore. The bill was read yesterday and went over on the request of the Senator from Iowa [Mr. ALLISON].

Mr. ALLISON. I hope it will remain as an objection for the present.

The PRESIDENT pro tempore. The bill will go over, retaining its place?

Mr. ALLISON. Retaining its place.

The PRESIDENT pro tempore. The Chair hears no objection, and that order will be made.

ILLINOIS STEEL COMPANY.

The bill (S. 4409) to extend the jurisdiction of the Court of Claims was announced as next in order.

The PRESIDENT pro tempore. The bill was reached yesterday, read as in Committee of the Whole, and it went over on an objection.

Mr. SPOONER. It is a short bill. I should like to hear it reread.

The PRESIDENT pro tempore. It will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That jurisdiction is hereby given to the Court of Claims, notwithstanding any failure to protest and appeal, to hear and try the claims of the Illinois Steel Company, as assignee, for refund of import duties paid in excess of the duties imposed by law on steel blooms imported during the years 1881 and 1882, and to render judgment in favor of said Illinois Steel Company as in an original suit, notwithstanding section 3477 of the Revised Statutes, for such sums as were paid by the assignor of the Illinois Steel Company in excess of the legal duty: *Provided*, That the petition shall be filed in said court within six months after the passage of this act.

Mr. SPOONER. Let the bill go over.

Mr. HALE. Let it go to the Calendar under Rule IX.

The PRESIDENT pro tempore. The bill will go to the Calendar under Rule IX.

SOUTHERN JUDICIAL DISTRICT OF WASHINGTON.

The bill (S. 2521) to detach certain counties from the United States judicial district of Washington and to create a new judicial district, to be called the southern district of Washington, was announced as next in order.

The PRESIDENT pro tempore. The bill was reached yesterday, and went over without prejudice on the request of the Senator from Connecticut [Mr. PLATT].

Mr. SPOONER. Was the bill reported by the Judiciary Committee?

The PRESIDENT pro tempore. It was; and it went over because, as the Senator from Connecticut stated, he thought there should be an amendment made to it.

Mr. SPOONER. I suggest that the bill go over without prejudice.

The PRESIDENT pro tempore. It will go over without prejudice.

FOREST RESERVATIONS.

The bill (S. 4429) relating to the creation of forest reservations on the public domain, and for other purposes, was announced as next in order.

The PRESIDENT pro tempore. The bill was read yesterday and went over on the objection of the Senator from Wisconsin [Mr. SPOONER].

Mr. HANSBROUGH. I will ask that the bill may go over again, holding its place.

The PRESIDENT pro tempore. The Chair hears no objection, and that order is made.

MILITARY TELEGRAPH OPERATORS.

The bill (S. 982) amending the act of January 26, 1897, entitled "An act for the relief of telegraph operators who served in the war of the rebellion," was announced as next in order.

The PRESIDENT pro tempore. This bill was reached yesterday and went over without prejudice on the request of the Senator from Iowa [Mr. ALLISON].

Mr. ALLISON. I object to its present consideration.

The PRESIDENT pro tempore. The Senator from Iowa now objects, and the bill goes over—retaining its place?

Mr. ALLISON. Yes.

The PRESIDENT pro tempore. Retaining its place on the Calendar.

COLVILLE RESERVATION, WASHINGTON.

The bill (S. 5187) to provide for the opening of the remaining portion of the Colville Reservation, in the State of Washington, and for other purposes, was announced as next in order.

Mr. ANKENY. I ask that the bill may go over without prejudice, without losing its place on the Calendar.

The PRESIDENT pro tempore. The Chair hears no objection, and that order is made.

BEACON LIGHT NEAR FAIR POINT, FLORIDA.

The bill (S. 5174) to provide for the erection of a beacon light near Fair Point, in Pensacola Bay, in the State of Florida, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, in line 5, after the word "Bay," to strike out the words:

in the State of Florida, a beacon light for the purpose of marking, day and night, the shoal that projects from said Fair Point into said bay, and for that purpose the sum of —— dollars is hereby appropriated out of any money in the Treasury not otherwise appropriated.

And in lieu thereof to insert:

and for the purpose of paying the salary of the keeper of said beacon light, the sum of $1,440 is hereby appropriated out of any money in the Treasury not otherwise appropriated, said keeper to receive not exceeding $60 per month.

So as to make the bill read:

That the Secretary of War is hereby authorized and directed to cause to be erected on or near Fair Point, in Pensacola Bay, and for the purpose of paying the salary of the keeper of said beacon light, etc.

Mr. MALLORY. Before the question is put on the amendment I call attention to the fact that there is evidently a clerical error, because if the three lines following the point where the amendment begins are stricken out it would leave the bill senseless. I therefore move that the amendment of the committee be amended by striking out after the word "bay," in line 7, down to the word "appropriated," in line 9, and then inserting the amendment proposed by the committee:

and for the purpose of paying the salary of the keeper of said beacon light, etc., the sum of $1,440 is hereby appropriated out of any money in the Treasury not otherwise appropriated, said keeper to receive not exceeding $60 a month.

Without that the bill would be absolutely unintelligible.

The PRESIDENT pro tempore. That seems to be the exact words of the committee amendment. The bill will be read as amended.

The Secretary read the bill as amended by the committee.

The PRESIDENT pro tempore. Is that right?

Mr. MALLORY. No, sir; the amendment of the committee strikes out the words "in the State of Florida, a beacon light for the purpose of marking, day and night, the shoal that projects from said Fair Point into said bay," and those words are absolutely necessary in order to make the bill intelligible. Somebody, possibly it may have been my own error, struck out those words unintentionally.

The PRESIDENT pro tempore. The Secretary will read the bill as proposed to be amended by the Senator from Florida.

The Secretary read as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to cause to be erected on or near Fair Point, in Pensacola Bay, in the State of Florida, a beacon light for the purpose of marking, day and night, the shoal that projects from said Fair Point into said bay, and for the purpose of paying the salary of the keeper of said beacon light the sum of $1,440 is hereby appropriated out of any money in the Treasury not otherwise appropriated, said keeper to receive not exceeding $60 per month.

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

The amendment to the amendment was agreed to.

The amendment as amended 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.

FISH-CULTURAL STATION IN MARYLAND.

The bill (S. 852) to establish a fish hatchery and fish station in the State of Maryland was considered as in Committee of the Whole.

The bill was reported from the Committee on Fisheries with an amendment, in line 8, to strike out the words "United States Commissioner of Fish and Fisheries" and insert "Secretary of Commerce and Labor;" so as to make the bill read:

Be it enacted, etc., That the sum of $25,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the establishment of a fish-cultural station in the State of Maryland, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point to be selected by the Secretary of Commerce and Labor.

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.

The title was amended so as to read: "A bill to establish a fish-cultural station in the State of Maryland."

FUR-SEAL FISHERIES CLAIMS.

The bill (S. 3410) to extend to citizens of the United States who were owners, charterers, masters, officers, and crews of certain vessels registered under the laws of the United States, and to citizens of the United States whose claims were rejected because of the American citizenship of the claimants, or of one or more of the owners, by the international commission appointed pursuant to the convention of February 8, 1896, between the United States and Great Britain, the relief heretofore granted to and received by British subjects in respect of damages for unlawful seizures of vessels or cargoes, or both, or for damnifying interference with the vessels or the voyages of vessels engaged in sealing beyond the 3-mile limit, and beyond the jurisdiction of the United States, in accordance with the judgment of the fur-seal arbitration at Paris, in its award of August 15, 1893, and so that justice shall not be denied to American citizens which has been so freely meted out to British subjects, was announced as next in order.

The PRESIDENT pro tempore. The Chair calls the attention of the Senator from Oregon [Mr. FULTON] to this bill, which has been heretofore considered as in Committee of the Whole, and a number of amendments adopted; but action was not conclusive on the bill because the hour of 2 o'clock arrived. The bill is what is known as the "fur-seal fisheries bill."

Mr. FULTON. All the amendments have been adopted, Mr. President, as I understand?

The PRESIDENT pro tempore. They have been.

Mr. FULTON. Then the bill is ready to be passed, and I hope it will be passed. I ask that it may be now considered.

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

The PRESIDENT pro tempore. If there be no further amendments as in Committee of the Whole the bill will be reported to the Senate.

Mr. DOLLIVER. Mr. President, I wish to make a few observations as to that bill before it is passed.

The PRESIDENT pro tempore. The Senator from Iowa has five minutes under the rule.

Mr. ALLISON. I hope my colleague may be allowed all the time he desires. If necessary I will object to the consideration of the bill at this time.

Mr. FULTON. I hope the Senator from Iowa will allow the bill to be considered.

Mr. ALLISON. Very well. Then I ask unanimous consent that my colleague may have such time as he desires to debate the bill.

The PRESIDENT pro tempore. The senior Senator from Iowa [Mr. ALLISON] asks unanimous consent that his colleague [Mr. DOLLIVER] may not be limited by Rule VIII in the extent of his remarks on this bill. Is there objection to the request? The Chair hears none, and the junior Senator from Iowa has no limitation on his remarks in debating the bill.

Mr. DOLLIVER. Mr. President, I think I will ask to have the bill read.

The PRESIDENT pro tempore. Will the Senator from Iowa allow the title to be skipped in the reading?

Mr. DOLLIVER. Yes, sir.

Mr. PLATT of Connecticut. Mr. President, I think the title ought to be read just as much as the bill itself.

The PRESIDENT pro tempore. The title will be read.

Mr. PLATT of Connecticut. The title is very significant, and I hope Senators will pay attention to the reading of the title of this bill.

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

The Secretary read as follows:

A bill (S. 3410) to extend to citizens of the United States who were owners, charterers, masters, officers, and crews of certain vessels registered under the laws of the United States, and to citizens of the United States whose claims were rejected because of the American citizenship of the claimants, or of one or more of the owners, by the international commission appointed pursuant to the convention of February 8, 1896, between the United States and Great Britain, the relief heretofore granted to and received by British subjects in respect of damages for unlawful seizures of vessels or cargoes, or both, or for damnifying interference with the vessels or the voyages of vessels engaged in sealing beyond the 3-mile limit, and beyond the jurisdiction of the United States, in accordance with the judgment of the fur-seal arbitration at Paris in its award of August 15, 1893, and so that justice shall not be denied to American citizens which has been so freely meted out to British subjects.

The PRESIDING OFFICER (Mr. KEAN in the chair). The bill will now be read as it has been amended.

The Secretary read the bill as amended, as follows:

Be it enacted, etc., That the circuit court of the United States for the ninth circuit shall have jurisdiction and authority to inquire into and finally adjudicate, in the manner provided in this act, all claims of the following classes, namely:

First. All claims against the United States by the owners, charterers, masters, officers, and members of crews of vessels hereinafter named, that were rightfully registered under the laws of the United States, on account of the seizure of vessels and their cargoes, or the interference with the voyages of the vessels named in the list set forth in section 12 of this act as being engaged in unlawful fur sealing, by ships' officers or agents of the United States in the North Pacific Ocean and Bering Sea prior to the 6th day of April, 1894.

Second. All claims of citizens of the United States against the United States whose claims were rejected because the claimants were citizens of the United States by the international commission appointed pursuant to the convention of February 8, 1896, between the United States and Great Britain, arising out of the seizure of vessels and their cargoes or the interference with the voyages of vessels engaged in sealing by officers or agents of the United States in the Pacific Ocean or Bering Sea prior to the 6th day of April, 1894.

SEC. 2. That all claims shall be presented to the court by petition, setting forth in ordinary and concise language the material facts upon which said claims are based, verified by the affidavit of the claimant, his agent, administrator, or attorney in fact: *Provided*, That all claims shall be presented to said court within two years after this act takes effect or shall thereafter forever be barred: *And provided*, That the claims for seizure and damages suffered, if any, in the cases of three schooners, to wit, the Bowhead, Winchester, and Kate and Annie, subsequent to the 6th day of April, 1894, may be inquired into and finally adjudicated in the manner provided in this act.

SEC. 3. That the claimant shall cause a copy of his petition, filed under the preceding section, in which the United States shall be named and proceeded against as the party defendant, to be served upon the Attorney-General of the United States in such manner as may be provided by the rules or orders of said court.

SEC. 4. That it shall be the duty of the Attorney-General to appear and defend the interests of the Government in the suit by a special representative of his office, or by any district attorney of the circuit in which the suit is brought, and within sixty days after the service of petition upon him, unless the time should be extended by order of the court made in the case, to file a plea, answer, or demurrer on the part of the Government, and to file a notice of any counterclaim, set-off, claim for damages, or other demand or defense whatsoever of the Government in the premises, except that no claim shall be excluded from the jurisdiction of the court because of any limitation as to time or manner of presenting the same, except as hereinbefore provided, or because of the failure of the claimant to appear in any proceeding which may have been commenced against any vessel, its cargo, owner, master, officer, or crew, or to take an appeal from the judgment, decree, or final determination of any court in such proceedings: *Provided*, That should the Attorney-General neglect or refuse to file the plea, answer, demurrer, or defense as required, the claimant may proceed with the case under such rules as the court may adopt in the premises; but the claimant shall not have judgment or decree for his claim or any part thereof unless he shall establish the same by proof satisfactory to the court.

SEC. 5. That in the determination of claims presented hereunder said court shall be governed by the award made and dated August 15, 1893, by the tribunal of arbitration under the treaty between the United States and Great Britain, concluded February 29, 1892, as to the extent of the dominion of the United States in the waters of Bering Sea.

SEC. 7. That in the trial of any suit brought under the provisions of this act no person shall be excluded as a witness because he is a party to or interested in such suit, and any claimant or party in interest is subject to be examined as a witness on the part of the Government.

SEC. 8. That it shall be the duty of the court to cause a written opinion to be filed setting forth, in each case, the specific findings by the court of the facts therein, and the damages to be awarded, and the conclusions of the court upon the questions of law involved in the case, and to render judgment thereon.

SEC. 9. That the said court shall make any special rules of practice not inconsistent with the provisions of this act, and for the hearing of such petitions may prescribe the method of taking testimony by deposition or otherwise in such cases.

SEC. 10. That the claimants or the United States shall have such right of appeal or to a writ of error as is provided for in the statutes of the United States, in other cases, to the United States court of appeals of said circuit, and upon the same conditions and limitations. The mode of procedure in claiming and perfecting an appeal in cases hereunder shall be in accordance with the statutes and rules of practice governing appeals from the circuit court of the United States to such court of appeals: *Provided*, That no appeal or writ of error shall be allowed after six months from the final judgment or decree.

SEC. 11. That the Attorney-General shall report to Congress the suits under this act in which final judgment has been rendered against the United States, giving the date and amount of each, and a statement of the costs taxed against the United States in each case, for the payment of which claims and costs appropriation shall be made by Congress.

List of American ships or cargoes thereof seized or interfered with in Bering Sea and the Pacific Ocean.—(1) schooner Alpha, (2) schooner Annie, (3) schooner Anaconda, (4) schooner Allie I. Algar, (5) schooner Active, (6) schooner Angel Dolly, (7) schooner Alice, (8) schooner Bowhead, (9) schooner Bessie Rutter, (10) schooner C. H. White, (11) schooner City of San Diego, (12) schooner C. G. White, (13) schooner Chas. G. Wilson, (14) schooner Columbia, (15) schooner Challenge, (16) schooner Ellen, (17) schooner Emmett Fellitz, (18) schooner Ethel, (19) schooner Emma and Louisa, (20) schooner Fisher

Maid, (21) schooner Geo. R. White, (22) schooner Henry Dennis, (23) schooner James G. Swan, (24) schooner Mary Deleo, (25) schooner Mascot, (26) schooner Mary Brown, (27) schooner Mattie T. Dyer, (28) schooner Mist, (29) schooner Olga, (30) schooner O. S. Fowler, (31) schooner Rose Sparks, (32) schooner Rattler, (33) schooner Rosie Olsen, (34) schooner San Jose, (35) schooner San Diego, (36) schooner Sierra, (37) schooner Sylvia Handy, (38) schooner Sophia Sutherland, (39) schooner Therese, (40) schooner Unga, (41) schooner Venture, (42) schooner Vanderbilt, (43) schooner Volunteer, (44) schooner Willard Ainsworth, (45) schooner Walter L. Rich, (46) schooner Winchester, (47) schooner J. Hamilton Lewis, (48) schooner Kate and Annie, (49) schooner Lily L, (50) schooner La Ninfa, (51) schooner Mollie Adams, (52) schooner J. Eppinger, (53) schooner Laura, (54) schooner Louis Olsen, (55) schooner Louisa D, (56) schooner Alexander, (57) schooner E. E. Webster.

The interest of Capt. Alexander McLean and the joint owners of the schooner Onward and schooner Favorite.

SEC. 12. That this act shall take effect and be in force from and after its passage.

Mr. DOLLIVER. Mr. President, I think this is a claim against the Government that ought to have the very careful attention of the Senate; but before I begin what I have to say about the pending bill, I desire to offer a substitute by way of amendment, which I will ask the Secretary to read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

Strike out all after the enacting clause and insert the following:

"That all citizens of the United States who were the owners or charterers of vessels rightfully registered under the laws of the United States, whose vessels or the cargoes thereof were seized by the United States and confiscated in pursuance of law, may have the right within two years of the passage of this act to present their claims for the value of such vessels and the cargoes thereof to the Court of Claims.

"SEC. 2. No citizen of the United States who has heretofore, before any international tribunal or elsewhere, made a claim against the United States under cover of citizenship of a foreign country, or under cover that his vessel sailed under a foreign register, shall be entitled to relief under this act.

"SEC. 3. Nothing herein contained shall be construed to authorize the hearing or trial before said court of any claim for consequential damages arising out of the interference of the laws of the United States with pelagic sealing in Bering Sea.

"SEC. 4. It shall be the duty of the Court of Claims to find: First, what ships were seized and confiscated as aforesaid; second, the value of such ships and their cargoes so confiscated and whether the same were returned to their owners, and to report the facts referred to to Congress without entering any judgment thereon.

"SEC. 5. That this act shall take effect and be in force from and after its passage."

Amend the title so as to read: "A bill to authorize and to provide for the hearing and trial in the Court of Claims of claims by citizens of the United States for damages sustained by the seizure and confiscation of vessels rightfully registered under the laws of the United States which were at the time of their seizure engaged in violation of the laws of the United States and the proclamations of the President from time to time in furtherance of the execution thereof, and report the value of such vessels and their cargoes to Congress."

Mr. DOLLIVER. Mr. President, I am sorry that those Senators who spoke for the Committee on Foreign Relations when this bill first came up for consideration are not now here. It is a bill which, in my judgment, ought to have been carefully considered by the Committee on Claims.

It was said here in a previous session of the Senate that this is an act of equity and justice and that these claims are based upon the fact that the United States has already settled claims the like of these with citizens of Great Britain and with citizens of Russia. It was said, in addition, that this claim of American citizens acquires a very high equity, arising from the circumstance that the claimants, at the peril of life, went to the commission sitting at Victoria under the international award and gave valuable testimony in behalf of the United States.

I have been interested in the Bering Sea seal question ever since I have been in Congress. So when I found a proposition like this pending here my attention was enlisted, and if Senators will be kind enough to hear me for a few minutes I will undertake to explain the actual character of this bill.

It is said that these claimants are citizens of the United States, asking to be treated as we have treated citizens of Great Britain, of Russia, and of other foreign countries in the same situation, and a memorandum is brought here by Senators, which was kindly filed with the Committee on Foreign Relations by our one-time senior counsel before the Vancouver commission, which had to adjudicate the English claims. He makes such a pathetic representation of the character of these American sealers that I have been interested to learn the reputation which was given to them by our counsel before the Paris tribunal, which originally investigated the merits of many of these cases.

I find that Mr. Phelps, in the very opening of his argument before the Paris tribunal, took occasion to state somewhat abruptly the character of these claimants. He said:

Now, sir, what are the questions proposed by the treaty for decision? They are chiefly two, the one the alternative of the other. The first is, and in one view of the case it is the only question, whether the Canadian sealers and the renegade Americans, who seek the protection of the British flag in order to defy with impunity the laws of their country, have a right, to which the United States must submit, to continue the destruction in which they have been engaged?

When I got to meditating upon the plea made for these people on account of their high courage and patriotism, I could not help recalling the description of the business in which they were engaged as revealed in the unanswerable statement of the American case made by Mr. Justice Harlan in delivering his opinion as a member of the Paris tribunal. He states facts which enable us to judge what manner of men these are who now seek to persuade us to reimburse them for the inconvenience which they suffered by reason of the execution of our laws during the years when we were trying to save the life of the seal herd in Alaskan waters.

The great jurist said, referring to the habits of the Alaskan fur seal:

They go from the islands into the sea as often as nature suggests to be necessary for the purpose of obtaining fish for food, by which they are nourished while suckling their young. A cow, while nursing its pup, often goes long distances from the islands in search of fish. Captain Shepard, of the United States Marine Service, who examined the skins taken from sealing vessels seized in 1887 and 1889, over 12,000 in number, two-thirds or three-fourths being the skins of females, says: "Of the females taken in the Pacific Ocean and early in the season in Bering Sea, nearly all are heavy with young, and the death of the female necessarily causes the death of the unborn pup seal. In fact, I have seen on nearly every vessel seized the pelts of unborn pups which had been taken from their mothers. Of the females taken in Bering Sea nearly all are in milk, and I have seen the milk come from the carcases of dead females lying on the decks of sealing vessels which were more than 100 miles from the Pribilof Islands. From this fact, and from the further fact that I have seen seals in the water over 150 miles from the islands during the summer, I am convinced that the female, after giving birth to her young on the rookeries, goes at least 150 miles, in many cases, from the islands in search of food."

Such, then, is the nature of the business in which these claimants were engaged. The general character of these claimants has been so perfectly described by Mr. Blaine that I will beg the indulgence of the Senate while I read an extract from one of his letters, preserved in the great argument of Mr. Justice Harlan, to which I have already alluded. When I hear men standing here claiming that these are worthy American citizens, who are simply pleading to be treated as well as we have already treated citizens of Great Britain and Russia, I think Senators will find at least some pertinency in this description given by Mr. Blaine of the whole tribe of seal hunters in the North Pacific. He said:

The United States desires only such control over a limited extent of the waters in the Bering Sea for a part of each year as will be sufficient to insure the protection of the fur-seal fisheries, already injured, possibly, to an irreparable extent by the intrusion of Canadian vessels, sailing with the encouragement of Great Britain and protected by her flag. The gravest wrong is committed when, as in many instances is the case, American citizens, refusing obedience to the laws of their own country, have gone into partnership with the British flag and engaged in the destruction of the seal fisheries which belong to the United States. So general, so notorious, and so shamelessly avowed has this practice become that last season, according to the report of the American consul at Victoria, when the intruders assembled at Unalaska on the 4th of July, previous to entering Bering Sea, the day was celebrated in a patriotic and spirited manner by the American citizens, who at the time were protected by the British flag in their violation of the laws of their own country.

I read that extract from Mr. Blaine in order to throw a side light upon the character of this curious group of claimants, who find their way into the Senate in this bill, prepared, as I am informed, in the most accommodating way for our consideration by our one-time senior counsel before the Victoria Commission.

Now, I wish to go a step further. It was said here that the United States has paid the claims of all British claimants situated as these people are. I deny it. The United States paid, under the award of the tribunal of Paris, claims for the seizure of vessels and cargoes. The number and names of them were all found and determined by the award that was made at Paris.

They were all paid for vessels confiscated, with their cargoes, in the efforts of the United States to execute its own laws. It is not true that the claimants in this bill come here asking to be reimbursed for losses sustained by the confiscation of vessels or of cargoes.

There never was so accommodating a measure drawn for the consideration of the Congress of the United States. It not only passes by our Court of Claims as an instrument for the consideration of questions like this, but it goes so far in its benevolent purpose and in its anxiety to save the court from labor as to enumerate the ships that shall be entitled to a hearing before it. If this were an ordinary effort to permit a class of people to present claims, why should the bill go to the length of naming the vessels that are to be included in the scope of its beneficence?

I undertake to say that of all the vessels, over fifty in number, which are named in this bill, with their status before the court, adjudicated practically in advance by Congress, only seven of

them ever suffered any actual injury at the hands of the United States in its effort to enforce the laws against sealing in Alaskan waters, and those seven during the period from 1876 till the date of the treaty of arbitration. Fortunately we know exactly what vessels were seized and exactly when and exactly what we did to them. Fortunately we know exactly what cargoes were confiscated and what we sold them for, and, therefore, when a list of fifty-seven vessels is presented here it is obvious that they are not such vessels as correspond to the kind of claims which were allowed by the international tribunal in behalf of citizens of Great Britain.

There were allowed by the international tribunal damages for the confiscation of vessels and cargoes, I think about eleven in number, which had actually been taken by the United States in its efforts to enforce its laws. This bill proposes to put on the same footing with them over fifty other ships, only seven of which ever suffered any actual seizure by the Government of the United States while they pursued their nefarious violations of our laws in Alaskan waters.

If you will read the title of this bill you will see a most interesting bit of literature. I do not pretend to be an expert in the framing of bills for presentation in Congress, but I venture to say that never in the history of the Government was a bill drawn with a title like that. It does not confine itself to vessels that were confiscated by the United States under its laws, but it puts them in here and there in the list and adds fifty more, which rely altogether upon the "damnifying interference" with their operations in Alaskan waters as a basis for their claim of redress.

Now, by "damnifying interference" it means that caution and fear which were engendered in the breasts of our own citizens when they contemplated the job of violating the laws of the United States, and Congress is not only called upon by this bill to pay vessels for the damages which seven of them suffered in a collision with our laws, but it is called upon to pay the indirect losses that arose out of the fact that fifty others up and down the Pacific coast and elsewhere were prevented, by their fear of the law, from going into Bering Sea and prosecuting an illicit business. We are actually called upon in this bill not only to pay for losses that people suffered as a penalty for violating our laws, but also to recompense people for their failure to make money, on account of the caution and prudence which prevented them from entering upon a crusade of wholesale lawlessness. I venture to say that never in the history of this Government was a proposition like that presented to the Congress of the United States.

Mr. MALLORY. Will the Senator permit me to ask him a question?

Mr. DOLLIVER. Certainly.

Mr. MALLORY. I should like to inquire of the Senator—he speaks of the violation of law—if the vessels in question were prohibited by the then existing law from going into the area into which they did go and catch seals—whether at that time the law extended to the area into which they went? I understand that subsequently——

Mr. DOLLIVER. The fact about them is that many of them did not leave their ports. They hung like cowards about the ports of the United States and of Canada, and did not even have the nerve to go into Alaskan waters; and they are now asking Congress to pay them for the damages they suffered by the loss of the opportunity which they would have had to violate our laws if they had had the nerve to go into Bering Sea and prosecute this unlawful business.

Mr. MALLORY. Some of them did go in the forbidden area, did they not?

Mr. DOLLIVER. Exactly; and seven of them were seized and confiscated, although in every case except one, I think, after the confiscation proceedings were had, we, out of grace and mercy, returned the vessel to the parties from whom it had been taken.

Mr. MALLORY. As I understand it, in regard to those that went into the forbidden area, they actually violated the law when they went into that area, but subsequently it was determined that we had no right at that time to prohibit their going into that area.

Mr. DOLLIVER. I beg the Senator's pardon. We have a series of statutes on our books now, not one of which has been repealed, beginning in 1867, protecting the seal herd in Alaskan waters; that is to say, in the waters of Bering Sea. It was said here——

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

Mr. DOLLIVER. Certainly.

Mr. FULTON. To what statute does the Senator refer when he says there are statutes protecting the seal herd in the waters of Bering Sea?

Mr. DOLLIVER. I refer to the statute of 1867, and if that does not cover the case, to the statute of 1889.

Mr. FULTON. I have them both, and if the Senator will permit me, I will read them.

Mr. DOLLIVER. Very well.

Mr. FULTON. I think you will admit that neither does that.

Mr. DOLLIVER. I will be very glad to have them read. I intended myself to read them.

Mr. FULTON. I will not read all of them. I will simply call the attention of the Senator to the fact that the statute of 1867 provides:

> No person shall kill any otter, mink, martén, sable, or fur seal, or other fur-bearing animal within the limits of Alaska Territory or in the waters thereof.

Nothing is said about Bering Sea. The statute of 1889, to which the Senator refers, is as follows:

> That section 1956 of the Revised Statutes of the United States—

That is the statute which I have just read, the law of 1867—

> is hereby declared to include and apply to all the dominion of the United States in the waters of Bering Sea.

Mr. DOLLIVER. Exactly.

Mr. FULTON. Not to Bering Sea—not to the entire waters of Bering Sea.

Mr. DOLLIVER. Certainly not. Part of it was recognized as Russian.

Mr. FULTON. But to the dominion of the United States in Bering Sea.

Mr. DOLLIVER. I will undertake to show that it was the uniform interpretation of our Government of the act of 1867 that it not only applied to the islands and lands in Alaska, but that the expression "Alaskan waters" was applicable to the whole ocean area which we had received from Russia.

Mr. FULTON. Will the Senator answer this question: Does not the Senator recognize that there is a distinction between a statute which said "the waters of Bering Sea" and a statute which simply says "the dominion of the United States in the waters of Bering Sea?"

Mr. DOLLIVER. Our Government understood that expression to refer to the fact that a portion of the waters of Bering Sea were under the dominion of Russia, and there never was a moment, until the Paris tribunal rendered its decision, when any Department of the Government of the United States acquiesced in the proposition that our dominion was not perfect over all the waters of Bering Sea except that portion under the jurisdiction of Russia. I will not call attention to all the proclamations of the President and the Secretary of the Treasury issued in pursuance of law, but content myself with the proclamation of President Harrison in 1889, since it not only recites our laws but gives the interpretation put upon them both by the executive department and by our courts.

PROCLAMATIONS.

[No. 1.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

The following provisions of the laws of the United States are hereby published for the information of all concerned:

Section 1956, Revised Statutes, chapter 3, Title XXIII, enacts that—

"No person shall kill any otter, mink, marten, sable, or fur seal, or other fur-bearing animal within the limits of Alaska Territory, or in the waters thereof; and every person guilty thereof shall, for each offense, be fined not less than two hundred nor more than one thousand dollars, or imprisoned not more than six months, or both, and all vessels, their tackle, apparel, furniture, and cargo, found engaged in violation of this section shall be forfeited; but the Secretary of the Treasury shall have power to authorize the killing of any such mink, marten, sable, or other fur-bearing animal, except fur seals, under such regulations as he may prescribe, and it shall be the duty of the Secretary to prevent the killing of any fur seal, and to provide for the execution of the provisions of this section until it is otherwise provided by law nor shall he grant any special privileges under this section."

* * * * * * *

Section 3 of the act entitled "An act to provide for the protection of the salmon fisheries of Alaska," approved March 2, 1889, provides that:

"SEC. 3. That section 1956 of the Revised Statutes of the United States is hereby declared to include and apply to all the dominion of the United States in the waters of Bering Sea, and it shall be the duty of the President at a timely season in each year to issue his proclamation, and cause the same to be published for one month at least in one newspaper, if any such there be, published at each United States port of entry on the Pacific coast, warning all persons against entering such waters for the purpose of violating the provisions of said section, and he shall also cause one or more vessels of the United States to diligently cruise said waters and arrest all persons and seize all vessels found to be or to have been engaged in any violation of the laws of the United States therein."

Now, therefore, I, Benjamin Harrison, President of the United States, pursuant to the above-recited statutes, hereby warn all persons against entering the waters of Bering Sea within the dominion of the United States for the purpose of violating the provisions of said section 1956,

Revised Statutes; and I hereby proclaim that all persons found to be or have been engaged in any violation of the laws of the United States in said waters will be arrested and punished as above provided, and that all vessels so employed, their tackle, apparel, furniture, and cargoes, will be seized and forfeited.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this 21st day of March, 1889, and of the independence of the United States the one hundred and thirteenth.

[SEAL.] BENJ. HARRISON.

By the President:

JAMES G. BLAINE,
Secretary of State.

Mr. FULTON. I will ask the Senator whether, as a matter of fact, the Paris tribunal did not ultimately hold that the dominion of the United States in Bering Sea did not extend beyond the 3-mile limit?

Mr. DOLLIVER. They did.

Mr. FULTON. Then that was the dominion of the United States in Bering Sea.

Mr. DOLLIVER. That proposition was made here on the other occasion when this matter was up for discussion. I am sorry the venerable Senator from Alabama [Mr. MORGAN], who introduced this bill, is not present, because he was among those who most zealously defended the jurisdiction of the United States over Bering Sea.

It was said here the other day that the award of the Paris tribunal effectively repealed our statutes. I denied it then. I am glad that I am now able to deny it in the language of the venerable Senator from Alabama [Mr. MORGAN].

Mr. FORAKER. Mr. President——

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

Mr. DOLLIVER. Certainly.

Mr. FORAKER. I was present when the debate was had in the Senate a few days ago to which the Senator doubtless refers. I do not remember that any such statement as that which the Senator now says was made, namely, that the Paris tribunal award repealed our statutes. Nobody contended for that.

What I have always understood about it was simply that our statutes prohibited the taking of fur seals in Alaska or in the waters thereof, and the order issued by the Secretary of the Treasury, first by Mr. Sherman and afterwards by other Secretaries, all issuing the same order simply repeating the order of Mr. Sherman, used the same language—"in Alaska or in the waters thereof." It was an open and controverted question whether "the waters thereof" covered the whole of Bering Sea or whether they were only the waters within the 3-mile limit. The tribunal at Paris held that "the waters thereof" would be limited to the 3-mile limit, and therefore there was no statute of the United States applicable at the place where these vessels were seized.

That has been the contention, as I understand, all the way through, of the Senator from Alabama [Mr. MORGAN] and of others who shared the same view.

Mr. DOLLIVER. It is true that no direct statement was made here that our statutes had been repealed, but it certainly was suggested that the tribunal at Paris, by its award, in a certain sense superseded at least the application of our statutes to those waters.

Now, the Senator from Alabama [Mr. MORGAN], in a report made to the Senate on April 16, 1896, states with perfect distinctness what the jurisdiction of the Paris tribunal was and what the effect of its decision was upon our case. He says:

It can not be too firmly stated, or too often, it seems, in view of the apparent indifference to the fact, that the award of the tribunal of arbitration had no other purpose, result, or effect than to insert in that treaty and to secure by its sanctions the mutual and definite rights and obligations of both the high contracting powers as to which they had been unable to come to an agreement.

In this award certain rights of the United States were left undisturbed and unquestioned, the same not having been submitted to the tribunal of arbitration; among these are:

1. The free and full assertion of every right and claim of right to the ownership and control of the Alaskan seal herds that the United States may choose to assert, as against any Government except Great Britain.

2. The right to regulate and restrain our own people in all their conduct in reference to fur seals in any waters of the oceans or seas, and to punish their violation of those legal restrictions.

So it will appear that it was not necessary for the United States to have or to assert exclusive jurisdiction of Bering Sea in order to give validity to its statutes preventing the extermination of the seal herd which we own in Alaskan waters, at least so far as our own citizens were concerned.

Mr. FULTON. Will the Senator allow me?

Mr. DOLLIVER. Certainly.

Mr. FULTON. I do not think the Senator understands the position of those who favor this bill, if he understands them to be contending that the United States may not, if it sees fit so to do, prohibit any vessel sailing under the American flag from taking any fish in any water. But what we contend is that the United States has not done so.

In the first place, I undertake to say that the United States would never have enacted any legislation on the subject had it supposed it would apply only to her own citizens. In the next place, I undertake to state, or at least it is my conviction, that the United States has not enacted any legislation that applies throughout the entire waters of Bering Sea.

The only thing that has been enacted is the statute forbidding the taking of seals within the dominion of the United States in Bering Sea. The question was, then, Was Bering Sea an open sea or a closed sea? If it was a closed sea——

Mr. DOLLIVER. We never raised that question.

Mr. FULTON. Other nations raised it.

Mr. DOLLIVER. Not until 1889, I think.

Mr. FULTON. Yes, the people raised it. It was disputed all the time. It was contended all the time that it was an open sea.

Mr. DOLLIVER. These people——

Mr. FULTON. All persons engaged in sealing contended that it was an open sea, and that the dominion of the United States did not extend beyond the 3-mile limit. That was the contention always.

Mr. DOLLIVER. It was our contention at Paris that we received that sea from Russia, and I believe that the record indicates that there was never any reasonable dispute of that until the proceedings from which the seal arbitration arose. I have always felt a good deal of satisfaction in the fact that our representatives there, Mr. Justice Harlan and the Senator from Alabama [Mr. MORGAN], throughout that whole controversy ably and effectively maintained that position of the United States. It had never been disputed by anybody here.

Mr. FORAKER. Mr. President——

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

Mr. FORAKER. I dislike to interrupt the Senator from Iowa.

Mr. DOLLIVER. It is no interruption at all.

Mr. FORAKER. But if he does not object, I should like to suggest a little change in the language employed. They very ably, but very ineffectively, maintained that proposition.

Mr. DOLLIVER. They were outvoted by strangers to our rights.

Mr. FORAKER. They were outvoted, and we accepted the result, which was that it was not a closed sea, but an open sea.

That is not all. It was a controversy about which there was a difference of opinion among the representatives of our Government, both at home and abroad. When the first seizures were made, it will be remembered—the Senator has a memorandum before him, a copy of which I have, which shows it—that Secretary Bayard directed that those vessels be released, after they had been seized, or some of them.

I have not pursued this matter with enough care to be able, at this time, to give the dates, but I will later. Other Secretaries followed the ruling he made. So while seizures were made upon the theory that it was a closed sea, our own officials at different times had taken the opposite view, and it was a controverted question which we finally submitted to the Paris tribunal. There it was held that it was an open and not a closed sea, and, therefore, our statutes could not apply beyond the 3-mile limit. Those who fished beyond the 3-mile limit in the open sea were wrongfully seized, and being wrongfully seized we remunerated the British and everybody else whose vessels we had seized. And now the only question is whether we will reimburse our own for whatever damages they may have sustained.

Mr. DOLLIVER. If the honorable Senator had been present he would have understood that I have no controversy that I care to insist on with that. I am perfectly willing to reimburse our own people for any kind of injuries, for the like of which we have reimbursed English or Russians or anybody else.

Mr. FORAKER. That is all we ask.

Mr. DOLLIVER. On the contrary, we reimbursed the English for the seizure and confiscation of vessels, and expressly were exempted by the finding of the court from being called upon to pay consequential damages. Now, we know exactly how many English vessels we seized. We paid for them. We know exactly how many American vessels we seized. We are willing to pay for them, or at least to have the matter adjudicated.

We seized seven American vessels altogether, and yet this bill puts in here a list of nearly fifty vessels, and instead of limiting our financial jeopardy to such damage as we paid to the British people it has invented a beautiful phrase, "damnifying interference," and wants us to stand up and pay them

for the exercise of the caution which kept them out of a business which we had declared was unlawful.

Mr. FULTON. Will the Senator allow me to ask him how many cargoes were seized?

Mr. DOLLIVER. Seven vessels with the cargoes thereof.

Mr. FULTON. With the cargoes thereof, but in many instances were not the cargoes seized?

Mr. DOLLIVER. Our record does not indicate that.

Mr. FULTON. And the ships turned free?

Mr. DOLLIVER. We usually took the vessels with a revenue cutter and carried them to a neighboring port and condemned and confiscated them. In several cases——

Mr. FULTON. I do not undertake to say, because I do not recall, but I do remember in looking over the records in the Department that there are instances where on the return it is noted "cargoes taken; so many furs seized; ships not taken."

Mr. DOLLIVER. Now, then, Mr. President, here is a list of fifty-seven vessels. The United States seized, and damaged by seizing, seven vessels only. Is there a man in the Senate Chamber who knows what the other fifty vessels are? Is there a man on earth who knows when their claim of damages originated? I venture to say they are of one of two classes of vessels. I notice that this bill carries our liability in behalf of these people down to 1894, whereas the foreign claims all originated prior to the treaty of arbitration. Therefore, as near as I can make it out, the vessels are of one of two classes. Either they are vessels which hovered along that coast between 1876 and the time of the Paris treaty, or else they are vessels that have been hindered—have suffered "damnifying interference" on account of the desire of the United States to execute the modus vivendi that was agreed upon pending the arbitration at Paris.

Now, does my honorable friend, the Senator from Oregon, know whether the damages to these vessels originated prior to the modus vivendi or are these damnifying interferences under the operation of the modus vivendi? In other words, I should like somebody to tell me why our liability in this matter is brought down to 1894, when our liability, so far as Englishmen and Russians are concerned, expired with the ordering of the Paris arbitration?

Mr. FULTON. May I ask the Senator a question?

Mr. DOLLIVER. Certainly.

Mr. FULTON. When does the Senator contend that the modus vivendi went into force?

Mr. DOLLIVER. I think in 1891.

Mr. FULTON. My recollection is that it did not go into force until 1892—in June, 1892. I may be mistaken. I think it was agreed to probably some time, or there was some arrangement made, in 1891. I do not recall which. But my recollection is that not until June, 1892, did the modus vivendi go into force, too late to notify the sealers for that season, because they had all gone up there and were engaged in fishing without notice of it.

Mr. DOLLIVER. I have had a little opportunity to study this list of fifty-seven vessels, and with the permission of the Senate I will call attention to the vessels involved in this list that were actually disturbed by the officers of the United States.

The first was the schooner *Angel Dolly*, which the record indicates was seized in July, 1886. She was under the lee of Otter Island, near St. Paul. She now lies on the beach at Unalaska. Although we gave her back, the owners refused to take her after the confiscation proceedings had been concluded. That vessel is in the list for its claim to be adjudicated by the circuit court of the United States, when the record indicates that she was seized right up under the lee of Otter Island, engaged in killing seals practically on our land, and we confiscated her and then left her to be recovered by her owners, and they left her rotting where she now lies. How does that ship happen to get upon this list to have her claim adjudicated?

Mr. FULTON. If the fact be as the Senator states in regard to that ship, does he contend that under the provisions of this bill anything could be recovered on her account?

Mr. DOLLIVER. I fear so. It says this is a list of vessels or cargoes thereof seized or interfered with, and it leaves the court only to adjudicate the amount of the damage.

Mr. FULTON. That list is appended——

Mr. DOLLIVER. It does not seem to be appended.

Mr. FULTON. For some reason or for some purpose which the committee had; I do not know what. The Government is not bound by the mere fact that that list is there. It is simply a list of vessels that have claims.

Mr. DOLLIVER. It is a very queer thing to have in there as a part of the bill.

Mr. FULTON. Under the provisions of the bill the Senator will observe that only such vessels are affected as have suffered loss while engaged in pelagic sealing and as are registered under the flag of the United States.

Therefore they must be American vessels and must have American register and they must have been engaged in pelagic sealing. In other words, they must have been engaged in deep-sea sealing and more than 3 miles distant from the coast.

Mr. SPOONER. Will the Senator allow me for a moment?

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

Mr. DOLLIVER. Certainly.

Mr. SPOONER. I concur, so far, with the Senator from Iowa in his criticism of the inclusion in the bill of this list.

Mr. FULTON. I do, too. I would have it struck out.

Mr. SPOONER. There is one ship included in this list the facts as to which I am informed are as follows—I refer to the *J. Hamilton Lewis*.

Mr. DOLLIVER. That ship has a very interesting history.

Mr. SPOONER. Am I depriving the Senator of the privilege of giving it?

Mr. DOLLIVER. I have the information here, but I will gladly yield to the Senator from Wisconsin.

Mr. SPOONER. No.

Mr. DOLLIVER. Here is the schooner *Henry Dennis*. We know everything that happened to the *Henry Dennis*. She was owned by a gentleman in San Francisco and was seized, I think, in 1876, ordered to San Francisco, subsequently released, but I have no doubt that the owner of that vessel would be on hand claiming damage to the cargo and damnifying interference which our laws made with his business in Bering Sea.

Mr. FULTON. At the risk of interrupting the Senator from Iowa——

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield; and if so, to which Senator?

Mr. DOLLIVER. Certainly.

Mr. FORAKER. I only want to ask the Senator if, with reference to that ship, he can state where it was seized and by whom it was released, at whose order, and on what ground?

Mr. DOLLIVER. It was seized in 1876, I think, by a revenue cutter, taken to San Francisco, and condemned under the confiscation laws of the United States in such cases made and provided.

Mr. FORAKER. And her skins confiscated?

Mr. DOLLIVER. I have no doubt of it.

Mr. FORAKER. Everything confiscated and then subsequently released, as the Senator said, and returned to her owners. By whose order was she released and on what ground?

If the Senator has not the facts before him, I will state that it was held by the Secretary of State, at that time Mr. Evarts, I believe, that it was not a closed but an open sea, and that the seizure was wrongful.

Mr. DOLLIVER. No; I think that question did not enter into it. I think it was regarded by the Executive Department as a hardship on the hardy mariners, and that it would be an act of grace, having stopped their invasion of Bering Sea, to give them their vessels back, for honest mercantile pursuits.

I find here a vessel, the schooner *Mattie T. Dyer*, seized in 1888, and released, and I find the schooner *San Diego*, which was seized in 1876.

Mr. SPOONER. You do not mean 1876?

Mr. DOLLIVER. Yes, sir.

Mr. FORAKER. That is the one the Senator was talking about a moment ago when I interrupted him and made an inquiry.

The *San Diego* was seized in 1876, under the Administration of Mr. Hayes. She was seized while engaged in pelagic sealing in the open sea, as I understand the record shows, and after the ship had been confiscated, the cargo had been confiscated, and the owners had been stripped of everything, the Government came to the conclusion that it was a wrongful seizure and returned the ship.

Mr. DOLLIVER. In 1876 there was not a human being on earth, in the United States or anywhere else, who either doubted or denied our perfect jurisdiction over the waters of Bering Sea.

I find here the vessels the schooner *Mollie Adams* and the schooner *J. Hamilton Lewis;* and I became interested in the latter for many reasons. It has had a very spectacular career on the high seas. There is a vessel which, under the name of *The Ada*, with a tonnage of sixty-eight, and a value of $7,000, or a hundred and three dollars per ton, was seized and damages were claimed by an Englishman. She was appraised and sold for $1,900. Under the name of *The Ada* we paid the Englishman for that vessel.

It afterwards became, according to the official record, the *J. Hamilton Lewis*. They painted out the original name and put a more imposing inscription on the vessel in plain sight of the world, and under the name of *J. Hamilton Lewis* the records of our controversy with Russia indicate that the vessel went over there and was chased by Russian revenue cutters, was seized, and suffered various "damnifying" injuries, and our State Department, at great expense and with all the pomp and ceremony of international justice, collected $60,000 from the Russian Government.

And now we have the vessel, not even having had the grace to change its name, brought in here in order to enjoy this feast of "damnifying interference" that is about to be furnished forth by the Government of the United States.

Now, I say that if a vessel—I do not care what may be the skill of its owners in the seal business—can successfully rob two Governments, and then, with the official records before us, come in here and persuade us to allow it to participate in a third division of spoils, its owner, whatever his nationality, is entitled to a place in history that he probably will never get.

If a thing like that could be done, it would more than justify the early-time practice in the State of my friend the Senator from Kansas [Mr. LONG], where, as I was informed when I was down there, they had a statute giving a bounty for the scalps of the innocent and unoffending gopher, and some counties practically went bankrupt by a bonded indebtedness, incurred while they were trying to pay for those gopher scalps. Afterwards it was discovered that a good many of the scalps did business in several counties. But here is a vessel that has robbed two nations already. We got $60,000 out of Russia, using in the service of this vessel all the machinery of the State Department of the United States, and now here we have it, with its name written in the body of this bill as a participator in the moneys that are to be paid for "damnifying interference."

That leads me to recapitulate a little, because I do not want to weary the Senate. I am willing to let any man who lost a vessel or a seal skin by his collision with the laws or executive orders of the United States go into court for the purpose of proving the value of his vessel and cargo, reserving to Congress the discretion whether to pay or not. But I do not purpose, if I can help it, to allow this scheme to go through, at least without discussion, by which fifty additional vessels that we never touched are brought here for the purpose of being paid consequential damages, not for any losses that they sustained, but for the unrealized profits incident to their failure to get on the ground in time to violate our laws effectively. I do not believe that ought to be done; and it certainly ought not to be justified by a plea of equity to our own people, because we never did such a thing as that for Englishmen. I appeal to my friend from Oregon to say whether any damages were ever allowed to an Englishman or a Russian or to anybody else for our "damnifying interference" with their sealing fleets.

Mr. FULTON. I will say in answer to the Senator that I have not gone over the report of the proceedings at Victoria, where the tribunal sat, but it has been my understanding that those who were sent out to sea, having gone there prepared to fish and who were sent away, were allowed something. I may be mistaken about that.

Mr. DOLLIVER. I think my friend is mistaken about that, because——

Mr. FULTON. I will not assert it as a fact.

Mr. DOLLIVER. Because that question did not arise at Victoria. The people who were entitled to damages were all settled by name and description in the award of the Paris tribunal, and the business of the tribunal at Victoria, commonly called the Vancouver Commission, was to determine the amount of damages, and we, knowing that only a small damage had been suffered, hired great lawyers and sent them out there to represent the United States.

These people claimed nearly thirteen hundred thousand dollars from us, when there was not a sailor on the Pacific coast who did not know that the vessels we had captured were worth less than $200,000. And yet they had claims against us for twelve hundred and eighty-nine thousand dollars, and we had I do not know how many lawyers——

Mr. FULTON. That was the trouble; there were too many, I think. The claims of how many ships did the Senator state were adjudicated there?

Mr. DOLLIVER. The Paris tribunal gave access to that court to eleven vessels, if I remember aright.

Mr. FULTON. I call the Senator's attention to the fact that there were others whose claims were adjudicated in addition to those. I hand the Senator a copy of the report, in which it appears that there were some twenty claims adjudicated.

Mr. DOLLIVER. Now, then, those people claim that we not only ought to pay them the value of their vessels, as we did the Canadians, but that we ought to pay them consequential damages which arose out of their failure to pursue their business in peace and quiet. But that court, upon motion, ruled out all consequential damages, so that no Englishman has ever been paid for any "damnifying interference" with his catch of seals in that sea, and no Russian has been paid for such damages. Therefore this proposal to put these people upon the same plane that we placed the subjects of England and Russia seems to me to be wanting force, to say the least.

But one point interested me very much, because I am an admirer of bravery and courage and patriotism, whether on the high seas or anywhere else. It is said that these were a brave and hardy lot of sailors, who are entitled especially to our consideration, and our one-time senior counsel at Victoria filed with the Foreign Affairs Committee a memorandum which apparently has governed the action of that committee in the disposition of this matter. I am not going to criticise our one-time senior counsel, except I will say that if I had hired a lawyer to defend me against a damage suit and he had spent his days defending me against that suit and the evenings hunting up claims more numerous twice over from another quarter against me, I should feel that I was wasting my money on that kind of counsel. Yet he comes here and says that it came to his knowledge at that time that these people ought to be paid and, having disposed of the case he was employed to defend, he asks us to take up the case of these American claimants.

I am not going to debate what he says about it, because I do not want to get involved in an unpleasant controversy over the matter; but I can hardly credit the suggestion that we owe very much to the testimony of this American sealing fleet in the final adjudication of those claims at Vancouver. He says that their testimony enabled him to reduce the British claims from twelve hundred thousand dollars, I think, to about four hundred thousand dollars. I may not be accurate about that. I know one thing about it, that eight hundred thousand dollars of that reduction did not arise out of anybody's testimony, but it arose out of the fact that the court took the view that consequential damages should not be allowed.

I am not going to quarrel with our one-time senior counsel in his tribute to the bravery of these people, but I must confess he is carrying it a little too far. I see that he pays a magnificent tribute to one of the officers of the *J. Hamilton Lewis*, schooner—that is, Captain McLean. He says that McLean was a very brave man, "as brave a man as ever trod a deck or faced a gale," and then he undertakes to illustrate the courage and patriotism of Capt. Alexander McLean, of the *J. Hamilton Lewis*, by saying:

> Patriotism is the master motive of sailors the world over. Their country's flag is their defense, and when it flies above them is the symbol of their country's power.

Now, there is truth in that, and yet I am afraid it is not entirely verified by what he says of Captain McLean, for I intend to read his description of the captain's courage and patriotism in the midst of adverse circumstances. He spent much of his life, fourteen years according to his own statement, as a sealer, seven of them under the English flag. So a record of our Government shows. In all that time he was engaged in an honest effort to beat our laws so far as I can find out, and I do not believe that he or those who went up there with him to testify are entitled to very much credit on that account; at least I can not find that this description of his courage and patriotism is very impressive. Our one-time senior counsel, in the memorandum obligingly left by him with the Senate committee, says:

> In the year 1889, while in command of the American schooner *James Hamilton Lewis*, he was cruising along the Pacific coast looking for seals, when he found it necessary to seek shelter from a storm that was approaching, and anchored his vessel in a place called "Drakes Bay." During the day some twelve Canadian sealing schooners also entered the harbor, seeking shelter.
>
> About midnight he was aroused and was informed that the captain of the British schooner *Maggie Mc* wished to see him on board his vessel. He accepted the invitation and went on board the *Maggie Mc*, and found about fifteen Canadians in the cabin having what is called a good time—

I reckon a "good time" on the high sea is substantially the same thing that it is on land—

> each one appearing to be somewhat under the influence of liquor.

He need not have added that—

> He soon learned that trouble was ahead, as the Canadians showed a disposition to have a row—

A thing which usually happens in cases of that kind—

> and before long he was attacked by the crowd. After a tussle and much confusion crews from other vessels, including his own, came on board and rescued him.
>
> He was much battered after the conflict, but succeeded in reaching his vessel, and next morning, finding that his schooner was the only one in the harbor flying the American flag, concluded to leave such

undesirable company. He set sail and when about to leave the harbor noticed that the Canadians acted as though he was running away from them, each vessel having her British flag flying. He was determined to let them see that he was not afraid of them or their flag, so he ordered the American flag hoisted and loaded a cannon with beans and salt, and passed between the Britishers firing several shots of salt and beans at the crews on the British vessels until not a head could be seen on deck.

Now, our one-time senior counsel at Vancouver puts that down as a historical incident to illustrate the courage and patriotism that must actuate these people. I confess that I do not exactly understand that variety of courage. I have never read anything like that in a book—a man getting into a drunken row on shipboard, withdrawing from it more or less battered, going to his own vessel, raising the flag of the United States, and defying its enemies by a cannon loaded with beans and salt. I do not recollect anything like that in the history of the American Navy, and I confess it makes a very poor impression upon me.

The fact is that fifty of these vessels never suffered any damage from the United States at all, except the indirect damage which arose because they were afraid to go out into the open sea and take the chances of being captured, with their cargoes seized. So far as fifty of these claimants are concerned, I say without the fear of any successful contradiction that they lost nothing except their nerve, and the appearance of this bill here and the favorable progress it has so far made in the Senate would indicate that they have got that back.

All I ask the Senate to do is to confine this recognition to the cases of citizens of the United States who never claimed to be citizens of any other country for the purpose of circumventing our laws, who in sealing in Alaskan waters were seized and their ships and cargoes confiscated or damaged.

If you do that you will include the case of seven vessels, and you can put them on the same level in equity with the citizens of Great Britain and of Russia without dragging in this innumerable fleet of sailing craft from all the harbors of the Atlantic and the Pacific, who for twenty years were hovering off the coast of the Pacific Ocean, engaged in a nefarious effort to violate the laws of the United States as well as to trample under foot the treaty obligations into which the United States had entered.

Mr. BACON. Will the Senator permit me to ask him a question before he concludes?

Mr. DOLLIVER. Certainly.

Mr. BACON. For my information, as the Senator seems to have given the facts of this case very thorough investigation, I should like to ask him if in the course of such investigation it has been developed to his knowledge whether these various owners of ships had or had not knowledge of the existence of these laws at the time they assumed to violate them?

Mr. DOLLIVER. I will say to the Senator from Georgia that these laws were as well understood there as they were anywhere, but for fear that they might not be understood one Secretary of the Treasury after another, beginning with Mr. Sherman in 1876, including Mr. Manning and Mr. Fairchild and clear down until the Paris award was under full way, every year before the opening of the sealing season there was printed in all the newspapers of the Pacific coast a statement of these laws and a warning by the United States that whoever violated them would have his property seized and confiscated.

Mr. BACON. The Senator will understand the pertinence of the inquiry. It is simply directed to the claim of an equity on the part of these parties, and it was solely for the purpose of getting that information that I made the inquiry.

Mr. DOLLIVER. I appreciate the importance of the inquiry, but my own opinion is that very few of those people went out there without knowing the risk that they took; and while that is so I do not object to paying them for the losses they sustained by our seizure of their vessels. The thing that I object to is to drag in fifty other people, whose only claim is that, being deterred by our laws and the proclamations of the Government of the United States, they held back expeditions for which they had made preparations to raid our seal property in Alaskan waters.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived——

Mr. FULTON. I wish simply to state in regard to this bill——

Mr. NELSON. Does the Senator from Oregon intend to speak on the statehood bill?

Mr. FULTON. I do not intend to speak on any bill at the present time.

Mr. NELSON. Then the Senator does not ask that the unfinished business be temporarily laid aside?

Mr. FULTON. I do not wish at the present time to interfere with the measure the Senator has in charge, if the Senator wishes to go on with it. If not, I would submit a few observations.

Mr. BATE. I will say to the Senator from Minnesota that there would be no objection to the Senator from Oregon going on, and then to a continuation of the discussion on the statehood bill, just laying aside the unfinished business temporarily.

Mr. NELSON. I prefer to go on with the statehood bill at this time.

Mr. BATE. No advantage would be taken of the fact, and when the Senator from Oregon was through we would go on with the unfinished business.

Mr. NELSON. I understand that the Senator from Missouri [Mr. STONE] is ready to go on, and I think the Senate ought to proceed with the unfinished business.

Mr. BATE. The Senator from Missouri is ready to proceed, but I understand that the Senator from Oregon desires to make some remarks on the bill which has been before the Senate.

Mr. FULTON. No, Mr. President, I merely rose to suggest that Senate bill 3410 be laid aside without prejudice, so that it may be called up again at some future time.

The PRESIDING OFFICER. That it be laid aside without losing its place on the Calendar?

Mr. FULTON. Yes; and then I would want to submit some remarks upon it in answer to the eloquent objections of the Senator from Iowa, which were somewhat extravagant.

The PRESIDING OFFICER. The bill will go over without prejudice.

Mr. BATE. When do I understand the Senator from Oregon desires to submit remarks on the bill?

Mr. FULTON. At some future time. I do not wish to interfere with the debate on the statehood bill. I understand the Senator from Missouri wishes to proceed now.

Mr. BATE. That is not material. The Senator from Missouri says it is not material to him to go on now.

Mr. STONE. I will state to the Senator that I shall occupy some time to-day and am ready to go on, but I am perfectly willing to yield to the Senator from Oregon.

Mr. FULTON. Then, if I am not interfering, I would be pleased to go on at present.

Mr. BATE. I will say to the Senator from Minnesota that as soon as the Senator from Oregon is through the Senator from Missouri will take the floor.

Mr. NELSON. I think the statehood bill ought to be taken up now.

Mr. FULTON. Very well.

Mr. BATE. I said as soon as the Senator from Oregon is through we will go on with the unfinished business, as usual.

The PRESIDING OFFICER. The Senator from Minnesota asks for the regular order.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States, and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. STONE. Mr. President, it is not my purpose to debate the main questions involved in the pending bill. My views with reference to uniting the four Territories so as to form two States have been already several times stated by other Senaters more strongly than I could hope to state them myself. If I should enter upon this discussion, it would be like thrashing old straw over again.

I am personally familiar with the Territory of Oklahoma and the Indian Territory. The latter lies adjacent to my State, and the other just beyond. Some twenty years ago, before the Territory of Oklahoma was organized, more than once I rode over the country now embraced in Oklahoma, and became familiar with its physical characteristics, its topography, its soil, its water, and its climate. At that time there were practically no settlements there, the only white people being men engaged in ranching—cattlemen.

I believed then, Mr. President, that that Territory held within its borders all the essential elements necessary to the making of a great Commonwealth. The developments of more recent years have shown that I was correct in that impression. The Territory is now inhabited by several hundred thousand intelligent, representative citizens of the United States. The material development of the Territory has been almost phenomenal. There are within its boundaries several cities of

large proportions, and scattered all over the Territory are growing and prosperous towns. Thousands of farms have been opened up and are being successfully cultivated. The development of the Territory in the great industries of agriculture, mining, and manufactures has been marvelous. Oklahoma has all that should be expected or required to entitle it to receive the dignity and advantages of statehood. I believe, therefore, that Oklahoma ought to be admitted as a State on its own account and without reference to the Indian Territory.

The Indian Territory also has everything requisite to statehood, possibly in even a larger degree than Oklahoma. There is no part of the United States of like area possessed of more elements of wealth or which nature has blessed with more of the things necessary to the making of a great and prosperous community. There can be no doubt of this. It is not disputed. It is a matter of general and common knowledge. Every reason exists why each of these Territories should be separately organized and admitted as States into the Union. But though I am strongly of this opinion I am willing, Mr. President, to yield my judgment in this particular and vote to unite these Territories and admit them as one State. I am willing to do that out of deference to what seems to be the dominant sentiment in the Senate and in the Congress. Rather than have these Territories remain as they are, without adequate government, and to hold nearly a million people bound to an unsympathetic and unappreciative executive authority, wielded over them from a distance of 1,500 miles, I am willing to agree to this proposition for a union of these two Territories and for their admission as a single State.

But, Mr. President, I can not get my consent to do the same thing as to Arizona and New Mexico. I can not willingly vote to pass this bill as it stands. I am strongly opposed to the proposition to unite Arizona and New Mexico. Each of these Territories possess all the reasonable requisites of statehood. In area, population, and material development each now surpasses some States already in the Union. Either is vastly larger in area than nine-tenths of the American States. Indeed, there are only two or three States whose area is as large, and in territorial dimensions most of the States are dwarfs in comparison. The population of New Mexico or Arizona is greater than that possessed by most of the States at the date of their admission. The population of either is greater than that possessed by such great States as Illinois and Indiana when they were admitted; and as I have said, it is substantially equal to, and in some instances greater than the present population of several States already represented here.

I can conceive of no good reason why these two immense Territories, with all their splendid possessions and greater possibilities, and with all the elements necessary to the upbuilding of great and opulent Commonwealths, should, against the will of the people who live in them, be forced into a union with each other.

An act of that kind can not be justified upon the ground either of precedent or of right. Therefore I can not willingly vote for that part of the bill, and I feel inclined to vote against the whole measure rather than see what I consider so great a wrong as this perpetrated. When these Territories were organized there was in some degree an implied pledge that in due time, when sufficiently developed to warrant it, they would be admitted as States. They are, almost as a matter of right, inchoate or incipient States in waiting. I do not mean that they are such as a matter of absolute law, but as a matter of right, of moral right, based on precedent. Under the circumstances I believe the proposal to force a union between these two Territories is indefensible.

But, as I stated at the outstart, I did not arise for the purpose of discussing these features of the bill, which are the main questions involved in it. I rose particularly for the purpose of explaining the two amendments I submitted on yesterday.

If this bill is to become a law and the proposed State of Oklahoma is to be admitted, it is important that some legislation removing some of the obstacles to its progress should be enacted. The greatest obstacle that would stand in the way of the progress of the new State would be to continue the restrictions now imposed upon the right to sell Indian lands and to continue their exemption from taxation. So at least it seems to me.

The Indians have all the rights of citizenship enjoyed by other citizens of the Territories, including the right to vote and hold office. Having made citizens of the Indians, we ought to begin to treat them as citizens, and not go on forever treating them as mere wards of the nation, without personal responsibility. They must be taught the lesson of self-reliance and self-dependence. They ought to be made subject, as are other citizens, to the operation of the laws, civil and criminal, that would be enacted by the legislature if the State is created. In a general way, at least, that ought to be true. Possibly some special exceptions might be made, and I believe have been made in this bill, but there ought to be no question, if this State is admitted, as to the status of Indian citizenship. Let me illustrate what I mean. The senior Senator from Nevada [Mr. STEWART] has offered an amendment to the bill, by one provision of which the Indian agent at the Union Agency is made a public administrator and a public guardian of minors for the whole of the Indian Territory, and is required to make his settlements in the Federal courts. I do not believe that ought to be done, if it can be done. To say nothing of the impracticability of the proposition, it ought not to be done, because I can conceive of no reason, and I do not believe a good reason can be given, why the estates of deceased Indians or the estates of Indian minors should not be administered under the jurisdiction of the probate courts, which I assume would be generally established throughout the State, just as the estates of white citizens would be administered. The Indians should be made subject to the same laws which would prescribe the rule of action for the whites.

Mr. President, having these general objects in view, I have moved to strike out the proviso to the first section of the bill and to insert a different proviso. The part I would strike out reads as follows:

> That nothing contained in the said constitution shall be construed to limit or impair the rights of person or property pertaining to the Indians of said Territories (so long as such rights shall remain unextinguished) or to limit or affect the authority of the Government of the United States to make any law or regulation respecting such Indians, their lands, property, or other rights by treaties, agreement, law, or otherwise, which it would have been competent to make if this act had never passed.

The first clause of this proviso is not entirely clear or even intelligible. Evidently it was carelessly drawn. It reads as follows:

> That nothing contained in the said constitution shall be construed to limit or impair the rights of person or property pertaining to the Indians of said Territories (so long as such rights shall remain unextinguished).

In what way, except possibly by a forfeiture for crime, can the personal or property rights of a citizen be extinguished?

Among personal rights is the right of life, liberty, and the pursuit of happiness; and among property rights is the right to acquire property and to use and enjoy it. Such rights can not be extinguished, except for crime. The quoted clause, as here used, is therefore without meaning.

The amendment I have proposed is to strike out the whole proviso of section 1 and to insert the following:

> That nothing contained in the said constitution shall be construed to limit or affect the authority of the Government of the United States to make any law or regulation respecting the Indians of said Territories which it would have been competent to make if this act had never passed: *Provided, however,* That such Indians shall be subject as other citizens to all laws duly enacted by said State, except as may be otherwise provided in this act.

Mr. BATE. Will the Senator be kind enough to tell me where that amendment is to come in the bill?

Mr. STONE. The motion is to strike out the proviso as it now appears in the first section and insert the proposed amendment.

Mr. BATE. Does it strike out the whole section?

Mr. STONE. It is proposed to strike out only the proviso and insert.

If that amendment should be agreed to it would remove all doubt that Indian citizens would be subject, as other citizens would be subject, to all laws enacted for the government of the State, except where specific exceptions have been made. It would make the Indians citizens in a larger and higher sense, and clothe them with the duties and responsibilities, as well as with the dignity, of citizenship. If Senators will compare the amendment with the original text and study the subject with some care, I am confident they will agree that the amendment should be adopted.

So much for the first amendment I have proposed.

Now, as to the other amendment. Section 13, as it appeared in the original House bill, was stricken out by the committee, and that action was agreed to here. For what reason the committee struck this section out I do not know.

Mr. NELSON. Mr. President, if the Senator will yield to me——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Minnesota?

Mr. STONE. Yes, sir.

Mr. NELSON. The section was stricken out because it was in conflict with existing law. The committee preferred to leave

the law in reference to the right of alienation of the allotment on the part of the Indians as it is found in the provision in the Indian appropriation act of last session. They did not intend in this bill, simply providing for the admission of that Territory into the Union, to make any change in that matter. That section as it originally stood would have amounted to a practical repeal of all former legislation if it had been allowed to stay in the bill.

Mr. STONE. Mr. President, I will read the section as it appeared in the original bill. It is as follows:

SEC. 13. That any restrictions upon the alienation of allotted lands in Oklahoma and the Indian Territory, except so far as such restrictions apply to the homestead of the allottees, and to the full-blood Indians, shall cease upon the admission of such State into the Union; but nothing in this act shall be so construed as to affect the rights of allottees under any existing treaties or agreements relating to the taxation of allotted lands.

The Senator from Minnesota [Mr. NELSON], as I understood him, says that that section was stricken out because it is in conflict with the existing laws relating to the alienation of Indian lands. Undoubtedly it is in conflict with existing law, for it would change the existing law. But I think the change ought to be made, and ought to be made in this bill if it is to become a law. If the present laws should be continued, they would lock up for years practically the whole of the lands in the Indian Territory and a large part of the lands of Oklahoma. If the State should be admitted under the bill as it stands, the great body of its realty would be burdened with such restrictions on the right of alienation that the path of progress would be blocked for years. It would be a useless and most unwise obstacle to put in the way of the State's development.

I have modified section 13, the section stricken out, and have offered it as an amendment. As I offer it, it reads as follows:

SEC. 13. That any restrictions upon the alienation of allotted lands in Oklahoma and the Indian Territory, except so far as such restrictions apply to the homestead of the allottees and to the full-blood Indians, shall cease at the end of one year next after the admission of such State into the Union. Any land selected as a homestead by an allottee from his or her allotted lands in said Territories while held by the allottee as such homestead shall be nontaxable for a period of twenty-one years from the date of the admission of said State. All allotted lands in said Territories, other than homesteads, shall be nontaxable for a period of two years next after the admission of said State: *Provided*, That whenever any allotted lands are sold the same shall be subject to taxation as other property.

There seems to be a misapprehension, more or less widespread and general, as to the exact status of the lands owned by Indians in the Indian Territory. I have gone over the existing statutes with some care, and I will make an explanation now that may throw light upon the subject and simplify the situation if Senators will attend to what I am saying or examine it in the RECORD.

We all know that under the existing statutes the lands belonging to the Five Civilized Tribes are being allotted in severalty. These allotments have been already practically completed. The Dawes Commission in its last report states that the allotments to the Cherokees, which are farthest behind, will be completed during the present fiscal year. The Choctaw and Chickasaw allotments are substantially completed now, and deeds have been prepared for delivery. The Creek allotments are completed, and the deeds have not only been prepared, but a large number of them, practically all of them, have been delivered. The allotments of the Seminoles have been completed, and they will be entitled to their deeds after March 3, 1906. So much for the allotments.

Now, as to homesteads. The Cherokees have homesteads consisting of lands equal in value to 40 acres of their average allottable lands. These homesteads are inalienable during the lifetime of the allottee, not to exceed twenty-one years from the date of the certificate of allotment. The Choctaws and Chickasaws have homesteads consisting of lands equal in value to 160 acres of their average allottable lands, and these homesteads are also inalienable during the lifetime of the allottee, not to exceed twenty-one years from the date of the certificate of allotment.

Mr. NEWLANDS. Mr. President——

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

Mr. STONE. Yes, sir.

Mr. NEWLANDS. If the Senator will permit me, I should like to ask him the reason for this difference between the allotments made to the Cherokees and those made to the Choctaws? He says that in one case the allotment for a homestead is 40 acres and in the other 160 acres.

Mr. STONE. I presume it is due to the fact that in one case the area for allotment was larger than in the other case.

Mr. NEWLANDS. The area of what?

Mr. STONE. The area of the lands to be allotted was larger, and the number of people entitled to allotments was smaller in one case than in the other.

Mr. NEWLANDS. You mean the allottable area was larger in proportion to the number of the tribe?

Mr. STONE. Yes.

Mr. CLARKE of Arkansas. And not on account of the value of the land.

Mr. NEWLANDS. As I understand, there is no distinction made on account of the value of the land.

Mr. STONE. The difference in the size of homesteads as between the members of the different tribes was not the result of a difference in the value of the lands, but grows out of the reasons I have stated.

Mr. NEWLANDS. The homestead of the Choctaw Indians is 160 acres and the homestead of the Cherokees is 40 acres?

Mr. STONE. Yes.

Mr. NEWLANDS. That would seem to be unfair.

Mr. STONE. Nevertheless it is unavoidable. When the allotments are completed on that basis the lands of each tribe will be practically exhausted. The lands of each tribe will have been taken up by the allotments on that basis.

Mr. NEWLANDS. Can the Senator inform us how large a proportion of the lands in the Indian Territory belong to these Indian tribes?

Mr. STONE. Practically all of them.

Mr. NEWLANDS. Practically all of them?

Mr. STONE. Yes.

Mr. NEWLANDS. And your complaint is, then, that under this proposed law restraint is placed on the alienation of the lands of the new State for almost an indefinite period?

Mr. STONE. Not for an indefinite period, as I will show you presently.

Mr. NEWLANDS. But for a very long period?

Mr. STONE. Well, not for a very long period.

Mr. TELLER. How long?

Mr. STONE. I will show you presently. But let me continue in order.

The homesteads of the Creeks consist of 40 acres, regardless of the value or the character of the land, and it is inalienable for twenty-one years from the date of the allottee's deed. The homesteads of the Seminoles consist of 40 acres regardless of the value or character of the land, and are inalienable during the lifetime of the allottee, not exceeding twenty-one years from the date of the deed of allotment. That is all that need to be said about homesteads. It covers the subject.

The Senator from Nevada and the Senator from Colorado ask as to the length of time which must elapse before the lands can be alienated under existing law. I come now to that question.

First, as to the Cherokees. All allotted lands of the Cherokees, except homesteads, are made alienable under a law applicable to that tribe in five years after the issuance of the patents. This law was approved July 1, 1902. As soon as the allotments are completed deeds are to be made to the individual allottees. In the case of the Cherokees the form of the deeds must be approved by the Secretary of the Interior, and all conveyances must receive his approval. The deeds as approved are to be executed and delivered by the governor or head chief of the tribe to the individual allottees. The allotments of the Cherokees will be completed within a few months, before the State could be admitted under this bill, and the deeds now being prepared will be ready for delivery by the time the allotments are completed. After five years from the date of the delivery of the deeds these allotted lands can be sold without restriction.

So we may say that the restriction on the sale of Cherokee lands, other than homestead, will expire under the operation of the statute I have cited in about six years from this date. But in addition to the act I have cited there is another and later provision of law relating to the same subject. There is a provision in the appropriation act of April 21, 1904, to the effect that all restrictions upon alienation, except as to homesteads and minors, are removed on lands of allottees not of Indian blood—that is, of freedmen and intermarried whites. There is now no limitation upon the sale of allotted lands belonging to freedmen and intermarried whites, and, except as to homesteads, restrictions upon the alienation of allotted lands belonging to allottees of Indian blood can now be removed upon the recommendation of the Indian agent at Union Agency and with the approval of the Secretary of the Interior. That is the state of the law as it affects the right of alienation of Cherokee lands.

As to the Choctaws and Chickasaws, under the general law, section 16 of the supplemental agreement of June 30, 1902, the Choctaws and Chickasaws may sell one-fourth of their allotted lands, except homesteads, in one year after the issuance of a patent, and one-fourth in three years, and the balance in five

years. The section of the appropriation act of April 21, 1904, to which I have alluded in connection with the Cherokees, applies also to the Choctaws and Chickasaws.

Now, as to the Creeks, they may sell their allotted lands, except homesteads, in five years from the date of the approval of their supplemental agreement of 1902. This agreement, or the act establishing it, was approved June 30, 1902, and was ratified by the Indians July 26, 1902. So, under this general law, the Creeks may sell all their allotted lands, except homesteads, after July 26, 1907.

Indeed, freedmen and intermarried whites can now sell their allotted lands, except homesteads, under that section of the appropriation act of April 21, 1904, to which reference has been made, as that section also applies to the Creeks; and Indians may sell with the consent of the Secretary of the Interior.

Now, as to the Seminoles. By the act of July 1, 1898, it is provided that deeds for allotted lands are to be delivered to the allottees when the tribal government ceases; and by section 8 of the appropriation act of March 3, 1903, it is provided that the tribal government of the Seminoles shall be dissolved on March 4, 1906. Therefore the Seminoles can sell and convey all their allotted lands, except homesteads, after March, 4, 1906.

So, Mr. President, summing it up, the allotted lands of the Five Civilized Tribes, except homesteads, may be sold as follows: The Cherokees, after five years from the date of their patents; the Choctaws and Chickasaws may sell one-fourth after one year from the issuance of patents, one-fourth in three years, and the remainder in five years; the Seminoles may sell after March 4, 1906, and the Creeks may sell in five years from the date of the approval of the supplemental agreement made in 1902. That is the general law with reference to these tribes; and these general laws, as I designate them for convenience, have been modified as to all the tribes by the appropriation act of April 21, 1904.

Mr. President, I propose by the amendment I have submitted to make allotted lands, except homesteads and lands belonging to full-blood Indians, alienable at the end of one year next after the admission of the State of Oklahoma. That would delay the right of alienation for practically two years from this date, or until 1907. That would not affect the Seminoles, as they can then convey all their allotted lands, save homesteads, under existing laws; and the Choctaws and Chickasaws will have the right to convey at least one-half of their lands by the year 1907, and the other half one year later; and all the tribes would have the right under existing law to convey their lands by the year 1910. My amendment would simply shorten the limitation upon the right of alienation from one to three years with reference to two of the tribes. The Seminoles would not be at all affected, and the Choctaws and Chickasaws would be but little affected by the amendment. The Choctaws and Chickasaws will, under existing law, be able to sell half their lands before 1907 and the other half they can sell by 1908. In the case of the Creeks and Cherokees the limitation would be reduced, and uniformity and equality would be established in this respect among all the tribes.

If this State is to be admitted, it is clear to me that the right to dispose of land—that is, to sell or lease it—should be conferred upon the landowners. Unreasonable restrictions would be not only unnecessary, but hurtful. The limitation should be reasonable. Two years from this date, or a year after the admission of the State, is long enough to continue these restrictions. It would be better to make it shorter than longer.

I also propose in this amendment that after the end of two years from the admission of the State all allotted lands, other than homesteads, shall be taxed, and that whenever any allotted lands shall be sold they shall become immediately subject to taxation.

Mr. President, if practically all the lands in the Indian Territory should be relieved from taxation, it is not difficult to see that the treasury of the new State would be seriously embarrassed in the ordinary administration of public affairs. Here is a summary of the laws relating to taxation as they now stand: The homestead of a Cherokee is nontaxable while held by the allottee. I find no special provision of law concerning the taxation of other lands in the Cherokee Nation. The homesteads of the Choctaws and Chickasaws are nontaxable while held by the original homesteaders. All other allotted lands are nontaxable while the title remains in the allottee, not exceeding twenty-one years from the date of the patent. If that provision of law is left undisturbed, if it is continued, then this vast body of land belonging to the Choctaws and Chickasaws would be exempt from all taxation for a period of twenty-one years practically from the date of the admission of the State. It seems to me that such a proposition is indefensible.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Missouri yield to the Senator from Nevada?

Mr. STONE. Certainly.

Mr. NEWLANDS. Can the Senator inform us as to what proportion of the land of that Territory is held as homesteads and what proportion is allotted land other than homesteads?

Mr. STONE. I am not able at this moment to give the exact proportions. It could be easily ascertained. The homesteads are selected from the allotments.

Mr. NEWLANDS. Do the homesteads constitute a large proportion of the total land?

Mr. STONE. Oh, yes.

Mr. NEWLANDS. And therefore the exemption would seriously affect the revenue of the incoming State?

Mr. STONE. It would. The homesteads are exempt anyhow, and even under the amendment I propose——

Mr. BAILEY. Will it interrupt the Senator if I ask him a question?

Mr. STONE. No; it will not interrupt me.

Mr. BAILEY. I should like to hear the Senator from Missouri address himself to the question how far the Federal Government can exempt from taxation land in a State when it becomes a State.

My own opinion is that when the Federal Government surrenders its sovereignty over that Territory and it becomes a State the property in it is subject to the power of taxation possessed by every State; and I not only think his amendment ought to be adopted, but that there is a serious question whether the Federal Government can extend the exemption even to homesteads as against the State.

Mr. STONE. With all due deference to the judgment of the Senator from Texas, for whose opinion on such matters especially I have the highest respect, I am inclined to think that if in the organic act it is provided that the Government of the United States shall reserve the right to administer the affairs of Indian tribes, or shall make certain reservations concerning their property, it would not be an infraction of any right of the State admitted under such conditions and subject to them.

Mr. BAILEY. The Senator is right, if the Government deals with them as an Indian tribe. But the Senator from Missouri is, of course, aware that Congress has already by its legislation made all those Indians American citizens, and I am not able to perceive how the State itself could tax property in the hands of one of its citizens and exempt precisely similar property in the hands of another citizen.

If the Indians were still maintaining their tribal relations upon reservations provided by the Government, I would perfectly agree that those Indian reservations would be subject to Federal and not State control. Whatever may have been the opinion about that originally, it has been settled.

But, when the Government dissolves the tribal relation, makes every Indian in this new State an American citizen and a citizen of the State in which he resides, I think it subjects him to the same jurisdiction by that State that every other State in the Union possesses over its citizens and their property. If the Federal Government can exempt these homesteads it could, in its wisdom, exempt every acre of land here allotted. It could then proceed to exempt all forms of personal property from taxation, and would thus completely strip the new State of its power to raise sufficient revenue to administer its affairs.

Mr. STONE. For the purposes of my argument I am perfectly willing, and more than willing, to accept the view of the Senator from Texas, for it only strengthens my argument, although I am not sure he is entirely correct.

Indeed, sir, my judgment rather inclines me to the view that as Congress now has jurisdiction over the Territories, as it can now enact practically any law it pleases with respect to them, if it does enact a law, as we are attempting to do here, for the admission of the Territory into the Union it may prescribe such limitations as it pleases along the line we have been talking about or in any other way not in conflict with the Constitution. However, there is great force in the view expressed by the Senator from Texas [Mr. BAILEY], and I am by no means sure that he is not right.

I will say to the Senator from Nevada [Mr. NEWLANDS], as I was about to do when interrupted, that the homesteads of allottees will remain exempt from taxation even though the amendment I propose should be agreed to. That means that a large proportion—I would say relatively one-third of all the lands in the Indian Territory, as well as a like proportion of the Indian lands in Oklahoma—would be exempt from taxation for a long period.

Now, if in addition to this homestead exemption the other

allotted lands, which is to say the remainder of the lands in the Indian Territory and Indian lands in Oklahoma, are to be free from taxation, where are the revenues to come from with which the State government is to be supported?

I was about to give the present state of the law as it affects the question of taxation in the Indian Territory, and perhaps I had better complete that. I said that the homesteads of Cherokees are made nontaxable without regard to time and that I find no special provision concerning the taxing of their other lands. The homesteads of the Choctaws and Chickasaws are nontaxable while held by the homesteaders. All other allotted lands are nontaxable while the title remains in the original allottees, not to exceed twenty-one years. The homesteads of the Creeks and Seminoles are made nontaxable without regard to time. I find no special provision with respect to the taxation of their other lands.

I submit that the amendment I have offered, or one embracing substantially its provisions, should be adopted. Some such provision is absolutely necessary to an equality of burdens and necessary to the raising of revenue for the support of the Government.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER (Mr. SCOTT in the chair). Does the Senator from Missouri yield to the Senator from Nevada?

Mr. STONE. I yield.

Mr. NEWLANDS. I should like to know what the Senator has to say regarding the humanitarian view of the question, namely, that these Indians are the wards of the Government, and that if their lands are subject to taxation and if there is no restraint upon alienation, they will speedily lose them.

Mr. STONE. Mr. President, the proposal made in the amendment I have offered is that the allotted lands shall become subject to taxation at the end of two years from the admission of the State; that is to say, they would become taxable in 1908. These exemptions would greatly diminish the State revenue during the period of exemption and no doubt would cause some embarrassment to the treasury.

Still, out of deference to this humanitarian sentiment, to which the Senator refers, and with the object of compromising differences on that head, I fixed that arbitrary limitation. I did not do it as a matter of choice or judgment, but as a concession to opposing views and in order to give the allottees time to adjust themselves to a new situation.

Mr. BERRY. Will the Senator permit me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Arkansas?

Mr. STONE. Certainly.

Mr. BERRY. If I remember correctly, there was an agreement made at least between the Choctaws and Chickasaws and the General Government in regard to the provisions which were incorporated in the law exempting their lands from taxation, describing the amount of homestead and the restrictions on alienation. There was a vote taken in those two nations some three or four years ago, and a treaty, or agreement rather, was agreed to by the people of that Territory.

Mr. STONE. Which people?

Mr. BERRY. The Choctaws and Chickasaws, and probably others; but of that I am very sure. That agreement was in the terms which were afterwards incorporated in the law. Now, I ask the Senator from Missouri, in view of that, if it would be quite fair to change the conditions which were agreed upon in regard to the restraint on alienation and also in regard to their homesteads?

Mr. STONE. Mr. President, the so-called agreement to which the Senator refers was made, and it was enacted into a law by Congress; and it was subsequently ratified by the tribes.

Mr. BERRY. That is my recollection.

Mr. STONE. But these so-called agreements have only the force and effect of law. They are subject to revision, to change, to repeal, at the pleasure of Congress.

Mr. BERRY. I submit to the Senator, if he will permit me——

The PRESIDING OFFICER. Does the Senator from Missouri yield?

Mr. STONE. Certainly.

Mr. BERRY. I did not raise the question as to the power of Congress to set it aside, but I asked the Senator in view of that agreement made so recently, with the clear understanding that it was to be enacted into a law, if it would be fair to those people now to remove the restrictions in regard to alienation and thereby subject them to the same conditions spoken of by the Senator from Nevada, of having their lands taken away from them at an earlier date than they had agreed? I agree that probably it is only a question of time when the white people will get the land, but do they not have a right to expect that Congress will act in good faith and not override an agreement which was so recently made? That is the question I put to the Senator.

Mr. STONE. Mr. President, I was proceeding to answer the Senator when he interrupted me. I was going to say in the first place that there is no legal restraint upon the power of Congress to make any change in the so-called agreements, or in the acts of Congress putting them into force and effect. That rests wholly in the discretion of Congress. There is no limitation on the power of Congress in that direction. But the Senator thinks there is a moral question involved, and his interrogatory is pointed to that phase of the subject. I am not sure, however, that there is any moral question involved. I do not think a change in the law, made for the good of all, made clearly for the public good, would be an act of bad faith. To wisely exercise an undoubted power can not well be charged to be a breach of good faith. We have been dealing with these people for many years on this line. We have made so-called agreements with them; we have made treaties with them; and yet Congress has not hesitated to change agreements or treaties from time to time as new conditions and the requirements of public policy seemed to make necessary.

The Indians know all this. They are familiar with this history, and they know that these so-called agreements are nothing more than acts of Congress, and they know that they are subject to change at the sovereign will of Congress, and without consulting them. The agreements are made with that knowledge and that understanding. There is no need to consult the Indians in passing laws for their government. When they are consulted it is done only in conformity to precedents. There is no need to consult them, and the custom of doing it has become obsolete and senseless. These Indians understand that. The power of Congress is sovereign and absolute.

Aside from that, I do not see how the Indians would be injured by this change. What harm would befall them as the result of the amendment I propose should it become the law? The only harm would be to make their property, outside of homesteads, bear a part of the burden necessary to support the State in which they lived, of which they were citizens, whose institutions were for their use and whose laws protected them. Certainly that hardship would be compensated for by the benefits received. To tax this real estate would be not only right in itself, but the taxation of it would be necessary to the proper maintenance of the State government. To exempt practically all the lands in the Indian Territory from taxation would result in too heavily burdening other property or would result in embarrassment to the State treasury from inadequate revenues.

It may be that these Indian lands, except the lands of the Choctaws and Chickasaws, which are expressly exempt for twenty-one years, would be subject to taxation upon the admission of the State without the provision of law I am seeking to have inserted in this bill, but a matter of this importance ought to be put beyond doubt. Do Senators think that the right to tax lands in the new State should be left in doubt? To relieve a large part of the private property in the State from taxation, to discriminate between citizens, to tax the lands of one and exempt the lands of another, is to attempt something which if permissible under the Constitution is intolerable from every other consideration of right and justice. The means for supporting the State must be raised by local taxation; there is no other way of producing it, and all citizens of every nationality should contribute on terms of equality to the public burden.

When is the time ever to come that we are to treat these Indians as men? Are we always to have them as wards and to treat them as incompetents under our special guardianship? Are they to hobble on crutches and lean upon us forever? Are they never to walk alone? These Indians have been immediately under civilizing influences for several generations. Before they went to the Indian Territory they were in the midst of civilizing influences, and have been ever since. Are these people never to attain to the state and dignity of manhood? We have conferred upon them the powers and rights of citizens, and now shall we exempt them from the duties and responsibilities of citizens?

To make one a citizen of the United States is to confer a great dignity and a great privilege, and a man who is clothed with this dignity ought to assume at least the simplest and most ordinary duties of citizenship. They are to have their homesteads exempt from all taxation. What more could they ask? Who else in any State or Territory is favored thus? Homesteads are allowed in all States and exempted from executions for debt. A sheltering place is given to heads of families, but so far as I know they are not exempt from taxation.

But here they are exempted from taxation without limitation as to time. That certainly is enough. No, Mr. President, I can not see that there is any such moral question involved as the Senator from Arkansas seems to have in mind.

Mr. NEWLANDS. Mr. President——

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

Mr. STONE. Yes, sir; I yield.

Mr. NEWLANDS. The Senator will pardon me for asking so many questions, as unfortunately in this case we have no report from the committee.

Mr. STONE. Yes; there is a report.

Mr. NEWLANDS. There has been no report made to the Senate.

Mr. CLAY. No; not to the Senate.

Mr. NEWLANDS. And hence we are obliged to get our information by questions from Senators who seem to have full information, as the Senator from Missouri has.

Mr. STONE. I disclaim——

Mr. NEWLANDS. I should like to ask the Senator how large the Indian population is in the Indian Territory——

Mr. CLARKE of Arkansas. Eighty-seven thousand.

Mr. NEWLANDS. And what proportion it bears to the white population of that Territory? If there is a large white population there, I ask how it is that they subsist, if, as the Senator says, all the lands of that Territory substantially are in the possession and ownership of the Indians?

Mr. STONE. I do not know that there has been an official census taken showing the exact number of Indians in the Indian Territory. I have seen numerous estimates as to the number. It is generally believed, and I have no doubt it is true, that there are about 17,000 full-blood Indians in the Indian Territory.

Mr. BERRY. In all the five tribes?

Mr. STONE. In all the five tribes.

Mr. BERRY. The number is more than that, I think, Mr. President—a great deal more.

Mr. STONE. How many does the Senator say there are?

Mr. BERRY. I would not undertake to say absolutely as to the full bloods entirely, but the Indians in the Five Tribes are generally estimated—I do not speak positively—at, I think, from 80,000 to 100,000.

Mr STONE. Oh, yes.

Mr. BERRY. I think there are some 24,000 or 25,000 in the Cherokee Nation, 15,000 or 20,000 in the Choctaw, a less number in the Creek. There are probably in the neighborhood of from 80,000 to 100,000.

Mr. STONE. But I was speaking of full bloods.

Mr. BERRY. I can not say about that; I do not know.

Mr. STONE. Does the Senator——

Mr. STEWART. I think there are 60,000 full bloods. That is my recollection.

Mr. STONE. I think the Senator is clearly mistaken. I have never seen an estimate giving any such number as that.

Mr. STEWART. I think the census shows that number.

Mr. STONE. The junior Senator from Arkansas [Mr. CLARKE] has just remarked to me, and I think he is right, that the entire number of all persons having Indian blood in them who have been enrolled is less than 87,000, and of this number about 17,000 or 18,000 are full bloods; the others are half bloods, quarter breeds, and so on down until the strain of Indian blood is so small that there is nothing in the appearance or habits of the people to indicate Indian origin or connection.

Among these Indians and so-called Indians, especially the full bloods, I have no doubt there is a considerable per cent of ignorant people, but I venture to say that that per cent, comparatively speaking, is not abnormally large. I doubt if it would be larger than that you would find in any community of 80,000 or 90,000 people. If you should take 80,000 or 90,000 people indiscriminately from the population of this city, the capital of the nation, you would find that a considerable number in the aggregate would be ignorant people and incapable of doing much for themselves. You would find some who would prosper under given conditions, and others who would fail under the same conditions. That is a condition not peculiar to the Five Civilized Tribes; it is common to all mankind. What is true of this Indian population is substantially true in this respect of any other population of similar numbers.

I venture to assert that in New Mexico or Arizona, with an aggregate joint population of about one-half that of the Indian Territory, there are as many ignorant and worthless people, absolutely as many, as can be found in the Indian Territory. The Senator from Nevada asks how the people who have gone to the Indian Territory manage to live since all the lands are owned by the Indians. Many are renters from the Indians and are engaged in farming; many are engaged in mining; many are working in the oil industry; many are engaged in herding cattle on leased lands; while still larger numbers reside in the towns and cities of the Territory, following all the diversified callings which are followed in towns and cities throughout the country.

Mr. President, I live adjoining this proposed State; I am familiar with the country and the people in both the Indian Territory and Oklahoma, and I want to say that they are as good people as can be found anywhere. They would treat the Indians as kindly and deal with them as honestly as would the people of any State. There appears to be a notion with some that the Indian citizens of the new State should be in some way kept out from under the operation of State laws; that they should not be subject in the same way as other citizens to such laws.

For instance, the senior Senator from Nevada in his amendment to the pending bill, to which I have heretofore adverted, proposes to make the Indian agent at the Union Agency a public administrator and a public guardian and curator for all deceased and minor Indians throughout the whole Territory. Among other reasons given for desiring to do this strange, and to my mind exceedingly impracticable, thing is that the banking and trust companies in the Indian Territory are engaged in the business of administering estates, and it is thought that these companies engage in this business with the idea of plundering the estates in their charge.

I do not think that Senators or others who make this charge or who entertain this fear are well informed as to the facts. It may be that rare instances of maladministration by trust companies have occurred in the Territory, but so have they occurred in other sections. I believe the banking and trust companies in the Indian Territory are as honestly and efficiently administered as they are elsewhere. I know the managing officers of some of these institutions personally, and know them to be men of the highest character. One of them, the president of a banking and trust company at Antlers, was for sixteen years the secretary of state of the State of Missouri. He filled that office with credit, ability, and distinction for that long period, and up to five or six years ago. He is a man of high standing and character. I do not know who is associated with him, but no one in Missouri could be made to believe anything to the discredit of the gentleman of whom I speak. And I know others there of equally as high standing.

I have no kind of doubt that the estates of decedents or minors could be placed with perfect safety in the hands of these trust companies. I doubt if they could be put in better hands for prompt, faithful, and correct administration. Men who have estates of consequence now usually place the administration of them in the hands of trust companies because they feel safer to have them administered by corporations of that kind than to have them committed to individual hands. If that is true in Illinois, or Maryland, or Texas, or in any other State, why should it not be true in the State of Oklahoma?

The people who will inhabit this new State are not dishonest; they are not ignorant or vicious. They are typical Americans in every respect—in integrity, in intelligence, in enterprise, in manhood—and I resent the idea, from whatever source it comes, of stigmatizing them. They are men who have gone there from the States, not only the States immediately surrounding the Territory, but from all over the country—East, West, North, and South. They have poured into that splendid country, peopling it, developing it, building railroads, opening mines, cultivating farms, building cities, schoolhouses, churches, and doing everything Americans do in the work of building States. I resent the assertion, no matter from whose lips it falls, that these people are in any way unworthy of the confidence of this body. They are as worthy of your confidence as are the people of any other State.

Mr. BAILEY. Will the Senator from Missouri permit an interruption there?

Mr. STONE. Yes, sir.

Mr. BAILEY. While I agree with the Senator in his very excellent defense of those people, wholly apart from their fidelity in respect to their trust, it seems to me as clear as anything can be that it is beyond the power of the Federal Congress to provide for the administration of the estates of either decedents or minors in a State of the Union. I only wanted it to appear that the Senator from Missouri would not admit the validity of such an amendment as that proposed by the Senator from Nevada [Mr. STEWART], even as a matter of law.

If it is true that the people there are not qualified either by intelligence or integrity to administer the estates of the young or the dead, it may be a good argument against admission; but it would not give the Federal Government that power.

Mr. STONE. The Senator from Texas and I are well agreed as to that. What he has said is well said. I believe I do not care to detain the Senate longer at this time. I have already prolonged the discussion greatly beyond what I intended when I took the floor.

Mr. BATE. I ask the Senator from Minnesota if there is any Senator on his side who desires to make any remarks on the statehood bill at this time?

Mr. NELSON. Not so far as I am informed, and unless some Senator on the other side desires to speak further on the bill today I shall move an executive session.

Mr. BATE. All right.

EXECUTIVE SESSION.

Mr. NELSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 3 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 20, 1905, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 19, 1905.

ATTORNEY-GENERAL OF PORTO RICO.

A. G. Stewart, of Iowa, to be attorney-general of Porto Rico, vice Willis Sweet, resigned.

PROMOTION IN THE ARMY—PAY DEPARTMENT.

Capt. Otto Becker, paymaster, to be paymaster with the rank of major, January 15, 1905, vice Rees, dismissed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 19, 1905.

POSTMASTERS.

ALABAMA.

Harvey E. Berkstresser to be postmaster at Dadeville, in the county of Tallapoosa and State of Alabama.

Ralph G. Green to be postmaster at Bay Minette, in the county of Baldwin and State of Alabama.

GEORGIA.

Jennie B. Smith to be postmaster at Carrollton, in the county of Carroll and State of Georgia.

LOUISIANA.

Edson E. Burnham to be postmaster at Amite, in the parish of Tangipahoa and State of Louisiana.

William M. Rous to be postmaster at Lake Providence, in the parish of East Carroll and State of Louisiana.

MISSISSIPPI.

James W. Bell to be postmaster at Pontotoc, in the county of Pontotoc and State of Mississippi.

Samuel R. Braselton to be postmaster at Gulfport, in the county of Harrison and State of Mississippi.

Edwin W. Cabaniss to be postmaster at Clinton, in the county of Hinds and State of Mississippi.

Robert W. Hinton to be postmaster at Lumberton, in the county of Lamar and State of Mississippi.

Rosa Mayers to be postmaster at Shelby, in the county of Bolivar and State of Mississippi.

Alma Stephens to be postmaster at Shaw, in the county of Bolivar and State of Mississippi.

TEXAS.

Dallas Harbert to be postmaster at Commerce, in the county of Hunt and State of Texas.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 19, 1905.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

STATUE OF FRANCES E. WILLARD.

The SPEAKER laid before the House the following communication:

The Clerk read as follows:

STATE OF ILLINOIS, EXECUTIVE DEPARTMENT,
Springfield, January 10, 1905.

DEAR SIR: Governor Deneen is in receipt of a letter from the chairman of the Illinois board of commissioners for the Frances E. Willard statue, informing him that the sculptor, Helen Farnsworth Mears, reports that the model will reach Washington, D. C., on February 11. The commissioners express the desire that Governor Deneen advise the Senate of the United States and House of Representatives of the completion of the statue in order that a date may be immediately fixed for its acceptance by Congress. I am directed by Governor Deneen to communicate this fact to you for your information and such action as Congress may see fit to take.

Yours, truly, J. WHITTAKER,
Secretary.

Hon. JOS. G. CANNON,
Speaker House of Representatives,
Washington, D. C.

Mr. FOSS. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution.

The SPEAKER. The gentleman from Illinois [Mr. Foss] asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That the exercises appropriate to the reception and acceptance from the State of Illinois of the statue of Frances E. Willard, erected in Statuary Hall in the Capitol, be made the special order for Friday, February 17, at 4 o'clock.

Mr. McCLEARY of Minnesota. Mr. Speaker, I would like to ask whether this statue is one of the two that each State is authorized to erect in Statuary Hall?

Mr. FOSS. It is.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

UNITED STATES JUDGES IN HAWAII.

Mr. JENKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 15604) providing for the exercise of the powers of the judge of the district court of the United States for the Territory of Hawaii by certain other judges of the courts of the Territory of Hawaii.

The SPEAKER. The gentleman from Wisconsin [Mr. JENKINS] asks unanimous consent for the present consideration of a bill, the title of which the Clerk will report.

The Clerk read the title of the bill.

Mr. COCKRAN of New York. Mr. Speaker, I would like a word of explanation. I would like to have the gentleman from Wisconsin [Mr. JENKINS] explain just what courts are referred to.

Mr. JENKINS. I will say to the gentleman from New York [Mr. COCKRAN] that this bill simply provides that whenever a judge is incapacitated for any reason some other judge may be assigned.

Mr. COCKRAN of New York. What other judge? An United States judge or a local judge?

Mr. JENKINS. Some United States judge in the Territory. I would say to the gentleman also, this bill is drawn by the Department of Justice and meets its approval and has received the unanimous indorsement of the Committee on the Judiciary.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That whenever there shall be pending in the United States district court for the Territory of Hawaii any case in which any party is interested, either as plaintiff or defendant, who is related by affinity or consanguinity within the third degree to the judge of said court, or whenever there is pending in the said court any issue in which the said judge may have, either directly or through any such relative, any pecuniary interest, or whenever the said judge is absent from the district of Hawaii, or is incapacitated by illness or otherwise from performing his duties as such judge, then and in such case it shall be the duty of the said judge to designate some judge of the supreme court of the Territory of Hawaii to perform the duties of the judge of said United States district court.

SEC. 2. That the judge of the supreme court of the Territory of Hawaii, so designated to act, shall have the same powers and jurisdiction as the judge of the United States district court: *Provided, however,* That no such judge shall act until the judge of the said district court shall have made an order to that effect, which order shall be filed and entered of record in the office of the clerk of the United States district court for the Territory of Hawaii.

SEC. 3. That the order provided for in section 2 hereof shall set forth the name of the judge designated to act in the place of the judge of the district court, and shall further state in what case or cases or for what time or term said judge so called in to act shall preside.

SEC. 4. That whenever any case is heard by any judge other than the judge of the United States district court for the Territory of Hawaii, such other judge shall also have jurisdiction in all matters relating to appeal or writ of error in cases in which he shall preside.

SEC. 5. That this act shall take effect and be in force from and after its passage.

The amendment was read, as follows:

After the word "Hawaii," in line 1, page 2, amend by inserting the following: "who is not so related, interested, absent or incapacitated."

Mr. ROBINSON of Indiana. Whenever a United States judge in the Territory of Hawaii is absent or incapacitated this provision is made that a Territorial judge of Hawaii shall act in his stead with the restrictions imposed in the act itself. So it is not the case of another United States judge acting, but a Territorial judge acting in this contingency.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF EXTRADITION LAWS OF THE UNITED STATES TO THE PHILIPPINE ISLANDS.

Mr. JENKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 17646.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent for the consideration of the following bill, of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 17646) to extend certain provisions of the Revised Statutes of the United States to the Philippine Islands.

The SPEAKER. Is there objection?

Mr. COCKRAN of New York. What is the bill?

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the provisions of sections 5270, 5271, 5272, 5273, 5274, 5275, 5276, and 5277 of the Revised Statutes (as amended by the act approved August 3, 1882), so far as applicable, shall apply to the Philippine Islands for the arrest and removal therefrom of any fugitives from justice charged with the commission within the jurisdiction of any foreign government of any of the crimes provided for by treaty between the United States and such foreign nation, and for the delivery by a foreign government of any person accused of crime committed within the jurisdiction of the Philippine Islands. Such fugitive from justice of a foreign country may, upon warrant duly issued by any judge or magistrate of the Philippine Islands, and agreeably to the usual mode of process against offenders therein, be arrested and brought before such judge or magistrate, who shall proceed in the matter in accordance with the provisions of the Revised Statutes hereby made applicable to the Philippine Islands: *Provided*, That for the purposes of this section the order of warrant for delivery or a person committed for extradition prescribed by section 5272 of the Revised Statutes shall be issued by the governor of the Philippine Islands under his hand and seal of office, and not by the Secretary of State.

SEC. 2. That the provisions of sections 5409 and 5410 of the Revised Statutes are hereby made applicable to proceedings in extradition from the Philippine Islands, either to the United States under an act entitled "An act to provide for the removal of persons accused of crime to and from the Philippine Islands for trial," approved February 9, 1903, or to foreign countries under the provisions of this act.

The amendments recommended by the committee were read, as follows:

Strike out the word "of," in line 11, on page 2, after the word "order," and insert in lieu thereof the word "or;" and in the same line, and on the same page, strike out the word "or," after the word "delivery," and insert in lieu thereof the word "of."

The SPEAKER. Is there objection?

Mr. COCKRAN of New York. This is simply providing the machinery for extradition to the Philippine Islands?

Mr. JENKINS. I will state to the gentleman from New York that it simply extends the extradition laws of the United States to the Philippine Islands.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the vote by which the bill was passed was laid on the table.

MINNEAPOLIS, RED LAKE AND MANITOBA RAILWAY COMPANY.

Mr. LIND. Mr. Speaker, I ask unanimous consent for the present consideration of the Senate bill that I send to the Speaker's desk.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 5888) to allow the Minneapolis, Red Lake and Manitoba Railway Company to acquire certain lands in the Red Lake Indian Reservation, Minn.

Mr. STEENERSON. Mr. Speaker, I object to the consideration of the bill at the present. That bill refers to a railroad wholly located in my district, and I have not had time to investigate it. It provides for a grant of land practically from the Indians.

The SPEAKER. The gentleman objects for the present.

LOST CHECKS.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The gentleman from Pennsylvania asks for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 17708) to amend section 3646, Revised Statutes of the United States, as amended by act of February 16, 1885.

Be it enacted, etc., That section 3646, Revised Statutes of the United States, as amended by act of February 16, 1885, be amended so as to read as follows:

"SEC. 3646. Whenever any original check is lost, stolen, or destroyed, disbursing officers and agents of the United States are authorized, after the expiration of six months and within three years from the date of such check, to issue a duplicate check; and the Treasurer, assistant treasurers, and designated depositaries of the United States are directed to pay such duplicate checks upon notice and proof of the loss of the original checks under such regulations in regard to their issue and payment, and upon the execution of such bonds, with securities, to indemnify the United States, as the Secretary of the Treasury shall prescribe."

The SPEAKER. Is there objection?

Mr. FINLEY. Mr. Speaker, I would like to ask the gentleman this question. I am in favor of the legislation, but does he not think that this bill should go further, and provide that after a certain time a lost check of the United States shall not be negotiable?

Mr. DALZELL. I think not; I think this will remedy the evil.

Mr. BARTLETT. Tell us how it changes the existing law.

Mr. DALZELL. This bill changes existing law by removing the limitation of $2,500. The existing law is that if a check is lost, stolen, or destroyed, if it does not exceed $2,500 the Secretary of the Treasury can issue a duplicate. If it amounts to $2,501, that lost check can not be duplicated, and the owner of the lost check can not get a duplicate check until he secures an act of Congress. The gentleman knows from his experience that there are half a dozen cases of that kind to-day on the Calendar that will not be reached. There is no earthly reason why there should be any limit, and in addition to that the regulations of the Treasury Department make the Government entirely safe.

Mr. BARTLETT. I was going to say this: I do not see why, as you provide that the person to whom the duplicate check shall be issued shall secure the Government against loss, it should have any limit.

Mr. FINLEY. As I understood the bill as read, it removed the necessity for bond.

Mr. DALZELL. Not at all.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

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

On motion of Mr. DALZELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES B. ANGELL.

Mr. McCLEARY of Minnesota. Mr. Speaker, by direction of the Committee on the Library, I favorably report Senate resolution 77, providing for the reappointment of James B. Angell on the Board of Regents of the Smithsonian Institution, and I ask for the immediate consideration of the resolution.

The SPEAKER. The gentleman from Minnesota, chairman of the Committee on the Library, asks for present consideration of a joint resolution which will be read by the Clerk.

The Clerk read as follows:

Resolved, etc., That the vacancy on the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, shall be filled by the reappointment of James B. Angell, of Michigan, whose term of office expires on January 24, 1905.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was ordered to a third reading; and was accordingly read the third time, and passed.

On motion of Mr. McCLEARY of Minnesota, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS CONECUH RIVER, ESCAMBIA COUNTY, ALA.

Mr. WILEY of Alabama. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17577), authorizing the Lindsey Lumber Company, a corporation of Escambia County, Ala., to construct a bridge across Conecuh River at or near the town of Pollard, in said county and State.

The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of a bill, the title of which will be reported by the Clerk.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BAKER. Mr. Speaker, what is the purpose of this bill?

Mr. WILEY of Alabama. To authorize the building of a bridge.

Mr. BAKER. But it confers a power on a private corporation. Why should this franchise be granted to a private corporation?

Mr. WILEY of Alabama. There is a creek down there, and the Lindsey Lumber Company, lumber dealers, desire to run a private railroad across this creek for the purpose of carrying on their lumber business. It takes an act of Congress to authorize it.

Mr. BAKER. Do they propose to recompense the country for this privilege?

Mr. WILEY of Alabama. It will involve the country in no expense whatever.

Mr. BAKER. I object, Mr. Speaker.

Mr. WILEY of Alabama. Then, Mr. Speaker, I move to suspend the rules for the purpose of passing this bill.

The SPEAKER. This is not suspension day. The gentleman can call the bill up again.

Subsequently Mr. WILEY of Alabama said: Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 17577.

The SPEAKER. The gentleman from Alabama [Mr. WILEY] asks unanimous consent for the present consideration of the bill H. R. 17577, the title of which the Clerk will read.

The Clerk again read the title of the bill.

The SPEAKER. Is there objection?

Mr. WILLIAMS of Mississippi. I would ask the gentleman from Alabama [Mr. WILEY] if that is a navigable stream?

Mr. WILEY of Alabama. It was put down on the map as a navigable stream, but really it is not. It is really a creek.

Mr. WILLIAMS of Mississippi. Are the specifications of the bill agreed to by the War Department?

Mr. WILEY of Alabama. Yes, sir.

Mr. WILLIAMS of Mississippi. And everything in the usual form?

Mr. WILEY of Alabama. Yes, sir.

Mr. WILLIAMS of Mississippi. Then I have no objection to it.

The SPEAKER. Is there objection?

There was no objection.

The bill was read.

The SPEAKER. The question is on agreeing to the amendments.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

BRIDGE ACROSS THE MISSOURI RIVER, YANKTON, S. DAK.

Mr. BURKE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5798) to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak.

The SPEAKER. The gentleman from South Dakota asks unanimous consent for the present consideration of a bill the title of which will be reported by the Clerk.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That section 6 of the act approved March 9, 1904, authorizing the Yankton, Norfolk and Southern Railway Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak., be, and is hereby, amended by extending the time for commencing the construction of said bridge to March 9, 1906, and by extending the time for completing said bridge to March 9, 1908.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

TUBERCULOSIS IN PENAL INSTITUTIONS.

Mr. PERKINS. Mr. Speaker, I present a privileged resolution.

The SPEAKER. The gentleman from New York [Mr. PERKINS] rises to present a privileged resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That there be printed and bound in paper covers, for the use of the House of Representatives, by distribution through the document room of the House, 5,000 copies of House Document No. 142, Fifty-eighth Congress, third session, being a report on tuberculosis in penal institutions.

Mr. BARTLETT. I suggest to the gentleman that he put it in the folding room instead of the document room.

Mr. PERKINS. I will say, Mr. Speaker, that it has been regarded as more convenient to have this particular document distributed through the document room. It is needed almost entirely by penal institutions and can be disposed of conveniently from the document room, whereas if the distribution is to Members it will be difficult to obtain the report for the purposes for which it is wanted.

Mr. CLARK. Mr. Speaker, I want to inquire how these things are going to be distributed?

Mr. BARTLETT. Through the folding room.

Mr. PERKINS. They are to be distributed through the document room.

Mr. CLARK. This place out here in Statuary Hall, where anybody can go and get as many as he wants?

Mr. PERKINS. Yes.

Mr. CLARK. Well, I object to it, then.

The SPEAKER. The Chair understands it is a privileged matter. It is a report from the Committee on Printing.

Mr. CLARK. I move to amend by making this distribution through the folding room. If the Chair will permit me for half a minute, it turns out frequently when these documents are printed that the more valuable a document is the more promptly some fellow gallops right out there as hard as he can go and gets the whole edition and ships it to his district.

Mr. PERKINS. With reference to this report, I will say that this resolution was put in this shape because of considerations which I think will address themselves to the House. These documents are to be distributed under the direction of the Department to the various penal institutions of the United States. This is a small pamphlet, containing instructions in reference to tuberculosis in penal institutions. By distribution in this way the bulk of these documents can at once be conveniently obtained for the institutions for which they are designed. If, on the other hand, eleven copies are sent to each of the 386 Members, the great proportion of Members will have no demand whatever for them, and it will be necessary for some one to write to the various Members, asking them to turn over these reports, in order that they may be distributed to the persons and the institutions to whom they will be of greatest use.

I assure the gentleman from Missouri that in this case, in reference to this special report, in reference to the special disease, the distribution which is recommended by the committee is a more convenient and feasible distribution than the one which he suggests. It is not a report of value, it is not a report that any man in the House wants except to send to some jail or State prison. It is for their use and theirs alone; it is a small pamphlet costing perhaps 10 cents to publish.

Mr. WILLIAMS of Mississippi. Why not provide that it shall go to the Agricultural Department, to be by them distributed?

Mr. PERKINS. It was thought if we sent it to the document room it could be called up as a privileged resolution. We might have introduced a resolution sending it to the Department, but it would not then have a priviledged resolution.

Mr. WILLIAMS of Mississippi. Is it not possible for a few Members to defeat the purpose of the bill by going to the document room and getting as many as they want?

Mr. PERKINS. It will not, because arrangements can be made by which the distribution can be regulated. I can assure the gentleman there will not be the danger he apprehends.

Mr. WILLIAMS of Mississippi. It can not be understood, and nobody could make any such agreement. Of course, if this is fixed up beforehand—but suppose somebody gets in ahead and gets all they want?

Mr. PERKINS. The distribution could be through the chairman of the Committee on Printing [Mr. CHARLES B. LANDIS].

Mr. WILLIAMS of Mississippi. The chairman of the Committee on Printing has no more to say about the distribution of these documents than you or I have.

Mr. PERKINS. No, but the gentleman who has charge of the document room has something to say about it.

Mr. WILLIAMS of Mississippi. The gentleman in charge of the document room has no right by prearrangement or preconsent, or anything else, to do any such thing.

Mr. PERKINS. I understand the gentleman who has charge of the document room can say to whom he will give the publication.

Mr. WILLIAMS of Mississippi. No; he can not. It is a case of first come, first served. He has no right to grant any privilege to the chairman of the Committee on Printing or anybody else any more than he has to you or me, by prearrangement or preconsent, to control this document. I am afraid the gentleman will defeat the purpose of his resolution, and I want them to be distributed as he does. Why would it not be advisable to send it to the Agricultural Department?

Mr. PERKINS. What better method can the gentleman devise of distributing these documents than to send them to the document room?

Mr. WILLIAMS of Mississippi. I am afraid the gentleman from New York has not understood me. I want to do what the gentleman wants to do, but I think he is going to defeat his purpose, or he is at least running the risk of defeating his purpose. In my opinion the man in charge of the document room would be subject to removal if he was guilty of making any arrangement to distribute these documents except as they are called for by Members. Now, why not send these to the Department of Agriculture, for that Department to send out to these penal institutions, and then the gentleman will run no risk of any sort?

Mr. PERKINS. If the gentleman from Mississippi wishes to offer an amendment that they shall be sent to the Department of Agriculture, instead of to the document room, I have no objection. If he will offer such an amendment I will accept it.

Mr. CLARK. But, Mr. Speaker, I have an amendment pending now.

The SPEAKER. The gentleman's amendment has not been reported.

Mr. PERKINS. I ask that it be reported.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In line 3 strike out the word "document" and insert the word "folding," so as to read, "through the folding room of the House."

Mr. PERKINS. Mr. Speaker, I hope that amendment will not be adopted.

Mr. CLARK. Mr. Speaker, I would like to have a word about this business. Now, when things are sent to the document room it simply resolves itself into a grab game. It has not been very long since the President's message was printed. and two days after it was printed I wanted a copy of it, and I wanted it to use. I sent out to get a copy, and lo and behold they were all gone.

Mr. PERKINS. Was that the President's message?

Mr. CLARK. Yes; and two days afterwards I was anxious to get a copy.

Mr. PERKINS. Well, the gentleman has 25 copies to his credit in the folding room. He didn't go to the right place.

Mr. CLARK. I know where the document room is.

Mr. PERKINS. But the gentleman did not go to the right room.

Mr. CLARK. I do not know but that was it. I sent a page, but he could not get one. Now, I am opposed to the whole business.

Now, there is no trouble about its being sent to the folding room. Each Member will be credited with his quota. Then, if any Member does not want to use his quota, he can give it to some Member who does want to use it. I undertake to say, Mr. Speaker, that there is not a district in the United States where the doctors will not be clamorous to get this thing, and they will be writing here to Members, and when we write back to them that we can not get it, that somebody else has stolen the whole business, it will sound like a very curious tale. I am sort of an objector to that document room out there anyway. I think everything ought to be distributed through the folding room.

Mr. PERKINS. Mr. Speaker, I hope the resolution will not be adopted. I am entirely willing, if the House prefers, that the distribution should be made through the Agricultural Department to penal institutions and such as desire it.

Mr. McCALL. Is this a House resolution?

Mr. PERKINS. Yes; a privileged House resolution, because the distribution is made in this way. If the distribution is made through the Department of Agriculture it would, of course, not be a privileged resolution, and could be objected to on that ground.

Mr. McCALL. Could it be done by a House resolution, and have it distributed through the Department of Agriculture?

Mr. PERKINS. Yes; it can be done.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. PERKINS) there were—ayes 111, noes 37.

So the amendment was agreed to.

Mr. PERKINS. Mr. Speaker, I will now offer as a substitute that the 5,000 copies be sent to the Department of Agriculture for distribution, and ask unanimous consent to strike out the words "folding room" and insert "Department of Agriculture."

The SPEAKER. The gentleman asks unanimous consent to strike out the words "folding room" and insert in lieu thereof the words "Department of Agriculture." Is there objection?

Mr. CLARK. I object.

Mr. PERKINS. Can I offer it as a substitute?

Mr. BARTLETT. Mr. Speaker, I would raise the point of order to that.

The SPEAKER. Well, the gentleman from New York may offer his substitute, which will be reported from the Clerk's desk, and then the Chair will rule upon it.

Mr. PERKINS. Very well; I will offer the following as a substitute, which I will ask to have read.

The Clerk read as follows:

Strike out all after the word "*Resolved*" and insert, so as to read:

"*Resolved*, That there be printed, and bound in paper covers, for the use of the House of Representatives, 6,000 copies of House Document No. 142, Fifty-eighth Congress, third session, being report on tuberculosis in penal institutions, 5,000 copies to be distributed through the Department of Agriculture and 1,000 copies through the folding room of the House."

Mr. BARTLETT. Mr. Speaker, to that I raise the point of order that the House, having by its previous votes stricken out the words "document room" and inserted in lieu thereof the words "folding room," it can not now be amended in this way, and as authority therefor I read from page 314 of the Constitutional Manual and Digest:

A motion to strike out and insert certain words being decided affirmatively thereby precludes another motion to strike out the words inserted and insert others.

That is Section XXXV of Jefferson's Manual. Now, the House having, on the motion of the gentleman from Missouri [Mr. CLARK] stricken out the words "document room" and inserted in lieu thereof the words "folding room," a motion now to strike out the latter words and insert in lieu thereof the words "Department of Agriculture" can not be entertained. It is subject to the point of order.

The SPEAKER. The Chair understands, as the Chair caught the reading of the proposed substitute, that it is a different proposition, as to the number to be printed and the method of distribution, in part. That is to say, as the Chair caught the substitute, 5,000 of these copies are to be sent to the Agricultural Department for distribution, and 1,000 to the folding room. The original proposition was for 5,000 copies to be sent to the folding room.

Mr. BARTLETT. Mr. Speaker, I did not so understand the proposition. Then it is an entirely new section, as I understand it?

The SPEAKER. No; it is a different proposition from the other, because this proposed amendment by way of substitute deals with 6,000 copies, not 5,000, and sends 5,000 to the Agricultural Department and 1,000 copies to the folding room.

Mr. BARTLETT. I recognize that, Mr. Speaker, as a different proposition. I did not so understand the amendment.

Mr. CLARK. Mr. Speaker, I rise to a point of order. This resolution was privileged when it came into the House, but it would be so changed by the gentleman's amendment, in the nature of a substitute, that it would be an entirely different proposition. I raise the point of order that this amended or substituted resolution is not a privileged one at all.

The SPEAKER. The Chair will hear the gentleman further.

Mr. CLARK. That is all I have to say about it. [Laughter.]

The SPEAKER. The Chair is ascertaining through the usual machinery as to whether there is any precedent that will govern the case.

Mr. WILLIAMS of Mississippi. I suggest the gentleman from New York [Mr. PERKINS] talk about the matter while it is being ascertained.

The SPEAKER. The Chair will hear either or both of the gentlemen while the inquiry is being prosecuted.

Mr. PERKINS. In view, Mr. Speaker, of the investigation that is being made I think it unnecessary that I should address the Chair.

The SPEAKER. The Chair finds the following on page 595 of the Digest: "A privileged proposition may not be amended by adding thereto matter not privileged or germane to the original question," reciting two or three cases.

Mr. PERKINS. Well, Mr. Speaker, where is there anything that is not germane?

The SPEAKER. The Chair will ask the Clerk to again report the proposed substitute.

The substitute was again reported.

The SPEAKER. Now, while the addition by way of amendment of a nonprivileged matter to a privileged matter would be subject to the point of order, yet the Chair calls the attention of the gentleman from Missouri to the resolution itself, which provides that there be printed for the House of Representatives, to be distributed, 5,000 copies through the Department of Agriculture and 1,000 copies through the folding room. The Chair is of opinion that the resolution upon its face is in order.

Mr. SLAYDEN. Mr. Speaker, will a substitute be in order; a substitute for the substitute?

The SPEAKER. This is a substitute; an amendment to the substitute would be in order.

Mr. SLAYDEN. Then, Mr. Speaker, I want to offer an amendment.

The SPEAKER. The gentleman will state it or put it in writing.

Mr. SLAYDEN. I move that the total amount to be printed be 7,500, 2,500 to be given to the Department of Agriculture and 5,000 to be distributed through the folding room of the House.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment so as to strike out "6,000" and insert "7,500, 2,500 to be distributed through the Department of Agriculture and 5,000 through the folding room of the House."

Mr. PERKINS. Mr. Speaker, I raise a point of order on that amendment as to whether it is proper to the substitute which I have offered.

The SPEAKER. The substitute is amendable and the Chair is of opinion it does not change the resolving words. It seems to the Chair that if the substitute is in order the amendment is in order.

Mr. SLAYDEN. Mr. Speaker, I want to say just a word in support of the amendment if I can have the privilege of the floor?

The SPEAKER. Does the gentleman from New York yield?

Mr. PERKINS. Certainly, I yield.

Mr. SLAYDEN. Mr. Speaker, as I understand from the reading of the original resolution, it provided for the distribution of 2,500 copies through the Department of Agriculture. This amendment provides for the same number, and now, in addition to that, I want to provide for the distribution of 5,000 through the folding room, so that each Member may get his pro rata of the publication. It is a publication that the whole country is interested in.

Mr. BARTLETT. May I ask the gentleman a question? This is a publication in reference to a disease of the human system. Now, what has the Agricultural Department to do with that that they should distribute it at all?

Mr. SLAYDEN. Mr. Speaker, I can not answer the gentleman's question, but it seems to be the will of the committee which reported it that it should be distributed——

Mr. BARTLETT. Why not have it distributed through the Surgeon-General's Office?

Mr. SLAYDEN. Mr. Speaker, I have just been informed that it is founded upon a report made by officers of the Department of Agriculture; that they are familiar with it. Now, I want to say, Mr. Speaker, that each Member is interested in this document. It is a valuable one. Tuberculosis has destroyed more people in this country and in all the other countries of the world than all the armies in the world, and every doctor in every district in the country will be clamoring for this document, and in this amendment I undertake to provide exactly the same quantity for the Department of Agriculture that the gentleman originally asked for, and I can see no reason why he should not accept it and let the House get its proper pro rata through the folding room.

Mr. PERKINS. Mr. Speaker, I will say that of course if the House desires to have a certain number of these documents distributed through the folding room, and the Members of the House think that the better way, certainly the Printing Committee will in no way stand in the way of it. This is a report confined entirely to proper measures to be taken in jails and State prisons in reference to tuberculosis and not meant to be taken anywhere else, a document which, it seems to me, should necessarily be of no value and no interest to anyone except those who have charge of penal institutions, and for that reason it seemed to us that to send eleven copies to each Member of the House instead of being a gain would be a nuisance. If, on the other hand, the Members of the House think they desire these eleven copies for each one, and would have use for them, the Committee on Printing has no objection, if that is the wish of the House.

The SPEAKER. The question is on agreeing to the amendment to the substitute.

The amendment was agreed to.

The SPEAKER. The question now is on agreeing to the substitute as amended.

The substitute as amended was agreed to.

The SPEAKER. The question is now on agreeing to the resolution as amended.

The resolution as amended was agreed to.

MUTUAL INVESTMENT FIRE INSURANCE COMPANY.

The SPEAKER laid before the House the bill (H. R. 2871) to incorporate the Mutual Investment Fire Insurance Company of the District of Columbia, with a Senate amendment thereto.

The Senate amendment was read.

Mr. BABCOCK. I move that the House concur in the Senate amendment.

The amendment was concurred in.

FOREST RESERVES.

The SPEAKER also laid before the House a bill (H. R. 8460) providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture, with a Senate amendment thereto.

The Senate amendment was read.

Mr. LACEY. Mr. Speaker, I ask unanimous consent that the House nonconcur in the Senate amendment, and agree to a conference.

There was no objection, and it was so ordered.

The SPEAKER announced as conferees on the part of the House Mr. LACEY, Mr. MONDELL, and Mr. GRIFFITH.

JOHN DORSEY.

The SPEAKER also laid before the House the bill (H. R. 9799) to remove charge of desertion from military record of John Dorsey, with a Senate amendment thereto.

The amendment was read.

Mr. HULL. Mr. Speaker, I move that the House concur in the Senate amendment.

Mr. CLARK. Mr. Speaker, I would like to ask the gentleman from Iowa [Mr. HULL] what the amendment means?

Mr. HULL. It simply fixes the exact date.

Mr. CLARK. Of what?

Mr. HULL. Of the discharge. The House passed the bill granting an honorable discharge, and the Senate passed an amendment asking that the date should be fixed. It is an amendment similar to that which the Senate puts in all the House bills of a similar character.

Mr. BARTLETT. That restores a man to all his rights and privileges as fully as if he had not deserted?

Mr. HULL. The House has passed on that. There is no question as to that.

The amendment was agreed to.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. HULL, from the Committee on Military Affairs, reported the bill (H. R. 17984) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1906, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with accompanying report, ordered to be printed.

Mr. HAY. I reserve all points of order on the bill.

The SPEAKER. The gentleman from Virginia reserves all points of order on the bill.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I move that the House do now resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill making appropriations for the Army.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. BOUTELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the further consideration of the bill H. R. 17473. The question is on the pending amendment, offered by the gentleman from Missouri [Mr. CLARK].

The paragraph is as follows:

For Porto Rico Provisional Regiment of Infantry composed of two battalions of four companies each.

Mr. CLARK. I wish to have the amendment read.

The CHAIRMAN. Without objection, the Clerk will read the amendment.

The Clerk read as follows:

Page 15, strike out lines 13 and 14.

Mr. CLARK. I think, by agreement with the chairman, that that amendment ought to include lines 15, 16, 17, 18, 19, and 20.

Mr. HULL. I will say this, that if the gentleman's amendment is adopted those should be stricken out, as a matter of course.

Mr. CLARK. Now, Mr. Chairman, I would like to have ten minutes.

Mr. HULL. Before proceeding——

Mr. BAKER. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from New York will state his parliamentary inquiry.

Mr. BAKER. Mr. Chairman, I find in the RECORD of January 11, on page 734, the following remarks of Mr. HULL, the chairman of the Committee on Military Affairs:

I am not going to conclude debate; it is nearly 5 o'clock, and Members want to go home, and we will take it up the next day and the gentleman will be recognized the first one and have more time for what he desires to say.

I want to know whether that promise and that statement of the chairman of the Committee on Military Affairs is binding on this committee.

Mr. CLARK. Why, Mr. Chairman, I am perfectly willing that the gentleman from New York have his time, provided I can be recognized after.

Mr. HULL. Just one moment.

Mr. BAKER. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. In answer to the parliamentary inquiry, the Chair would state that the gentleman from Iowa does not control the time in debate.

Mr. BAKER. The House is not bound by any such agreement if he should make such a promise?

The CHAIRMAN. No.

Mr. HULL. Before we proceed with this debate, I would like to see if we can not agree about the time. How much time does the gentleman from Missouri want?

Mr, CLARK. On this amendment, about ten or twenty minutes.

Mr. HULL. How much time does the gentleman want?

Mr. CLARK. Ten minutes. I do not want the twenty minutes for myself. I would not want more than fifteen at the outside.

Mr. HULL. Can we not agree that all debate upon this amendment shall cease in twenty-five minutes?

Mr. CLARK Yes.

Mr. COWHERD. Mr. Chairman, I would like to say to the chairman of the committee I understand that both of these gentlemen are in favor of the amendment. I think there ought to be a little time reserved for those who oppose it.

Mr. HULL. I suppose it will be half and half, and in that case we will take as much as you do on your side, and that would make it fifty minutes.

Mr. HAY. I object.

Mr. HULL. Make it thirty minutes.

Mr. CLARK. So that I get my ten minutes I do not care what you make it.

Mr. HULL. Make it twenty minutes on a side.

Mr. HAY. Is that by unanimous consent?

Mr. HULL. Yes, sir.

Mr. HAY. I object to more than fifteen minutes on a side.

Mr. HULL. Do not object.

Mr. HAY. All right. The only reason I do is because you can not do anything. You have got to pay these men if you strike out the provision.

The CHAIRMAN. Will the gentleman from Iowa state the request for unanimous consent?

Mr. HULL. I ask unanimous consent that debate on the amendment close in forty minutes, twenty minutes on a side, if necessary; one half to be controlled by myself and the other half by the gentleman from Missouri [Mr. CLARK]. I do not suppose we will use all that time.

The CHAIRMAN. The Chair will state the request for unanimous consent. That forty minutes debate be given to the pending amendment, twenty minutes to be controlled by the gentleman in charge of the bill and twenty minutes by the gentleman from Missouri [Mr. CLARK]. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Chair will recognize the gentleman from Missouri.

Mr. CLARK. Mr. Chairman, this is a proposition by way of amendment, which I offered on Wednesday, January 11, to strike out the appropriation to pay the Porto Rican regiment. That amendment was to strike out only lines 13 and 14, on page 15, of the army appropriation bill. It ought to be enlarged so as to strike out lines 13, 14, 15, 16, 17, 18, 19, and 20, which are in these words:

For Porto Rico Provisional Regiment of Infantry, composed of two battalions of four companies each.
Pay of officers of the line, $44,400.
For additional pay for length of service, $6,500.
Pay of enlisted men, $95,148.

That's all that there is in the bill touching the Porto Rican regiment.

What happened here the other day is a fine illustration of the unfortunate and nonsensical way in which the business of this House is transacted. Practically no time whatever is allowed for investigation of even the most important measures. A bill appropriating scores of millions is dumped in here one day, printed overnight, placed on our desks at 10 a. m. next day, and taken up for consideration a few minutes past 12 on the same day. Sometimes not even two hours are available for investigation. The system—or lack of system—is bad. No bill appropriating money should be considered by the House which has not been upon Members' desks for at least forty-eight hours. If that were the rule so much money would not be squandered. It will not do to say that nobody would investigate, for that is not true. Some of us would investigate. I suppose it will be admitted that the chairman of the committee [Mr. HULL], my friend from Missouri [Mr. COWHERD], the gentleman from Texas [Mr. SLAYDEN], and myself all want to do what is right about it. Yet here are four estimates that were put on the cost of that regiment. I put it at a million dollars. I did not have time to consider it a half a second. I supposed there were a thousand men in the regiment, costing a thousand dollars a year each, according to the estimate of Colonel MARSH, of Illinois, a member of the Committee on Military Affairs. My friend from Missouri [Mr. COWHERD] said it cost about $100,000 a year. The gentleman from Texas [Mr. SLAYDEN] had another estimate on it, and then came the chairman of the committee, Governor HULL, of Iowa, after ciphering on it over there a while, and figured it out that it cost $145,648 a year. It now appears that he is nearly as much mistaken about it as any of the rest of us. His estimate of $145,648 per annum is merely what the salaries of these men would be, and you can prove by this bill, as reported here by the gentleman himself, that the pay of the soldiers in any regiment is not much more than one-half of the expense of that regiment. So it shows that the hurried, slipshod way in which business is transacted in this House is an outrage on the Members of the House and on the taxpayers of the country, too. So the real cost of maintaining this Porto Rican regiment is in excess of $300,000 a year. That is my first criticism. I might as well address myself now to what the gentleman from Virginia [Mr. HAY] said a minute ago, that if you strike out these words in this bill you would still have to pay this regiment. Why, that can not be so. The United States Government has a right to revise any contract that it makes, or to repeal any law that it enacts. It is true that it would require a motion or a bill to repeal the authority for maintaining that regiment at all; but surely this House is not so impotent that, if it desires to get rid of this Porto Rican regiment, it can not take the proper legislative steps to do so after you strike these lines out of this bill. If my pending amendment is adopted, I pledge myself to introduce to-morrow the necessary bill to muster this Porto Rican regiment out of the service. That answers the objection to my amendment made by the gentleman from Virginia [Mr. HAY].

In order to show that I am right about this thing I want to read to you the words of the Secretary of War, Mr. Elihu Root, which were quoted by the gentleman from Texas [Mr. SLAYDEN] in his most excellent speech the other day—I say "excellent" advisedly, for it was a tiptop speech, well worth serious consideration. Mr. Root has been held up by the public press of this country as one of the very best Secretaries of War we ever had. I do not know much about Secretaries of War; and therefore I am willing to take the estimate of the press on Mr. Elihu Root in that capacity. Here is what he says about this regiment:

The act of February 2, 1901, provides that the Porto Rico regiment shall be continued in service until further directed by Congress. I recommend that the discontinuance of that regiment be now directed, and that at the same time the right of enlistment in the Regular Army be extended to citizens of Porto Rico. There is no longer occasion for maintaining a special and peculiar force in the island, at the expense of the United States, outside of the coast-defense fortifications. Under the prosperous conditions which have followed the very liberal treatment of the island by the United States, the insular government is well able to support a police force adequate to preserve internal peace and order, and there is no more reason for maintaining a special United States force in addition to the Regular Army to protect Porto Rico against external attack than there is to maintain such a force to protect any part of our territory on the Atlantic coast. The people of Porto Rico should, however, have an opportunity to share in the general defense of the Government to which they owe allegiance and of the institutions which they enjoy.

Commenting on that, the gentleman from Texas [Mr. SLAYDEN] made this astounding statement in the House, and it was not contradicted or called in question. The gentleman from Texas [Mr. SLAYDEN] said.

It is an open secret, Mr. Chairman, that but for the interest which some legislators had in certain officers employed in the Porto Rican Provisional Regiment that organization would have been legislated into civil life and self-support two years ago.

Certainly, sir, it is not conceivable that there could have been any reason for continuing it upon the muster roll of the Government which was not revealed to that very clever man and able Secretary of War, Mr. Root, who, until overcome by the pleadings of Senators and Members for the retention of their pets, advised its abolition. It is monstrous that this large and growing charge upon the people should be continued just to take care of a few young men who appear not to be able to take care of themselves in the struggles of civil life.

If that statement is true—and I take it that it is true—that condition of affairs is a disgrace to the American Congress. An end should be put to it here and now.

There is another thing I want to comment on just for a minute. At the lowest estimate that was put on it, here is a proposition to save $145,648 a year in pay for these men, besides their subsistence and the incidentals attaching thereto, amounting to as much more. My friend from Missouri [Mr. COWHERD] said that it was a good way to cultivate patriotism in these people, or words to that effect. My friend from Iowa [Mr. HULL] quoted that statement of my friend from Missouri [Mr. COWHERD] approvingly, and said that there "was no better school for patriotism than the uniform of the United States." Just how the uniform of any country under the sun can be made "a school" for anything I can not understand. The word "school" in that connection is clearly a misnomer. But waiving that matter, I say that patriotism, either in Porto Rico or in the United States or anywhere else, that has to be paid for is a very poor sort of patriotism. I have no doubt in the world that every citizen of Porto Rico, every citizen of the Philippines, every citizen of Hawaii, every citizen of Guam, and every citizen of all the islands of all the seas would become an intense patriot if you would pay him enough. I know there used to be an old gag that went through this country, "The old flag and an appropriation," and it seems to be popular here yet.

I have no desire to say anything unpleasant, and I am not going to. I have no doubt that the officer from Kansas City, the constituent of my friend from Missouri [Mr. COWHERD], is a very valuable officer; but I do not believe that his services to the United States Government are worth $145,648 a year and the trimmings thereon, running the entire bill up to about $300,000 per annum.

Mr. COWHERD. Does not my friend rather beg the question? I said if you were going to maintain troops in the island it was much better to maintain the natives, officered by men who understood the language and customs of the island——

Mr. CLARK. Yes; you said that.

Mr. COWHERD. Than to send United States troops down there. And this whole fight, in my opinion, is a proposition of United States army officers of the Regular Army to get rid of these gentlemen down there who are now in that regiment.

Mr. CLARK. Well, I am not going to debate the question whether it is feasible to enlist these people in the Army or not. I do make this proposition: If it is a contest between the War Department to have the regular troops down there, or, on the other hand, that we keep this provisional regiment, I am on the side of the War Department in that matter. What I am endeavoring to impress upon the committee is the economy of my amendment. It will save more than a quarter of a million dollars per annum. I think the most ungracious task a man can set himself to in this House is to undertake to save money to the taxpayers of the United States. The taxpayers do not appreciate it themselves, and the fellows who want to get the money take it as a very unfriendly act. They are always enthusiastically for "the old flag and an appropriation"—especially the appropriation.

Now, let us see what the circumstances are. The President of the United States has declared in favor of economy. The Secretary of the Treasury has ciphered it out that there is a deficit in the Treasury. Of course he admits that since the campaign is over. [Laughter.]

The Speaker of this House, the Hon. JOSEPH G. CANNON, made a speech at a banquet night before last before the National Board of Trade, which I commend to every Member of this House. He puts it very emphatically when he says that he is opposed to higher taxes, and in being opposed to higher taxes he is opposed to the appropriation bills being "expanded" as rapidly as they have been expanded heretofore; and he says we must economize. Now, here is a chance to save three hundred and odd thousand dollars a year at the least calculation. Are you going to do it or not? It will not injure the public service one iota. The other day you saved about $30,000 in order to get a dig at General Miles. I voted in favor of that proposition, not because I wanted to do General Miles a bad turn, but because a man can not stand up here one day and advocate economy and the next day turn around and vote for an extravagant measure, and then, the next day, with a straight face undertake to advocate economy again. A consistent economist may have some weight, but an intermittent economist will have none.

I say what I have said on the floor of this House time and again. I am not in favor of economizing even to the extent of one cent if it injures the public service at all, but I do believe that a good business man can take the United States Government, as a business proposition, and run it just as well as it is run now for two-thirds of what we appropriate here year after year. The place to begin to economize is in the cutting off of supernumeraries employed by the United States Government, I do not care whether they are in the civil or military walks of life. You gentlemen over there ought to vote for this measure, every one of you, every Republican in the House. There is no politics in it, of course. But every one of you is under obligation to vote for this amendment of mine because you have exploited Elihu Root as the greatest War Secretary of modern times; and he says that this Porto Rican regiment ought to be dispensed with. If you are willing to follow him about everything else, you ought to be willing to follow him when it is a question of saving somewhere from a quarter to half a million dollars a year.

Mr. Chairman, I reserve the rest of my time, with this statement, that if this amendment is adopted I will immediately take steps to introduce into this House the proper legislation to get this regiment out of existence. This simply takes away their pay.

Mr. HULL. Mr. Chairman, my understanding was that the gentleman from New York [Mr. BAKER] was to have some of that time, or I would not have asked for forty minutes.

Mr. CLARK. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. BAKER].

Mr. BAKER. Mr. Chairman, would it not be fair for the chairman of the committee to use a part of his twenty minutes, so that we do not use all of our ammunition at the outset without knowing the defense that is to be made?

Mr. HULL. Mr. Chairman, I am perfectly willing. I do not want to use more than three minutes. Now, just a word as to the statement I made when this matter was before the House last, made to go in the RECORD of that day, and that is as to the amount of the salary of the officers and the pay of the men. It was not understood that it would affect their maintenance, and I want to say that the gentleman's amendment, followed by what must follow if this prevails, is not a reduction of this bill in any particular, except as to pay of officers and men and would be as I have stated. The subsistence and clothing appropriations remain.

Mr. CLARK. Let me ask the gentleman a question. The amount paid these soldiers is not more than one-half of the amount of the cost, is it?

Mr. HULL. I would not like to answer that offhand. I should say the amount paid the soldier is more than one-half of the cost, but I would not like to state that as a fact. You would have to get the rations, and those are less than here, and the clothing allowance is less than ours, for they do not have to have so much.

Now, Mr. Chairman, the House some years ago absolutely abolished the Porto Rican Provisional Regiment at the close of the fiscal year 1904. It did it on the recommendation of the then Secretary of War in the hearings before the committee. Afterwards the Secretary of War changed his opinion on that. The Senate restored the Porto Rican regiment in the appropriation bill for 1905, and the House, after long discussion, adopted this provision, among others:

The present officers of the regiment below the grade of field officers—

Because all field officers are simply detailed from the line of the Army—

who are mentally, morally, and physically qualified, and have proved efficient in their respective positions, may be reappointed by the President, by and with the advice and consent of the Senate, and such officers shall be entitled to preference in such appointments for a provisional term of four years.

This bill is simply making appropriations under the law as it stands for these officers that are already commissioned and for these men who are already enlisted. I grant you they can be mustered out, but it has got to be done by law, and the gentleman from Virginia [Mr. HAY] is correct when he says that if we strike it out of the appropriation bill we do not relieve the Government of its obligation to pay unless we pass a law repealing the other law.

Mr. CLARK. Well, that is it.

Mr. HULL. That is all I desire to say, Mr. Chairman. This is not the way to get at it. If we are going to do what the gentleman from Missouri desires, then we should pass a bill through the Congress of the United States abolishing the regiment. Now, if we let it alone as it is, it expires in three years by limi-

tation of law. If between now and then it is desirable by Congress to abolish the organization, the proper procedure is for the gentleman to introduce his bill, have it reported, and passed. I desire to say that in my judgment the House might pass such a bill, but I do not believ it is possible to get that law enacted.

Mr. CLARK. What is the reason you can not enact the law?

Mr. HULL. Because there is another body which has to pass upon it before it becomes a law, and we have had several bouts on that subject. I desire to say to the gentleman that if he is here in three years from now he can absolutely prevent its continuance by amendment on an appropriation bill at that time. That is all I care to say, and I would be glad now to have the gentleman from New York [Mr. BAKER] proceed.

Mr. BAKER. Mr. Chairman, I should have been content to have registered my protest against this appropriation in the way that I ordinarily do, by voting, were it not for the fact that in the remarks that were made in this House a week ago upon this subject the gentleman from Missouri [Mr. CLARK]—and I simply mention his name because he is the particular gentleman whom I remember at this time, although I have heard the same sentiments similarly expressed here a dozen times—said: "When I say that"—that is, proposing this reduction—"I trust that I am as patriotic as any other man in this House." Now, Mr. Chairman, what is that? It is the lawyer's plea of "confession and avoidance," and of what? That patriotism rests with those who demand a big army; that patriotism is an attribute only of those who insist on enormous warlike appropriations, and that anyone, either the gentleman from Missouri [Mr. CLARK], myself, or any other, who has the temerity to oppose these appropriations by implication is unpatriotic. Mr. Chairman, if it is patriotic to appropriate seventy millions to support an army of 60,000, then it must be more patriotic to appropriate $700,000,000 to support an army of 600,000, and it would be the quintessence of patriotism for this House to appropriate $7,000,000,000 in favor of an army of 6,000,000 men. But, Mr. Chairman, patriotism and bigness are not synonymous terms. Oh, I know that on the Fourth of July and at other times men get up and talk about the bigness of the United States—the large rivers and the great mountains of this country. Why, Mr. Chairman, those things have nothing to do with patriotism. They existed long before America existed, and they will probably exist countless æons after we are gone. Bluster seems to be synonymous with patriotism.

The man who asserts that we must have a large army or a big navy arrogates to himself all patriotism and inferentially, at least, assumes that anyone who dares question the standing he takes, that anyone who dares question such a proceeding, is unpatriotic, and that sentiment permeates the press of the country, and from which, I am sorry to say, not even the pulpit is entirely free. It has been voiced time and again upon this floor, and I am sorry to say that even my friend the gentleman from Missouri [Mr. CLARK], who is one of the best and strongest opponents of this "war-fever" policy, feels compelled to bow his head to this war god, and in effect says: "I do not seriously oppose war, I admit you people are patriotic, but in this particular case do not carry your patriotism quite so far." Mr. Chairman, I deny that that is patriotism. Real patriotism is to have your country stand for the highest ideals. Real patriotism is to have your country stand for justice, and it is not true that that man is a patriot who says: "My country, wrong or right." That man is guilty of an infraction of the moral law, which he will have to answer for to his Creator. No man is a patriot who supports the people of this country or his country in any course that deviates in his judgment from the moral standard. It makes no difference that it may be popular, it makes no difference that the tom-toms are beating, and that it seems if he does not yield to this his own political death is inevitable. The real patriot is he who, regardless of these consequences to himself and because he knows that this is immoral, opposes such appropriations as this which must increase the possibilities of war. Oh, Mr. Chairman, I recognize the gentleman from Ohio [Mr. GROSVENOR], and note the earnestness with which he is listening to this discussion, and I seriously hope that these sentiments will filter into the brain of the gentleman from Ohio. [Laughter.]

Mr. GROSVENOR. Mr. Chairman——

The CHAIRMAN. Will the gentleman from New York yield?

Mr. BAKER. Most decidedly.

Mr. GROSVENOR. I was seeking very earnestly to ascertain what the gentleman from New York was speaking about, I admit.

Mr. BAKER. Mr. Chairman——

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CLARK. I would like for the gentleman from Iowa [Mr. HULL] to consume some part of his time.

Mr. HULL. I yield five minutes to the gentleman from Minnesota [Mr. STEVENS].

Mr. STEVENS of Minnesota. Mr. Chairman, last year I somewhat sympathized with the views of my good friend from Missouri. I voted then in favor of the abolishment of the Porto Rican regiment. I thought then I was doing what was right. I believed as a separate organization it ought to have been abolished, but some provision made in the regular line of the Army for loyal and martial Porto Ricans; but the condition has somewhat changed since then. This House by its own vote, after a discussion of this very question, decided that this regiment should continue for four years. An examination of the officers in the regiment was held, as required by the act of last year. Some of those were deemed unworthy to continue in the service and were discharged from the Porto Rican regiment. Others were retained, and I am sorry to say one of my constituents was discharged, and, as I now have no friend in the service of the Porto Rican regiment, I am a disinterested witness on this subject. At that time, when this Congress voted to continue in service the Porto Rican regiment, a moral obligation rested on us to those people to carry out in good faith that act. The people of that little island have a right to rely on the good faith of Congress, and when we provided by a solemn act that that regiment should continue for four years these people have a right to believe it would continue for four years, and a moral obligation rests on us to so continue it. Now, there has been a great deal stated as to what the regiment cost.

Mr. CLARK. Mr. Chairman, I would like to ask my friend a question.

The CHAIRMAN. Does the gentleman from Minnesota yield?

Mr. STEVENS of Minnesota. Certainly.

Mr. CLARK. Do you hold it is not competent for Congress to pass a law here discharging the entire American Army?

Mr. STEVENS of Minnesota. No, sir; no question in the world. I was not speaking of that at all. I was speaking of this proposition that we have taken these people into our citizenship practically——

Mr. CLARK. Yes.

Mr. STEVENS of Minnesota. And they have a right to rely on our good faith. They are proud of that regiment. They believe it is of benefit to their people. We know that Porto Ricans who are enlisted in that regiment are not reenlisted for the reason that it is desired that as large a body of their citizens as possible should receive the benefit of service in that regiment. It does make better citizens of them. It trains them in good habits and obedience to orders and cleanliness. It provides them with better food and better clothing, and it enlarges their physical stature. The measurements have shown that those who have served in that regiment, on account of the improvement in their methods of living, have increased in girth, increased in chest measurement, and have increased in weight, and are better men physically and morally on account of service in that regiment. The people of that island are proud of the service of that regiment, for the reason they know it improves the quality of their citizenship, and when they ask for that regiment, when they ask that their citizenship shall be improved by service in it, when this Congress has provided that that service shall continue for four years, I say it would be a breach of faith for us to now abolish that regiment in view of that condition of affairs.

We have the right, legally and constitutionally, to do it, I grant it; but I say, in view of all of these conditions, it would be a breach of faith on our part to notify those people that at the end of one year we will cut off this regiment, when one year ago we promised it should continue for four years. That is what I mean to say. And in that connection we ought to realize that this Congress and this country have been and ought to be anxious to instill a feeling of confidence in this country in our methods with the Spanish-speaking people to the south of us. We desire to extend our trade among them; we desire to extend our influence among them. We wish them to believe that the word and faith of this great Government is always faithfully fulfilled. We can not afford here by this breach of our word to notify the Spanish-speaking people of Porto Rico that when we provide for a four years' continuance of service of their citizens we always reserve the right to change our minds without redress to them. We can not afford to be so considered by our neighbors. Now, as to the cost of continuing that regiment. The cost of pay for the service of the officers and men is $217,000, as provided by this bill. The cost of subsistence as estimated for next year by General Weston, Commissary-General of the Army, as found on page 148 of the Book of Estimates, provides for 202,210 rations at 28 cents apiece, which would be about $6,000. The cost of quartermaster supplies for last year (and last year can be taken as a fair estimate for the next fiscal year), as

found on page 114 of the hearings for incidental expenses, were $13,496; for regular supplies and construction, page 39 of the hearings, $4,129; for transportation of the Army and miscellaneous, on page 145 of the hearings, $49,487, making a total of $217,000 for this regiment. Of course, that does not include the ordnance, the medical, the adjutant, and engineering service, but that is comparatively small. So that the total cost of this regiment to the Treasury of the United States would be about $225,000 to $250,000, approximately, a year, for the next fiscal year.

Now, there are in the service of this regiment 21 officers and 549 enlisted men.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. STEVENS] has expired.

Mr. HULL. I yield to the gentleman from Minnesota [Mr. STEVENS] two minutes more.

Mr. STEVENS of Minnesota. Now, that is all that is carried by this provision with all of the incidental expenses. The barracks are there. They were built by the old Spanish Government. I have been in them myself; I have seen the soldiers as they are housed and as they are fed and as they are drilled. I witnessed myself the pride of the people of that island in the enlisted men of that regiment. I have seen the pride of those men in the service, and I believe it would be a sad breach of faith now for us, at this time, under these peculiar circumstances—to them and to all of their lineage and language—to cut off this regiment. At the end of three years I believe there should be some provision, as there ought to have been last year, to take Porto Ricans into the regular service of the line of the Army of the United States. We can not do that now, so that under these circumstances I am in favor of continuing the Porto Rican regiment just as provided in this bill and just as Congress decided it ought to be done last year.

Mr. CLARK. I will yield two minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. I have two minutes of time yielded to me through the courtesy of the gentleman from Missouri [Mr. CLARK] and I would like to ask the chairman of the Committee on Military Affairs if he can not spare me three minutes more.

Mr. HULL. There are two or three other gentlemen who desire to speak.

Mr. CLARK. I will yield five minutes to the gentleman from Texas [Mr. SLAYDEN].

The CHAIRMAN. The gentleman from Missouri [Mr. CLARK] has only two minutes remaining.

Mr. CLARK. I will yield to the gentleman from Texas [Mr. SLAYDEN] five minutes anyway. [Laughter.]

Mr. SLAYDEN. Mr. Chairman, I rise principally for the purpose of correcting one statement made by my friend from Missouri [Mr. COWHERD], or to correct an impression which he seems to be under, and that is, if I understood him correctly, that the whole fight for the abolition of the Porto Rican regiment is due to the inspiration of officers in the Regular Army.

Mr. COWHERD. Due to the objection of the regular army officers to the commissioning of these volunteer officers in charge of the regiment, as I understand it.

Mr. SLAYDEN. Mr. Chairman, I absolutely and positively disavow that any such influence as that has ever been sought to be exercised on me. So far as I can recall not an officer of the Army ever asked me to do what I could to secure the abolition of this regiment nor has expressed his disapproval of its continuance. Not one. I do not know what may have been the experience of other gentlemen. It is possible that there are officers in the Army who, through jealousy or other motives, would like to have that regiment discontinued. No knowledge of that fact has ever come to me. Now, Mr. Chairman, it has been urged——

Mr. WILLIAMS of Mississippi. Are the officers of this regiment Porto Ricans?

Mr. SLAYDEN. Five of them, I will say to the gentleman from Mississippi [Mr. WILLIAMS], are officers of the Regular Army.

Mr. WILLIAMS of Mississippi. Are any of the officers Porto Ricans?

Mr. SLAYDEN. Yes; I understand so.

Mr. WILLIAMS of Mississippi. How many of them?

Mr. SLAYDEN. Quite a good many of them, I understand, claim to be citizens of Porto Rico, but a larger proportion of them are civilians picked up in the United States and commissioned for service in that regiment.

Mr. WILLIAMS of Mississippi. Does not the gentleman from Texas [Mr. SLAYDEN] think that if we are going to appeal to the pride and patriotism of Porto Ricans we ought to deal out some of the loaves and fishes to them?

Mr. SLAYDEN. I think it would be an excellent idea. It has been suggested, Mr. Chairman, that it would be well to maintain this regiment in order to teach the Porto Rican people respect for the constituted authorities, and that it would accustom them to the idea of discipline. I am informed by my distinguished friend the Delegate from Porto Rico [Mr. DEGETAU] that during all the period of turbulence which characterized the connection of the Kingdom of Spain with other West Indian colonies there was never any revolution in the island of Porto Rico. Those people always subjected themselves with order to the constituted authorities, and that plea is of no value, because the people there have never manifsted any qualities which require that kind of training.

I want to say, Mr. Chairman, also, that so far as its being recognized as a sacred compact with the people of Porto Rico is concerned, I have no knowledge of any petitions coming from those people that this regiment be established. Now, the late Secretary of War——

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SLAYDEN. Is a motion to strike out the last word in order?

The CHAIRMAN. It is not, under the agreement.

Mr. SLAYDEN. Then I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. The gentleman asks unanimous consent that his time be extended three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SLAYDEN. There is no compact of any solemn nature, no compact involving the honor of the United States with the people of Porto Rico, and I can not believe that the people of that island set any great value on the maintenance of from fifteen to twenty officers of the United States and the enlistment of four or five hundred of their own people in an organization which the Secretary of War, Mr. Root, said, after a critical examination, was no longer necessary; and when he back-tracked, so to speak, on his own position on that question, and was asked if the Porto Rican regiment was not simply an addition to the size of the Army of the United States to that extent, he admitted that it was.

Now, I may be asked why I do not object to the continuance of the Philippine constabulary. I will say to the House, Mr. Chairman, that whenever any Secretary of War shall solemnly announce in a report to the Congress that the maintenance of the Philippine constabulary is no longer necessary, I will gladly accept his suggestion and aid in securing its abolition. I do not want to see other than one kind of soldier under the flag of this country, and that is the soldiers of the United States. I do not want to see Sepoys, as was suggested by the distinguished gentleman from Missouri [Mr. CLARK] the other day, maintained in a colony of the United States for the purpose of ruling over those people. Our troops are adequate to all those duties. Our troops, I believe, have a greater appreciation of liberty under law, and have had a more liberal training under free government, and will be a better example of our civilization than the Philippine constabulary can be to the people of those islands in the East or the Porto Rican regiment in that island.

Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman has one minute remaining.

Mr. SLAYDEN. I will let it go.

Mr. HULL. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman his nine minutes remaining.

Mr. HULL. I now yield to the Delegate from Porto Rico.

Mr. DEGETAU. Mr. Chairman, the distinguished gentleman from Texas [Mr. SLAYDEN] and the distinguished gentleman from Iowa [Mr. HULL] have referred to the representative of Porto Rico on this floor as the "Delegate from Porto Rico." Both gentlemen from both sides of this House seem to voice in this spontaneous form a general feeling of sympathy for Porto Rico, of which it has been my high and esteemed privilege to be the beneficiary. But unhappily I am not yet a "Delegate." A bill giving legal expression to that sentiment—providing for a Delegate from Porto Rico—was unanimously recommended by the Committee on Insular Affairs and unanimously approved by the House during the last days of the last Congress. A similar bill, also unanimously recommended by the Committee on Insular Affairs, is at present on the Calendar, but until now I am, in the language of the law, only a "Resident Commissioner."

By a House resolution, the Commissioner from Porto Rico has been allowed to speak here, and for such kindness it is a pleasure to me to express my hearty gratitude.

But this peculiar indefiniteness of the status of the "Commis-

sioner" that seems to have been preserved with the title, imposes limitations and restrictions that I am bound to observe. In this particular discussion, for instance, these restrictions prevent me from entering into the consideration of the economic aspect of the debate. In relation to this order of considerations I have only to say that the people of Porto Rico are greatly obliged to you for the spirit of generosity which has inspired Congress in legislating for them. If we were to consider, besides the charitable or philanthropic view of our insular problem, its other aspect, that of justice, I should be very glad to submit to the wisdom of this House our views of the situation in which we are placed.

In the course of the debate other aspects have been mentioned, however, upon which I consider it my duty to inform the House.

The gentleman from Texas, my distinguished friend, alluded to me when affirming that there was never a revolution in the island of Porto Rico. On that point I have only to say that his statement is exact; that we have never had a real revolution in the island during our peaceful history of four centuries, and that we have not needed soldiers to maintain order there. [Loud applause.]

If we have not had to appeal to them to keep order among us under the Spanish monarchy, and we have not had to appeal to them until now, I think that we may confidently expect that their concourse will not be for that purpose more necessary in the future under the flag of the Republic. The record of Porto Rico as an organized political society plainly proves that the coercive value of the bayonets—advocated by somebody in this connection as an essential part of the governmental exigencies of that Territory—is not justified in dealing with a people who by their traditional love of peace and by the serenity of their history are fully entitled to the respect of their brethren in this great Republic.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GILLETT of Massachusetts. I ask unanimous consent that the time of the gentleman be extended five minutes.

Mr. WILLIAMS of Mississippi. I ask unanimous consent that the gentleman may continue until he completes his remarks.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that the gentleman from Porto Rico may proceed until he concludes his remarks. Is there objection?

There was no objection.

Mr. DEGETAU. If we open the history of my native country, we shall find, Mr. Chairman, that the people who have, without recourse to violence, accomplished as great reforms as any other people ever accomplished, do not need military force to coerce them into the performance of their present duty. I fear that on hearing me refer in this way to my people's record, some gentleman may ask, "Can there any good thing come out of Nazareth? Can any contribution to the welfare of the human race or to the cause of human liberty come from that poor little island which we but the other day rescued from Spanish oppression?" Such a question as that might be formulated by somebody not familiar with the history of Porto Rico. As the testimony of its own representative here might be considered partial, I will translate a paragraph from a book written by two historians, both foreigners to the island, Mr. J. G. Gomez, a Cuban, and Mr. A. S. Burin, a Spaniard. In their history of Porto Rico they characterize the underlying principle that has inspired the development of that community as follows:

> It is undeniable that the history of Porto Rico does not offer any attraction for those superficial spirits that are impressed only by the spectacle of animated pictures of gaudy color and of tumultuous scenes. With the exception of the agitated epoch of the conquest and the periods of English and Dutch invasions, very seldom has blood sprung under the sharp edge of the sword and amid the roaring of the gun. But the life of a people is not confined to warlike undertakings. On the contrary, it can be said that the new direction that the anthropological and social sciences have indicated to historical studies relegates to a second place the investigations upon martial achievements that were in the past the only incentive of the narrations calculated to recall the memory of a people. Hence, notwithstanding the relative lack of noisy episodes in the history of the antique Borinquen (the Indian name for Porto Rico), undoubtedly it would be interesting to all those who look at things with a high criterion, with greatness of soul and philosophic spirit. To contemplate how a society transforms itself almost entirely by its own effort and, adopting the evolutionary methods, affirms every day with greater vigor its right to life, honor, and liberty, must always be a profitable study and a touching spectacle for all those who think, observe, and appeal to the intelligence and judgment, to demonstrate the reality of progress and the possibility of just revindications by the virtue and the intrinsic kindness of the ideas.

With a profound faith in right and justice, Porto Rico obtained, without shedding a drop of blood, the civil, political, and administrative privileges and liberties for which other less happy countries—alluded to by my distinguished friend from Texas—have expended countless treasures and human lives.

To quote an example, I will cite the way in which so great a reform as the abolition of slavery was accomplished in the island. It was certainly a great task. If you consider the position of the powers of the world that more directly could influence the solution of the problem, you will certainly not fail to admire the record of the leaders of the Porto Rican people, and of the people themselves, in that wonderful struggle during the first three quarters of the last century. They were opposed by the traditional elements of the Spanish monarchy viewing the doctrines of the reformers as revolutionary and subversive theories. The next power to influence our destinies, the United States, was at that time in full accord with the maintainers of the status quo. The plain instructions of Adams to the ministers of the United States in 1823 in regard to what he called "the natural appendages" to the North American Continent, give an idea of the difficulties found by the Porto Rican patriots. They were, however, not discouraged. The island that had been represented in the first parliamentary assemblies of Spain and that was deprived of that representation from 1837 until 1868, took advantage of the first concession made to her near the end of that period to send commissioners to inform the Government of Madrid of the administrative and political needs of the island. Three of the four commissioners elected by Porto Rico for that purpose in 1866 demanded the immediate abolition of slavery, "with indemnification to the owners of the slaves or without it, if the first could not be done."

If you take into consideration the circumstances surrounding these three Porto Rican commissioners in Madrid; if you remember that here in the United States President Lincoln three years before, in 1863, recommended a gradual abolition with indemnification to the owners, you will duly appreciate the civic spirit and moral courage of these three men, without any other army behind them than the firm faith of their insular people in their preparedness and ability to serve, there and then, the cause of justice. The exterior governmental opposition was at last vanquished. Our representatives in the Spanish Cortes—admitted again in 1868–69—made a brilliant campaign. In the island the reformers awakened in every home a sentiment in favor of the abolition of slavery so extended and so strong that when, in 1873, the official abolition was accomplished out of 200,000 colored people formerly in bondage there remained only 31,000 to be freed. The action of our commissioners voicing in Madrid the sentiments of the people was described by Castelár, the great Spanish orator and statesman, in his famous speech delivered in the Cortes in June, 1870, in the following words:

> The commissioners from Porto Rico made a report that shall be their honor, their glory; a report that in the future will be placed beside the Declaration of the Rights of Man on the 4th of August, 1789.

And again—

> Allow me, gentlemen, to consecrate to those illustrious men a eulogy in which every member of the assembly will unite. Since the renunciation by the feudal lords of their privileges in the French constituent convention such a sublime abnegation has not been seen. The colonial lordship does not offer in any part of the world such an example.

Of the credit that the high political sense of the insular people obtained from the Government of Spain, an idea is afforded by the passage on August 6, 1873, by the Spanish Cortes of the law extending to Porto Rico Title I of the constitution of 1869. The preamble of the law explains this action as follows:

> Whereas the present political situation of the Spanish nation is based on the principles of democracy whose first tenet is that of the natural rights of men anterior and superior to all positive law;
>
> Whereas these rights are affirmed in Title I of the constitution of 1869;
>
> Whereas the succeeding titles refer to the organization of public powers, which matter the present Cortes is specially called to consider and finally settle;
>
> Whereas the culture of the inhabitants of the island of Porto Rico in itself should be sufficient, if other reasons of right did not exist, to proclaim in that island all the liberties required by civilized countries;
>
> Whereas the governor of that island has deemed that the conditions there demanded the proclamation of freedom of the press and the right of the people to assemble in reunions and associations and has administratively promulgated these measures;
>
> Whereas these measures, like the abolition of slavery, had fully produced the most desirable effects;
>
> Whereas reasons of justice united to those of convenience make it impossible to postpone for a single moment, on any pretext, the declaration and explicit acknowledgment of the inherent rights of the human personality in the enlightened, peaceful, and loyal island of Porto Rico * * *.

The translation of the phrases of the great Spanish orator and of the language of the law giving official recognition to the way in which the island people achieved its ideal, might be completed by quoting the splendid verses of the inspired Porto Rican poet, Gautier Benitez, on the results of the emancipation. With the harmony of the Spanish language and in a felicitous form that suggests the natural fluidity of melted bronze running

into permanent molds, and the soft brilliancy of sculptured marble shining in luminous air, he said:

Y ni una sola represalia impía,
Ni una venganza profanó tu suelo.
Bendiciones y cantos, patria mia,
Perdieronse en las bóvedas del cielo.

And not one impious reprisal,
Not one vengeful act profaned thy soil.
Blessings and songs, my fatherland,
Were lost in the arch of heaven.

In connection with the maintenance of this body of native Porto Ricans it has been stated somewhere that this regiment is needed on the ground that Porto Rico is inhabited by a pretty hot-blooded Spanish people.

Independently of the other reasons that with logic may be invoked in favor of the maintenance of that regiment, I can not understand the soundness of the position taken by those who desire to arm with deadly weapons pretty hot-blooded Spanish people. It escapes my comprehension that any American could advocate the wisdom and the propriety of trusting a lot of "pretty hot-blooded Spaniards" with the honor and the responsibility of defending that flag [pointing to the flag which hangs above the Speaker's desk]. [Applause.] No; we are not "hot-blooded Spaniards." It is true that the immense majority of us Porto Ricans are of Spanish ancestry, descendants of a nation that nobly contributed to the cause of human civilization. It is true also that we have long loved American institutions, and through this love we are loyally Americans, who have won our American citizenship. [Applause.]

It has been said that we are proud of our Porto Rican regiment. It is true. We are proud of our regiment as Porto Ricans and as Americans.

The appearance in Washington at the last inauguration of about 300 of our Porto Rican soldiers, was here a great surprise. Mislead by an erroneous information the public in the capital expected to see men of an inferior race, of small stature and sallow complexion, and they found that by their physical appearance the Porto Ricans did not differ from the other soldiers. On account of their military bearing and dexterity, they obtained continuous applause; their moral conduct won them unanimous praise. No one of them was seen in an intoxicated condition, no disturbance was caused by any one of them. If the facts can speak, this fact eloquently proves that these boys could not have behaved themselves in such a manner, if the sentiment of self-respect in the new American territory were the monopoly of a few educated persons. As Porto Ricans, we are for that reason proud of them; proud of the distinguished officers who trained and drilled them, and who besides that technical relation, have learned to esteem and to respect them and to be esteemed and respected by them and by the people to whom they belong. And, finally, we are proud of the able doctors of our regiment—some of them native Porto Ricans—who have extended their sphere of usefulness greatly to help in the solution of sanitary and medical problems among the civil population.

And before I explain why, as Americans, we are proud of that regiment, I desire to state two facts in connection with the suggestion made by the distinguished gentleman, the leader of the Democratic minority [Mr. WILLIAMS of Mississippi], in regard to the expediency of appointing Porto Ricans as officers. In that connection I desire to say that while Porto Rico was a part of the Spanish Kingdom, in the same way in which Porto Ricans won laurels in the Spanish Parliament for their native country in the service of the progress of human freedom and dignity, Porto Ricans also served with honor in the Spanish army. Even to-day, after our separation, there are in the Spanish army Porto Ricans in positions of high responsibility, as in the case of Gen. Nario y Guillermety, military governor of the province of Granada, and in several other cases. When I said a moment ago that the Porto Rican people had won their American citizenship, I was thinking of the way in which they decided their fate at the landing of the American troops. And I was thinking also of these Porto Rican officers in the Spanish army, surrounded by their own people, among their own brethren, who warmly saluted and welcomed the American soldiers as the heralds of these American institutions which their leaders had taught them to love. I was thinking of the conduct of those Porto Rican officers who remained loyal to the flag that they had sworn to support. What a terrible trial for them! But no one hesitated. The people were with you; they were with their duty. The people heard the voice of their destinies, the officers the voice of their military honor. On such a solemn occasion there was not a traitor among all the Porto Rican officers in the Spanish army. [Applause.]

The Porto Ricans in civilian life, with a clear intuition of the higher duties that await us in this community of communities—no matter what the present difficulties might be—welcomed your army and decided at once their future; the Porto Rican officers in the Spanish army, as gentlemen and as soldiers, rightly understood that they were honoring their native country by loyally remaining at their post. I am proud of these officers for their convictions of duty as of my people for their ambition to serve higher ideals in the political uplifting of the human race. [Applause.]

Let us now see why, as Americans, we are proud of the existence of that armed body of native Porto Ricans.

From this point of view we are proud of our Porto Rican regiment because we understand that we are American citizens. [Applause.]

If we were placed in an inferior civic condition I can not conceive that we could be proud of our regiment. To have some of our countrymen rendering paid services to a power temporarily charged with our government would not afford great incentive to patriotic pride.

I am not going to analyze the moral reasons that have determined in the popular mind the sentiment that we are permanently united in the same political community with the other inhabitants of the United States. Nor am I going to enter into a detailed explanation of the construction of the articles of the treaty of Paris and of the law that was passed by the Congress of the United States and approved by President McKinley on April 12, 1900, under whose provisions I understand that we are citizens of this Republic as well as citizens of her Porto Rican territory. I do not consider that this is the place or the moment to enter into a technical discussion of the subject. As far as it is a matter of judicial construction, the solution of this problem is now before the judicial branch of our Government, and we have to await the finding of the courts. But from a political standpoint I have, here and now, only one observation to submit to your consideration.

When the change of nationality of that territory took place; when, in pursuance of the protocol signed at Washington on August 12, 1898, the President of the United States appointed a Commission of evacuation to take charge of Porto Rico, in his instructions to the Commissioners the beloved martyred President, with words that after his death sound with the character of a prophecy, said to them:

You will bear in mind that Porto Rico and the other islands mentioned, except Cuba, are to become territory of the United States.

[Applause.]

You will find these instructions in "Foreign Relations of the United States, 1898," page 911.

I will not refer to General Miles's proclamation, well known to you, in which, in exchange for "the cheerful acceptance of the Government of the United States" from the inhabitants, he offered us "the immunities and blessings of the liberal institutions of our Government." (Annual Reports of the War Department, Part 3, Report of the Military Governor of Porto Rico on Civil Affairs, Washington, 1902, p. 19.) Note the language, "the liberal institutions of our Government," not a bureaucratic system. I will not refer to the declaration of that noble soldier, that just governor, Gen. Guy V. Henry, before the enthusiastic mayor and citizens of Ponce on the solemn occasion of raising the American flag in the island, when he assured us that—

The forty-five States represented by the stars emblazoned in the blue field of that flag unite in vouchsafing to you prosperity and protection as citizens of the American Union.

I only desire to recall the fact that, in compliance with military orders, given in pursuance of the quoted instructions of President McKinley, the inhabitants of Porto Rico who did not preserve other allegiance and who acted in any public capacity took the oath to renounce forever all foreign allegiance and to support and defend the Constitution of the United States against all enemies, home or foreign. Then you legislated for us. In section 8 of the Porto Rican act you confirmed the legal force of the military orders. But in the act of April 12, 1900, you did something more than to confirm the legal force of that tie. Section 16 of the Porto Rican act provides that all officials authorized by said act shall take an oath to support the Constitution of the United States.

I do not know, Mr. Chairman, I do not know, my friends, in this patriotic relation anything superior, anything higher than the American Constitution. I do not conceive anything more sacred than the oath to support it. [Applause.]

Who is strong enough to break the sanctity of that oath? Who has power among men to destroy the permanent tie, lawfully contracted? Every Porto Rican who is aware of the sacredness of this civic duty feels proud of every opportunity that may be offered to him in the military as well as in the civic avenues of life of maintaining and defending, with the other

American citizens, for the welfare and progress of mankind, the same ideal of justice articulated in the Constitution and symbolized in the flag [Great applause.]

Mr. HULL. Mr. Chairman, I now yield to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, as a member of the Committee on Military Affairs, I have been in the past, and I am at this time, in favor of maintaining the Porto Rican regiment, of the permanent maintenance of that regiment, if I had my way about it; not because I believe it is necessary to maintain a garrison at Porto Rico for the purpose of maintaining order there any more than it is necessary to maintain two garrisons in my State for the purpose of maintaining order there. But, assuming that we are to have a regular military establishment maintained in time of peace, to be the nucleus of a larger force when needed in war, I have assumed that the organizations comprising that establishment would be fairly distributed not only in posts on the mainland, but in Porto Rico and other possessions of the United States, and that therefore we should, as we probably always will, maintain on that island a small force to take care of the military property of the United States and to form a small nucleus necessary for extension should that island be threatened by a foreign foe.

Having that in mind, I believe that force should always be citizens and residents of Porto Rico. I know of nothing more galling to a high-minded people than to have quartered upon them soldiery of an alien race and foreign birth. And if we are to maintain a small force there, which we should do, that force should be entirely, or as nearly as possible, of the people of the island, that they may have the honor of maintaining the flag over their island.

Mr. WILLIAMS of Mississippi. In harmony with that, does not the gentleman think it would be well to give them a part of the honors of the Constitution, and let the officers be Porto Ricans, too?

Mr. MONDELL. The gentleman does. The gentleman would be very glad indeed to vote for any amendment that would officer the Porto Rican regiment fully with Porto Ricans, as it is now partly officered with Porto Ricans. At the time the present officers were appointed Porto Rico had but very recently come under our flag, and for many reasons it seemed wise to appoint the higher officers from among those who had seen service in our Army.

Mr. CLARK. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. MONDELL. Yes.

Mr. CLARK. If the gentleman desires to make soldiers out of the Porto Ricans, why not abolish this organization that we have down there and let them have a regiment in the Regular Army composed of Porto Ricans?

Mr. MONDELL. The gentleman undoubtedly knows that if we abolish this organization there is no way whereby Porto Ricans can be enlisted in the Regular Army.

Mr. CLARK. What is the reason Congress could not pass a law to fix that? The gentleman talks as if the thing was an utter impossibility whenever a suggestion is made to change it.

Mr. MONDELL. If the gentleman is prepared with legislation abolishing the Porto Rican regiment and providing for enlistment of Porto Ricans in the Regular Army of the United States, and providing that the troops kept be of such Porto Rico enlistments, I am ready to support such an amendment or such a bill; but it would require——

Mr. CLARK. Adopt my amendment and I will introduce the bill in the morning.

Mr. MONDELL. Oh, Mr. Chairman, in my opinion, it would require more than the abolishment of the Porto Rican regiment. If you are to abolish the Porto Rican regiment and desire Porto Ricans to serve there, it would require more than a law allowing the enlistment of Porto Ricans in the Regular Army of the United States, for in my opinion our recruiting officers would not greatly encourage such enlistments.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent for a few minutes more.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that he may proceed for five minutes. Without objection, it is so ordered.

There was no objection.

Mr. BARTLETT. Mr. Chairman, I do not want to disturb the gentleman, but the gentleman says that he believes these Porto Ricans ought to be enlisted in the United States Army. Why is it they can not be? Of course I know they are not citizens of the United States. That is the reason, is it not?

Mr. MONDELL. Well, there is no law providing for the enlistment of Porto Ricans.

Mr. BARTLETT. Any citizen of the United States between certain ages can apply for enlistment and be enlisted if he comes up to certain requirements, can he not?

Mr. MONDELL. As I said, there is no law under which a citizen of Porto Rico can be enlisted.

Mr. BARTLETT. I understand that, because he is not a citizen of the United States.

Mr. MONDELL. No; I do not think that is altogether true.

Mr. BARTLETT. Then, why can not a Porto Rican, if he desires to enlist in the Regular Army of the United States, if he is stationed where officers are detailed to receive enlistments of men for the United States Army, enlist? I know why, but I want the gentleman to tell me.

Mr. STEVENS of Minnesota. As a matter of fact, they are in the Army now. Two hundred and twenty-two of them enlisted last year and are now serving.

Mr. BARTLETT. I want the gentleman from Wyoming to tell me why he said they could not do it.

Mr. STEVENS of Minnesota. Well, they are in the Army.

Mr. BARTLETT. Then the gentleman is mistaken in his statement?

Mr. MONDELL. Even if it were possible——

Mr. BARTLETT. That is because they are not citizens of the United States. Now, does not the gentleman think it is a remarkable thing in the history of our country and a very remarkable position for this great Republic to occupy when we say that loyal citizens, people who have sworn to support the Constitution of the United States and who are willing to do it and to become citizens, are to be excluded from enlisting in the Regular Army of the United States?

Mr. MONDELL. Mr. Chairman, I have but five minutes, and I have yielded quite a large part of it now to the gentleman from Georgia for a speech.

Mr. CLARK. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. CLARK. Oh, I will get the gentleman's time extended. There is a question that ought to be settled here. The gentleman from Minnesota says they are now enlisted in the Regular Army.

Mr. PRINCE. The Secretary of War says so.

Mr. CLARK. No. The gentleman from Wyoming says they can not be enlisted in the Army, and the gentleman from Virginia [Mr. HAY] says, sotto voce, that they are not. Now, which one of the three is telling the straightest evidence?

Mr. HAY. Oh, I think I am, Mr. Chairman. [Laughter.]

Mr. MONDELL. The gentleman from Wyoming is still inclined to the opinion that Porto Ricans are not accepted in the Regular Army of the United States and that the enlistments referred to by the gentleman from Minnesota were in the Porto Rican regiment.

Mr. BARTLETT. Why not?

Mr. MONDELL. Well, I think I have told the gentleman, and he has made quite a speech on the subject, and if he desires to go into the matter further I hope he will do so in his own time; but I understand they are not, and, in my opinion, judging from some knowledge of enlistments in the Army, if they were eligible and are eligible they would not be accepted and enlisted in the Army to any extent; and therefore a regiment or the portion of a regiment that might be sent to Porto Rico would not, as a matter of fact, be Porto Ricans, except for this special provision that the troops quartered there shall be natives; and, in my opinion, in no other way can you be assured that the soldiers of the United States in Porto Rico would be of Porto Rican birth except by some special provision like that contained in the legislation in question.

Mr. HULL. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Iowa?

Mr. MONDELL. Yes.

Mr. HULL. My impression is that matter can be cleared up by a statement which I think is correct, that the Porto Ricans enlisted in the Army were for this regiment——

Mr. MONDELL. For the Porto Rican regiment?

Mr. HULL. I think the gentleman is correct, further, because when we had this matter up to abolish the regiment we put in the law abolishing it this proviso:

> That citizens of Porto Rico shall be eligible for enlistment in the Regular Army, and the Porto Rican regiment may be ordered for service outside of the island of Porto Rico.

Now, when we established this regiment we made it for service only in Porto Rico. I want to say, further, if the gentleman will yield, that the reason Porto Ricans were not given com-

mand service at the time was because they had just come in under our flag. They were not educated in our language and they were not educated in our laws, and it was believed that the highest noncommissioned office was as far as they ought to go at that time.

Mr. CLARK. Now, I would like to ask the gentleman——

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. CLARK. I ask unanimous consent that the gentleman from Wyoming have five minutes more.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the gentleman from Wyoming may proceed for five minutes.

Mr. BAKER. I object. The gentleman from Missouri refused to give me half the time to which I was entitled. You refused to give me half the time to which I was entitled.

Mr. CLARK. You were not entitled to that.

The CHAIRMAN. The time for debate on this amendment having expired——

Mr. CLARK. I want to ask the gentleman from Iowa a question——

The CHAIRMAN. The Chair will state that the time limit for debate has been exhausted. The question now is on agreeing to the amendment offered by the gentleman from Missouri.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CLARK. Division.

The committee divided; and there were—ayes 45, noes 66.

Mr. CLARK. I call for tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN. The gentleman from Iowa [Mr. HULL] and the gentleman from Missouri [Mr. CLARK] will take their places as tellers.

The committee again divided; and there were—ayes 47, noes 89; so the amendment was rejected.

The Clerk read as follows:

PHILIPPINE SCOUTS.

Pay of officers of the line: Fifty first lieutenants, $80,000.

Mr. COWHERD. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I do this simply to take advantage of the occasion to make an explanation, and I do it because the gentleman from Texas [Mr. SLAYDEN] saw fit to make a speech in regard to a remark which I made. I stated in the heat of discussion and in a question addressed to my colleague [Mr. CLARK], which I did not have time to explain, that I thought this had been a fight of the regular establishment against the volunteers. I did not mean, as would appear from the speech of the gentleman from Texas, that any army officer has been legging for or against this matter, but the information has come to me, from parties interested in the Porto Rican regiment, that the regular establishment was against it and it was the general feeling—that is, supposed to be; I do not say that it is—but I have often thought there was in the Regular Army a feeling against the appointment of volunteer officers without passing through the West Point school. That was what I meant by the suggestion and not, as might be inferred from the remarks of the gentleman from Texas, that any army officer had approached either any member of the committee or anybody else in an effort to influence action on the bill. I simply take this occasion to explain that.

The CHAIRMAN. The gentleman from Missouri withdraws his pro forma amendment.

The Clerk read as follows:

SUBSISTENCE DEPARTMENT.

Purchase of subsistence supplies: For issue, as rations, to troops, civil employees when entitled thereto, hospital matrons and nurses, general prisoners of war (including Indians held by the Army as prisoners, but for whose subsistence appropriation is not otherwise made), and to military prisoners at posts; for sales to officers and enlisted men of the Army; for authorized issues of candles; of toilet articles, barbers', laundry, and tailors' materials; for use of general prisoners confined at military posts without pay or allowances, and recruits at recruiting stations; of matches for lighting public fires and lights at posts and stations and in the field; of flour used for paste in target practice; of salt and vinegar for public animals; of issues to Indians employed with the Army, without pay, as guides and scouts, and for toilet paper for use by enlisted men at posts, camps, rendezvous, and offices where water-closets are provided with sewer connections. For payments: For meals for recruiting parties and recruits; for hot coffee, canned meats, and baked beans for troops traveling, when it is impracticable to cook their rations; for scales, weights, measures, utensils, tools, stationery, blank books and forms, printing, advertising, commercial newspapers, use of telephones, office furniture; for temporary buildings, cellars, and other means of protecting subsistence supplies (when not provided by the Quartermaster's Department); for coffee roasters; for commissary chests, complete, and for renewal of their outfits; for field desks of commissaries; for extra pay to enlisted men employed on extra duty in the Subsistence Department for periods of not less than ten days, at rates fixed by law; for compensation of civilians employed in the Subsistence Department, and for other necessary expenses incident to the purchase, care, preservation, issue, sale, and accounting for subsistence supplies for the Army; for the payment of commutation of rations to the cadets at the United States Military Academy in lieu of the regular established ration at the rate of 30 cents per ration; and for the payment of the regulation allowances of commutation in lieu of rations to enlisted men on furlough; to ordnance sergeants on duty at ungarrisoned posts; to enlisted men and male and female nurses when stationed at places where rations in kind can not be economically issued, and when traveling on detached duty where it is impracticable to carry rations of any kind; to enlisted men selected to contest for places or prizes in department and army rifle competitions while traveling to and from places of contest; and to male and female nurses on leaves of absence; for subsistence of the masters, officers, crews, and employees of the vessels of the army transport service; for difference between the cost of the ration at 23 cents per day and the amount of 38 cents per day to be expended by commissaries on request of medical officers for special diet to enlisted patients in hospital (except that at the general hospital at Fort Bayard, N. Mex., the difference between the cost of the ration at 25 cents and 50 cents per day, is authorized) who are too sick to be subsisted on the army ration; for difference between the cost of the ration at 23 cents and the cost of rations differing in whole or in part from the ordinary ration, to be issued to enlisted men in camp in the United States during periods of recovery from low conditions of health consequent upon service in unhealthy regions or in debilitating climates (to be expended only under special authority of the Secretary of War); and for ice to organizations of enlisted men stationed at such places as the Secretary of War may determine; in all, $6,250,000, to be expended under the direction of the Secretary of War, and accounted for as "Subsistence of the Army," and for that purpose to constitute one fund.

Mr. HULL. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Iowa [Mr. HULL] offers an amendment, which the Clerk will read.

The Clerk read as follows:

In line 18, page 18, strike out "twenty-five" and insert "twenty-three."

The amendment was agreed to.

The Clerk read as follows:

For extraordinary expense of subsistence of West Point cadets while attending inaugural ceremony, $1,080.

Mr. HULL. In order to get the benefit of paying the expenses of the cadets from West Point to the inaugural ceremony, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa [Mr. HULL] offers the following amendment, which the Clerk will read.

The Clerk read as follows:

On page 18, line 9, after the word "ceremony," insert the words "to be immediately available."

The amendment was agreed to.

The Clerk read as follows:

QUARTERMASTER'S DEPARTMENT.

Regular supplies: Regular supplies of the Quartermaster's Department, including their care and protection, consisting of stoves and heating apparatus required for heating offices, hospitals, barracks and quarters, and recruiting stations; also ranges and stoves, and appliances for cooking and serving food, and repair and maintenance of such heating and cooking appliances; of fuel and lights for enlisted men, including recruits, guards, hospitals, storehouses, and offices, and for sale to officers, and including also fuel and engine supplies required in the operation of modern batteries at established posts; for post bakeries; for ice machines and their maintenance where required for the health and comfort of the troops, and for cold storage; for the necessary furniture, text-books, paper, and equipment for the post schools and libraries; for the tableware and mess furniture for kitchens and mess halls, each and all for the enlisted men, including recruits; of forage in kind for the horses, mules, and oxen of the Quartermaster's Department at the several posts and stations and with the armies in the field, and for the horses of the several regiments of cavalry, the batteries of artillery, and such companies of infantry and scouts as may be mounted, and for the authorized number of officers' horses, including bedding for the animals; and nothing in the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year 1905 shall hereafter be held or construed so as to deprive officers of the Army, wherever on duty in the military service of the United States, of forage, bedding, shoeing, or shelter for their authorized number of horses, or of any means of transportation or maintenance therefor for which provision is made by the terms of this act; of straw for soldiers' bedding, and of stationery, including blank books for the Quartermaster's Department, certificates for discharged soldiers, blank forms for the Pay and Quartermaster's departments, and for printing department orders and reports, $5,000,000: *Provided*, That no part of the appropriations for the Quartermaster's Department shall be expended on printing unless the same shall be done by contract after due notice and competition, except in such cases as the emergency will not admit of the giving notice of competition and in cases where it is impracticable to have the necessary printing done by contract the same may be done, with the approval of the Secretary of War, by the hire of the necessary labor for the purpose: *Provided further*, That hereafter, except in cases of emergency or where it is impracticable to secure competiton, the purchase of all supplies for the use of the various departments and posts of the Army and of the branches of the army service shall only be made after advertisement, and shall be purchased where the same can be purchased the cheapest, quality and cost of transportation and the interests of the Government considered; but every open market emergency purchase made in the manner common among business men which exceeds in amount $200 shall be reported for approval to the Secretary of War under such regulations as he may prescribe.

Mr. HULL. The proviso, beginning on line 6, page 21, is already permanent law. The appropriation bill of last year put in the words "that hereafter," and I move to strike them out, as they are not necessary in this bill.

The Clerk read as follows:

On page 21, line 6, strike out the words "that hereafter."

Mr. HULL. I moved to strike out the whole proviso.

The Clerk read as follows:

Strike out the word "provided," beginning on line 6, page 21, and down to and including the word "prescribe" in line 17.

Mr. CLARK. What would the effect of that be?

Mr. HULL. It is already in the law. We have been enacting these provisions year after year, and last year we put it in "Provided further, That hereafter," so that we would not have to continue to load the bill with this long provision.

Mr. CLARK. I will ask the gentleman what it is put in this time for, then?

Mr. HULL. It was put in by error. When the clerk was preparing the bill it was overlooked.

The amendment was agreed to.

The Clerk read as follows:

Hereafter, whenever ice machines, steam laundries, and electric plants shall not come in competition with private enterprise for sale to the public and in the opinion of the Secretary of War it becomes necessary to the economical use and administration of such ice machines, steam laundries, and electric plants as have been or may hereafter be established in pursuance of law, surplus ice may be disposed of, laundry work may be done for other branches of the Government, and surplus electric light and power may be sold on such terms and in accordance with such regulations as may be prescribed by the Secretary of War: *Provided*, That the funds received from such sales and in payment for such laundry work shall be used to defray the cost of operation of said ice, laundry, and electric plants; and the sales and expenditures herein provided for shall be accounted for in accordance with the methods prescribed by law, and any sums remaining, after such cost of maintenance and operation have been defrayed, shall be deposited in the Treasury to the credit of the appropriation from which the cost of operation of such plant is paid.

Mr. GILLETT of Massachusetts. I reserve a point of order against that section, desiring to hear from the gentleman some explanation.

Mr. HULL. Mr. Chairman, the Department showed that in a great many of the outlying posts there is a surplus of ice that they are not permitted to dispose of at all and the people have no ice plant outside of the one owned by the Government. The officers could not sell it to anyone even for private hospital service, or for the sick, and in nearly all cases there is a small surplus. It is shown that the Government has a large laundry at Manila. We have no power to wash the clothes of employees of the other branches of the Government, or for the hospitals, and can do no work except for the line of the Army. It was shown that in several places where the Government had an electric-light plant there is no other electric-light plant in that country or vicinity, and that there is a little surplus of electricity that could be disposed of to the advantage of the Government without injury to the plant or to any citizen.

On the ice especially it was shown that, in the interests of humanity, the government might sometimes dispose of the surplus ice and benefit the government by benefiting the community. This committee has thrown additional safeguards around it in the way of providing that under no conditions or circumstances could the government enter into competition with any private concern. The very minute that a private concern starts the manufacture of ice the government can not sell in competition with that independent or private enterprise. That is not quite true with the laundry work, but the laundry work is limited only to the hospitals. In other words, the government can not do laundry work for any private citizen in any event, but can for our own hospitals any time. The committee believed that if they had any laundry in the community parties should not come to the government. They could start the old-fashioned wash tub. Therefore, that is cut off entirely except as to the hospitals; but, as I said, in Manila the government owns a large laundry there. It is necessary that the clothes shall be boiled and it is necessary that they shall be carefully cleansed, on account of the danger of disease, and I believe it was no injury to allow the steam laundry—the government laundry established there by us—to do work for the hospitals established there. That is the whole matter involved, and the committee went over it very carefully, and spent more time on it than on any other provision in the bill, and I believe it was granted that under no condition, at no place, and at no time can the government enter into competition with private enterprises.

Mr. GILLETT of Massachusetts. Mr. Chairman, if the committee are satisfied with these words, I certainly will not interpose my judgment; but the clause that particularly attracted my attention was the second clause, where it says: "That the funds received from such sales and in payment for such laundry work shall be used to defray the cost of operating said ice, laundry, and electric plant, etc." Now, it seems to me that that is altogether in contrast with the policy that we have had of late on appropriation bills providing for the disposition of surplus funds.

Mr. SLAYDEN. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. SLAYDEN. I merely rose to a point of order. I can not hear the gentleman. I want to know whether he is arguing against this proposition, so as to know his objection, if any.

Mr. HULL. Just one minute on this proposition. I fully sympathize with the idea of the gentleman, that all money should be paid into the Treasury, but these are very small amounts; from the very nature of things they can only amount to a very few dollars. If the gentleman will look he will find that these ice machines are located where the Government can not get ice from any other place. So far as the community is concerned, it must be sparse. Now, if the gentleman thinks that it would be better to pay in two or three dollars—the probability is that it would amount to about ten or twelve dollars—to go into the Treasury, I would have no objection to an amendment; but it is so small that it can not affect the revenues to any amount.

Mr. GILLETT of Massachusetts. Mr. Chairman, I certainly do not wish to be critical in the matter, if it is only a few dollars; but this provides that not only ice machines and steam laundries, but also electric-light plants may be established. These electric-light plants certainly may develop into very large interests, and under this provision the money that would be taken in that way need not go into the Treasury, but would go into this general fund.

Mr. HULL. Then the proposition is to limit it to this year. There is no independent concern that could sell. Whenever there is an independent concern this service by the Government is not to be supplied, and it is evident that the amount will be exceedingly low. I would suggest to the gentleman that this is the first year that that provision has been in, and it may be well to require a detailed statement. If there is any considerable sum, I should say it ought to go into the Treasury; but if there is only a few dollars, there would be little, if any, saving to the Government in turning it in.

Mr. GILLETT of Massachusetts. Now, I agree thoroughly with the gentleman to let it go in this year. I thoroughly approve the purpose of the committee to test this system and see if it could be carried on, but the clause says, "such ice machines, steam laundries, and electric plants as have been or may hereafter be established." If we let it go in this way, it becomes permanent law, and we can not get rid of it without some special bill repealing it.

Mr. HULL. Put in some provision that the amount received shall be reported to Congress, so that we may find out what may be necessary. In my own judgment, in regard to this money paid into the Treasury in these small sums, it would not be economical for the Government; and if I am mistaken as to their being small amounts, I should change my opinion on that subject and require them to be paid in.

Mr. GILLETT of Massachusetts. I quite agree with the gentleman there, and I would like to ask the gentleman if this becomes law if it does not allow all such institutions which in the future, no matter how many there shall be established, to proceed in this same way?

Mr. HULL. It does.

Mr. GILLETT of Massachusetts. Well, then, we do not know how large they may become, and we can never get rid of them without a special bill. That is the difficulty I find. If the gentleman will limit that to this year, I am in full sympathy with him.

Mr. HULL. I am perfectly willing to strike out the word "hereafter."

Mr. GILLETT of Massachusetts. I am perfectly willing to limit it to this year, but I do not care to have it made permanent.

Mr. HULL. I am perfectly willing to strike out the word "hereafter," in the beginning of line 18, on page 21.

Mr. GILLETT of Massachusetts. I do not think that accomplishes the result. The only clause I object to is the clause on page 22, beginning with line 3, in the proviso. The first part I am perfectly satisfied with, and the last part I am perfectly willing should go in for this year.

Mr. CLARK. By striking out the word "hereafter" you will not limit it to this year.

Mr. HULL. If we strike out the word "hereafter" in the beginning, that would apply to this year, and we could put the provision in next year.

Mr. GILLETT of Massachusetts. Striking out the word "hereafter" does not accomplish the result.

Mr. CLARK. That is what I say.

Mr. HULL. It would accomplish the result of limiting it to this year.

Mr. GILLETT of Massachusetts. I think not, because then it would read:

Whenever ice machines, steam laundries, and electric plants shall not come in competition with private enterprise—

And so forth, which would be a general statement.

Mr. LOUDENSLAGER. The words "for the ensuing year" would cover it.

Mr. GILLETT of Massachusetts. If the gentleman will strike out "hereafter" and put in "during the ensuing year," that will reach the result which he wishes to attain.

Mr. HULL. Strike out "hereafter" and insert "during the fiscal year."

Mr. GILLETT of Massachusetts. Strike out the word "hereafter" and insert "during the fiscal year for which this bill provides."

Mr. HULL. Very well; I will move to strike out the word "hereafter," if the gentleman desires it, and insert the words "during the fiscal year ending June 30, 1906." That will limit it specifically to this bill.

Mr. GILLETT of Massachusetts. I withdraw my point of order.

The CHAIRMAN. The gentleman from Massachusetts withdraws the point of order. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 18, page 21, strike out the word "hereafter" and insert the words "for the fiscal year ending June 30, 1906."

The amendment was agreed to.

The Clerk read as follows:

Provided further, That hereafter no military post within the United States shall be established without the express authority of Congress.

Mr. CLARK. I move to strike out the last word, simply for the purpose of making an inquiry. Is there any place where you can find an itemized statement of these vast appropriations that are made in this bill?

Mr. HULL. I suppose you could get that from the War Department; yes.

Mr. CLARK. Did you have one in the committee room when you framed this bill? I am not talking about this particular section, but I am talking about all these sections where you appropriate in lump sums.

Mr. HULL. We got more detailed information than we ever had heretofore, but we did not get detailed information about every item. In the report of the committee we give a detailed statement as to posts and the amount to be given to each post. A gentleman was talking to me a moment ago, and I do not know just "where we are at."

Mr. CLARK. It does not make any difference "where we are at." My question did not have any reference to a particular section. I simply moved to strike out the last word to find out how it is that you conclude there ought to be a lump sum appropriated of so much.

Mr. HULL. There is a very large number of small items and to go into the whole amount would make a very large volume. If we report just the amount for each little item in these long provisions, that have been carried in this way for the last fifty years, anyhow—if we were to segregate all the items, it would make a bill of probably a thousand pages or more. If the gentleman will look at the hearings, he will see that we went into the matter quite fully to get all the detailed information we could on each item; but we did not go into it for every specific, individual item, because, in my judgment, if we had gone into that we would not have reported the bill at this session of Congress.

Mr. CLARK. Don't you think it would be a real good thing for that committee to go into it one time and make a thorough overhauling?

Mr. HULL. Of every item?

Mr. CLARK. Yes; of every item.

Mr. HULL. I doubt it. Some of these items do not amount to more than $20.

Mr. CLARK. Suppose they do not.

Mr. HULL. The books are there and can be examined, and when we get the general scope of the matter, so that the totals appropriated come to about the amount required for the separate items, then we have gone into the particulars as much as we need to. To go into the details of every item, every $10 paid, would require a vast amount of time.

Mr. CLARK. I would not want you to do it at every session of Congress, but it does seem to me it would be a very healthy process for each one of the committees having charge of an appropriation bill to give it a thorough overhauling once in five or ten years. You do not know and nobody else knows how much unnecessary money there is appropriated in one of these bills where you appropriate in a lump sum.

Mr. HULL. We find that out very largely by finding out the amount that they have expended under the different provisions of law.

Mr. CLARK. Why, they will spend all they get a chance to spend.

Mr. HULL. That is a proposition I can not agree to. I think in many cases they have saved a good deal. They have saved as high as $7,000,000 out of one army bill in the last four years, and in several bills have saved from the amounts appropriated.

Mr. CLARK. I am glad to hear it.

Mr. HULL. So I think the gentleman's statement is scarcely correct.

Mr. CLARK. I withdraw my pro forma amendment.

Mr. SMITH of Kentucky. I would like to ask the chairman a question. Does this bill carry any appropriation for army maneuvers?

Mr. HULL. It does not.

The Clerk read as follows:

Military post exchange: For continuing the construction, equipment, and maintenance of suitable buildings at military posts and stations for the conduct of the post exchange, school, library, reading, lunch, amusement rooms, and gymnasium, to be expended in the discretion and under the direction of the Secretary of War, $333,500: *Provided*, That not more than $40,000 of the above appropriation shall be expended at any one post or station.

Mr. GILLETT of Massachusetts. Mr. Chairman, I reserve a point of order against that provision in line 17, "to be expended in the discretion and under the direction of the Secretary of War," until the gentleman from Iowa explains the reason for it.

Mr. HULL. Mr. Chairman, when the canteen was abolished some years ago Congress entered upon the construction of buildings for the private soldiers. The first appropriation of $500,000 had the same language as this, except it did not limit the cost for any one building. The committee found that the Department was proposing to expend a great deal more than $40,000 at some posts, and depriving the smaller posts of this building for a long time. After as full an investigation as we could give, we believed that $40,000 was ample for the purpose at any post in the United States, and we limited the cost to that sum. Our action has been vindicated by the fact that the larger proportion of the buildings for this purpose have cost much less than $40,000. But the main object of the committee at the time was to see that some posts were not provided with magnificent buildings—buildings beyond their needs—and other posts deprived for years of any buildings of this character. These buildings are for the private soldiers.

These buildings have been rapidly constructed since the abolition of the canteen. It is a building that provides room for their amusements. It is a building that provides for their coffee rooms. It is a building that provides for the library and gymnasium, and it is to my mind a very necessary appropriation to be made. I understand, Mr. Chairman, from the War Department, that this amount of money will bring this work to a close. If it were not so, I should be in favor of making it $500,000. We owe it to the enlisted man to erect these buildings as rapidly as possible.

Mr. GILLETT of Massachusetts. The clause which struck me as being obnoxious was the one "to be expended in the discretion and under the direction of the Secretary of War." Of course, without that clause the plans would have to come before Congress, and we should have to approve of them. It occurred to me that it would be wiser that the committee should have the plans sent to them, and that they should approve of them without giving them to the Secretary of War. Does not the gentleman think that would be the wiser and better plan?

Mr. HULL. I think it is wiser to leave it in this way, because this completes the work. We have expended a million dollars on this same plan. It is intended, if my information is correct, that this amount of money will provide these buildings, ranging at a cost all the way from $17,000 up to $38,000 at all posts where troops are stationed.

Mr. GILLETT of Massachusetts. Mr. Chairman, I withdraw the point of order.

The Clerk, proceeding with the reading of the bill, read as follows:

Transportation of the Army and its supplies: Transportation of the Army, including baggage of the troops when moving either by land or water, and including also the transportation of recruits and recruiting parties heretofore paid from the appropriation for "Expenses of recruiting;" of supplies to the militia furnished by the War Department; of the necessary agents and employees; of clothing, camp and garrison equipage, and other quartermaster stores, from army depots or places of purchase or delivery to the several posts and army depots, and from those depots to the troops in the field; of horse equipments and subsistence stores from the places of purchase, and from the places of delivery under contract to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small arms from the foundries and armories to

the arsenals, fortifications, frontier posts, and army depots; freights, wharfage, tolls, and ferriages; the purchase and hire of draft and pack animals and harness, and the purchase and repair of wagons, carts, and drays, and of ships and other vessels and boats required for the transportation of troops and supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters and other employees; extra-duty pay of enlisted men driving teams, repairing means of transportation, and employed as train masters, and in opening roads and building wharves; transportation of funds of the Army; the expenses of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific oceans (no steamship in the transport service of the United States shall be sold or disposed of without the consent of Congress having been first had or obtained); for procuring water, and introducing the same to buildings at such posts as from their situation require it to be brought from a distance, and for the disposal of sewage and drainage, and for constructing roads and wharves; for the payment of army transportation lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts), but in no case shall more than 50 per centum of full amount of service be paid: *Provided*, That such compensation shall be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for such service: *Provided further*, That in expending the money appropriated by this act, a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and other Government services, and also subject to such regulations as Congress may impose restricting the charge for such Government transportation, having claims against the United States for transportation of troops and munitions of war and military supplies and property over such aided railroads, shall be paid out of the moneys appropriated by the foregoing provision only on the basis of such rate for the transportation of such troops and munitions of war and military supplies and property as the Secretary of War shall deem just and reasonable under the foregoing provision, such rate not to exceed 50 per centum of the compensation for such Government transportation as shall at that time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service: *Provided further*, That under such regulations as may be prescribed by the Secretary of War the Quartermaster-General is authorized to pay officers of the Quartermaster's Department their actual traveling expenses in lieu of mileage when traveling under orders upon duties connected with the inspection or superintendence of the construction and repair work of the Department, the inspections of the general depots of the Department, the inspection or superintendence of the purchase or manufacture under contract or otherwise of articles of clothing, camp and garrison equipage, materials or supplies for the Army, or duties connected with the purchase of cavalry and artillery horses or draft animals; said expenses to be paid from the appropriation from which payment is made for the objects inspected, superintended, or purchased: *Provided further*, That the number of draft animals purchased from this appropriation, added to those now on hand, shall be limited to such numbers as are actually required for the service, $12,000,000.

Mr. GILLETT of Massachusetts. Mr. Chairman, I make the point of order against the provision, beginning at line 19, page 29, through to line 8, on page 30, as new legislation.

Mr. HULL. That is correct.

Mr. GILLETT of Massachusetts. It seems to me, subject to the enlightenment of the gentleman from Iowa, that it is unwise legislation.

Mr. HULL. Mr. Chairman, the only reason for that is that in these short trips the officers inspecting do not receive nearly as much money as they are compelled to pay out. For instance, horses have been bought and sent to a certain place, and the cavalry officer sent to inspect the horses, and he will find himself out perhaps a hundred dollars in the expenses. A quartermaster sent to a manufacturing establishment in Philadelphia from here will be compelled to spend more than he receives; his mileage will not near pay his expenses if he is there only two days, and he may be compelled to remain weeks.

Mr. GILLETT of Massachusetts. That sounds reasonable, but it seems to me if it is going to be extended to the small trip it ought to be extended to all. It is not fair to allow a man when he makes money on one trip—say a hundred dollars more than his expenses—to put that aside, and then when he comes to a small trip and does not make as much as he pays out he should claim that he should be reimbursed. It seems to me that it should be one thing or the other for all, that we should pay expenses for all or pay mileage. I am willing that the gentleman should do that which he thinks wisest, but unless I get more light I shall feel obliged to insist on my point of order.

Mr. HULL. They do not send men out very much for the inspection of the general depots. It is mostly short trips that this would apply to, in my judgment. The gentleman is probably correct in that, and yet, in my judgment, it is hard to draw the line. This was taken as the Department submitted it, largely. The argument given for it was that a captain with his salary was compelled sometimes to use it nearly all up in paying his actual expenses while out for inspection. That does not apply to engineers while they are on inspection, for the reason that their duties would involve short trips, and they do not take mileage on that, as I understand it.

Mr. GILLETT of Massachusetts. Within their expenses.

Mr. HULL. Within their expenses.

Mr. GILLETT of Massachusetts. What law allows that?

Mr. HULL. The law has never been changed. That is the old law, away back. I desire to read the following from the testimony of General Humphrey:

General HUMPHREY. Yes; and apropos of this, Colonel Thomas Fifteenth Cavalry, commanding officer, Fort Des Moines, in going to St. Louis to buy horses for his regiment found that it cost him something over $250. He got his mileage from Des Moines to St. Louis and return. Major Andrews, on the same duty, got his mileage from Leavenworth and return. Officers can not afford to perform these duties in that way. I endeavored to get authority to pay officers their actual traveling expenses when buying horses, and to pay them from the appropriation from which the animals were bought, and was told that it was illegal. It is illegal. There is no law authorizing it.

Then he carries that on for several pages. He goes into it on the ground that these short trips entail such a loss on the officers that sometimes it absorbs their salary. Now, if the gentleman can offer an amendment which will cover what he has in his mind, I would not object to it, although it strikes me that it would not be subject to the abuse that is anticipated. It applies to all trips for inspection only.

Mr. STEVENS of Minnesota. Mr. Chairman, I think that some method ought to be arranged by which officers can be detailed to do this work of inspection, because it would save considerable to the Government in the purchasing of better supplies and performing the public service in a better way. Now, I am not clear about this particular language, but it very often happens that the Army will want clothing inspected at the place where it is manufactured or horses inspected at the place near where they are raised. If the officers have to pay considerable out of their own pockets to do that work and there is no way of being compensated for it, they will use whatever influence they can in the Department to avoid being detailed for that kind of service. It is particularly desired in the purchase of horses and clothing that these articles be inspected near the place of their production, and I can not blame any of them for exerting their influence in whatever way it may be to avoid paying expenses for this inspection out of their own pockets. The result is that if these officers who best know what ought to be done do not go where they ought to go, some inspector, who perhaps is not acquainted with the particular service for which the articles are desired, is sent. An officer of a regiment of cavalry or a battery of artillery understands what is needed in the way of horses for his command far better than a general inspector going around and inspecting horses purchased from some general contractor. It is by this method we hope to allow our farmers and horse raisers to directly supply horses to the Army, and not be obliged to reach our purchasing boards by means of the contracting trust furnishing horses for the Army. We believe by this means we could get horses and supplies better and cheaper and to the better satisfaction of our producers. We desire to get the best possible quality of article for the purpose desired, and we thought it could be done by having the particular officer inspect it who is to use it, and it was to accomplish that purpose that some such amendment as this was desired.

Mr. GILLETT of Massachusetts. Mr. Chairman, I dislike very much to set my opinion against that of the committee, and I recognize the hardship which, of course, these officers on the short trips would suffer, but it does seem to me that this provision is hardly fair. Of course, the officers of the Army would prefer it in this way, because then when they would make a profit by taking the mileage they would take the mileage, and when they would lose by taking the mileage they would take their expenses. It seems to me they ought not to have the right to play fast and loose in that way. If they make a profit at times when they take the mileage, then it is no more than fair that they should also suffer a loss at other times by taking the mileage, and it all ought to be under one system or the other—always mileage or always expenses.

Mr. HULL. Mr. Chairman, the gentleman will have to recognize this fact, that the officer himself has nothing to say about where he is sent.

Mr. GILLETT of Massachusetts. Oh, no; it is his supervising officer, of course, who settles that.

Mr. HULL. This applies to all inspections and to that only. For instance, if a man were ordered from here to some other part of the country, near or far, on an errand that was not connected at all with the inspection, he would get mileage and mileage only, but if he is ordered for inspection, near or far, I should imagine the rule would be uniform and he would get actual expenses.

Mr. GILLETT of Massachusetts. No; this provision says that the Quartermaster-General is authorized to decide how to compensate the officers, so it is left to the Quartermaster-General to pay in which way he prefers.

Mr. HULL. Certainly, and he would undoubtedly——

Mr. GILLETT of Massachusetts. He would do what is of most advantage to the officer.

Mr. HULL. I doubt that. I think the present Quartermaster-General is a very efficient officer, and I think he would hardly make an order that would subject him to criticism of giving actual expenses in some cases of inspection and mileage in others. My understanding was that the inspection part would be on the actual expenses; that if an officer was ordered from one post to another, independent of any inspection, he would have to take his mileage and it would not come under this bill——

Mr. GILLETT of Massachusetts. Certainly.

Mr. HULL. And I can not believe any Quartermaster-General would make a ruling that would always be operative against the Government.

Mr. HAY. I call the gentleman's attention to the language. It does not leave it under the control of the Quartermaster-General. It says:

Under such regulations as may be prescribed by the Secretary of War, the Quartermaster-General is authorized, etc.

Mr. HULL. I understand it. Everything is under the direction of the Secretary of War, and the Quartermaster-General would undoubtedly submit his scheme to the Secretary of War and it would have to be approved by him before the Quartermaster-General would issue it as his order. I do not believe that it is possible for the danger the gentleman anticipates to come in.

Mr. GILLETT of Massachusetts. I think I shall insist upon my point of order for the present; perhaps I will withdraw it before the bill is finished.

Mr. HULL. I admit the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HUMPHREY of Washington. Mr. Chairman, I desire to interpose the point of order on page 25, which prohibits the sale of vessels in the transport service. It says: "No steamship in the transport service of the United States shall be sold or disposed of without the consent of Congress having been first had or obtained."

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

Mr. HUMPHREY of Washington. I make the point of order that it is new legislation and contrary to existing law.

The CHAIRMAN. The gentleman makes the point of order; will the gentleman state it? Will the gentleman again state the provision against which the point of order is made?

Mr. HUMPHREY of Washington. I make the point of order to that portion commencing on page 27, after the word "oceans," which reads:

No steamship in the transport service of the United States shall be sold or disposed of without the consent of Congress having been first had or obtained.

Mr. HULL. Does the Chair desire anything on that point?

The CHAIRMAN. The Chair will hear the gentleman from Washington on the point of order.

Mr. HUMPHREY of Washington. The point I make is it is new legislation and it is also contrary to existing legislation. These transports have been sold heretofore, so there must necessarily be some provision of law permitting it.

The CHAIRMAN. Will the gentleman from Washington again give the page and line?

Mr. HUMPHREY of Washington. It is on page 8, commencing in line 7, second word.

Mr. HULL. Down to and including the word "obtained," in line 9; is not that it?

Mr. HUMPHREY of Washington. Yes; just that portion in parentheses. I understand they have been sold, and I suppose there is some law for doing it.

Mr. MANN. That would not necessarily follow.

The CHAIRMAN. The Chair would be glad to hear the gentleman from Iowa on that. It seems to the Chair as though this were legislation on that point.

Mr. HULL. Mr. Chairman, three years ago, as I remember now, this provision was inserted by a unanimous vote of the House in the appropriation bill. It has been in every bill since that time. It is no change of existing law; it is simply existing law as carried in an appropriation bill, and the point of order would lie against every provision in the bill certainly with as much force as it would to this. If the Chair desires the appropriation bills in which it has been inserted for the last three years, I can give them to him.

The CHAIRMAN. The Chair is still unconvinced on this point, and would ask the gentleman from Iowa whether if this item was dropped from the appropriation bill the next year the gentleman would still consider this provision was statute law? If this is law, it is unnecessary to place it in the appropriation bill.

Mr. HULL. I should doubt that, Mr. Chairman, because I think the word "hereafter" has never been in, and I doubt if it would be law if it were dropped out, or if it was stricken out by a vote of the House I doubt it. It, however, is in its language a positive prohibition against sale of transports without Congressional action. But I do not think this changes existing law; it is simply a continuation of existing law that we now have which has annually been made.

The CHAIRMAN. But it would appear from that that it is simply law for the fiscal year during which the appropriation was made.

Mr. HULL. But it does not change existing law. Of course I understand no amendment can be made that is a change of existing law. If it is permanent law the proper motion would be to strike out.

The CHAIRMAN. It is a provision that governs the appropriation for a single year, and, as stated by the gentleman from Iowa, if dropped from the next appropriation bill the provision would not be the statute law.

Mr. HULL. That is as true of nearly all the provisions of the bill in that regard.

The CHAIRMAN. The provisions of the appropriation bill, the Chair will state, are simply made for the current fiscal year.

Mr. HULL. That is true of the item for "arrest of deserters," and if dropped out next year they could not pay for arrests of deserters. That is true of innumerable provisions in this bill, and it seems to me, as the House has decided it should be carried on, the House may determine whether it should be carried on or not, and I can not for the life of me see how it is possible to raise the point of order on what is existing law and which has been carried in the bill for at least three years and possibly more.

It seems to me that the only way to reach this question would be, after it has gone thus far with the Congress of the United States, for the Congress to pass upon the question whether they desire to reenact. Because if a point of order will lie against this, it will lie against half of this bill, for the only law authorizing the expenditure of money is for the purpose of continuing it from year to year.

The CHAIRMAN. It is not quite clear to the Chair that the distinction is well founded. On the contention of the gentleman from Iowa [Mr. HULL] the appropriation—the actual amount of money appropriated in the last appropriation bill—will become stereotyped and be the existing law. The aim of the appropriation bill is to furnish the necessary money for carrying on the department, subject to the condition of limitation of existing law. Any injection into an appropriation bill of limitation upon an appropriation not existing in the present statute law would seem to the Chair obnoxious to the rule. And although this provision may have been carried for a number of years, it never has been carried in the form of a statutory enactment, but as a provision always subject to a point of order governing the appropriation for a single year. The Chair, therefore, sustains the point of order.

Mr. HULL. I appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Iowa [Mr. HULL] appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as that of the committee?

Mr. CRUMPACKER. Division, Mr. Chairman.

The CHAIRMAN. The Chair will again state the question, so that there will be no misapprehension. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The House divided; and there were—ayes 57, noes 31.

So the decision of the Chair stood as the judgment of the committee.

Mr. HULL. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from Iowa [Mr. HULL] offers an amendment, which the Clerk will report.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CURTIS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 6312. An act providing for the construction of irrigation and reclamation works in certain lakes and rivers; and

S. 4277. An act for the relief of John M. Hill.

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 the bill (S. 4162) providing for the appointment of a solicitor for the Post-Office Department and abolishing the office of Assistant Attorney-General for the Post-Office Department.

ARMY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Page 30, line 11, after "dollars," insert:

"*Provided*, That no part of the $12,000,000 hereby appropriated shall be paid to any steamship company for the transportation of sun-

plies or enlisted men or officers of the United States from the Philippine Islands to the United States or from the United States to the Philippine Islands."

Mr. HUMPHREY of Washington. Mr. Chairman, I make a point of order.

The CHAIRMAN. The Chair is quite clear that this is simply a limitation of an appropriation made in this section, and therefore overrules the point of order. The question is on agreeing to the amendment offered by the gentleman from Iowa [Mr. HULL].

The amendment was agreed to.

Mr. HUMPHREY of Washington. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Washington [Mr. HUMPHREY] offers an amendment, which the Clerk will read.

The Clerk read as follows:

On page 28, line 5, after the word "Army," strike out the following words: "The expenses of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific oceans."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Chairman, I ask to be heard. I would like to be permitted to proceed for a few moments.

Mr. HULL. Mr. Chairman, I understand that the gentleman from Washington [Mr. HUMPHREY] desires fifteen minutes. I therefore ask unanimous consent for him to have that length of time.

The CHAIRMAN. Does the gentleman from Iowa [Mr. HULL] mean fifteen minutes on a side?

Mr. HULL. No. We can probably get through in five minutes on our side.

The CHAIRMAN. The gentleman from Iowa [Mr. HULL] asks unanimous consent that the gentleman from Washington [Mr. HUMPHREY] be granted fifteen minutes. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. HUMPHREY of Washington. Mr. Chairman, Congress appointed a commission which went to all the important ports of the country and there heard evidence to see if means could not be devised whereby we could build up our merchant marine. From commercial bodies, labor unions, and trade organizations in all parts of the country come petitions and memorials asking that something might be done to restore our flag to the sea.

The people of the entire nation are humiliated and ashamed that more than one-half million dollars each day must be taken from the National Treasury and given to the foreigner to carry our commerce, and yet in face of such conditions as these this Government keeps these transports running, competing with what few ships we still have in the foreign trade and, more humiliating and more unjustifiable still, they have for the last two years paid vastly more to the transports than it would have cost to have the same service performed by commercial lines. Last year this Government paid to the transport service, not including the interisland trade of the Philippines, more than a million and a half dollars, over and above what the same service would have been performed for by private companies, and it is evident from the contents of this bill that it is intended to continue this inexcusable extravagance.

Why this transport service is permitted to live is a mystery I have not been able to solve. Secretary Root advised that it be discontinued. He did sell some of the vessels and lay up others. This policy of Secretary Root was unanimously indorsed by the Merchant Marine Commission, as the following extract, taken from the report of that Commission, shows:

SECRETARY ROOT'S VIEW.

For some inexplicable reason, the gradual discontinuance of the transport service of the United States, which Hon. Elihu Root noted and commended in his annual report as Secretary of War in 1902, seems now to have been arrested. Mr. Root spoke of the sale of some transports and the laying up of others, and added:

"In October bids were invited from commercial lines for transportation of passengers and freight for the Army between San Francisco, Portland, Seattle, and Tacoma and Manila until June 30, 1903. A number of bids have been received, but the comparative advantage of operating under them has not yet been worked out, and no contract has been awarded. As rapidly as it becomes apparent that the Government business can be done more economically in any part or as a whole by this method, it is the purpose of the Department to follow the same course which has been followed upon the Atlantic in discontinuing the use of Government transports and to put the business in the hands of commercial lines on the basis of open competition.

"I am satisfied that it is practicable for private shippers to do ordinary business much cheaper than it is possible for the Government to do it under the limitations which rest upon Government action, and that they can afford to do the business for less than it costs the Government and still make a profit. At the same time, by following this method, the Government will be aiding to build up regular commercial lines between the Pacific coast and Manila, which is much to be desired."

The Commission earnestly indorses this authoritative recommendation, and urges Congress to complete as soon as possible the discontinuance of the transport service, as a measure of economy, and a sure and acceptable encouragement to American trade and navigation on the Pacific Ocean. The military power of the United States will be not the loser, but the gainer, by an enlightened policy tending to increase the number of modern American steamships available for use, and no strengthen our commerce with the Orient.

It is an open secret that the present honorable Secretary of War does not favor this service, but the Secretary of this Department does not seem to be able to enforce his desires, and this provision of the bill will hinder any efforts in that direction.

Gen. George W. Davis, when commanding in the Philippines, recommended the abolition of this service, and uses the following significant language in his report for 1903:

The transport service of the United States, as now conducted and as observed by the undersigned, is a most costly luxury; but it is defended or excused on the ground of inexorable military necessity, which in his judgment does not exist.

There is no probability that the number of troops in the Philippines will fall below 15,000 in a good many years; and the Government can very well afford to make contracts for a long term. This is done by the engineers on river and harbor work, and is done by the Treasury Department in the case of public buildings whose construction covers two or more years. If some such plan as this is adopted, there is little doubt that the Treasury will save $1,000,000 a year on transportation of troops and supplies within the Philippine Islands, and the service will be well but not luxuriously done.

A glance at the reports appearing from time to time of quartermasters in charge of transports will show that there is no lack of data to prove that the work is now done much cheaper than it could be by owners of private vessels; but it is believed that a compilation similar to the above with respect to the Oceanic transport service would give an object lesson as to what the Government is now paying to maintain a comparatively small military force in the Philippines. Great Britain once owned transports and operated them between home ports and her colonies; but after a very long and costly experience England went out of the transport business, apparently forever.

There have been numerous statements presented from year to year by the chief quartermaster, giving certain data respecting the cost of operation of vessels owned by the Government and of those which were chartered; but none of these reports or statements went to the bottom of the subject or presented all the figures of cost of all the vessels of any stated class. In this year's report the chief quartermaster supplied further data of the same kind, but it was unsatisfactory because incomplete.

REPORT OF QUARTERMASTER'S DEPARTMENT.

The report of the Quartermaster's Department for 1904 is one of the most fearfully and wonderfully made documents that the mind of man has yet conceived—wonderful in what it does not contain; wonderful in its attempt to conceal.

This report was not made to enlighten, but to cover up. It is so cunningly devised that I find a general impression has been created through this House that the transport service has actually been a money-saving institution. This report boldly makes this claim. On page 20 is the following statement:

The value of the work performed by the army transports in the transportation of passengers, freight, remains of officers, soldiers, and employees, mail matter, and animals, upon the basis of the lowest obtainable rates offered for the same service, was $3,472,260.58. This shows a difference in favor of the army transport service of $398,236.50.

And on page 21 this language is used:

Another year's experience has only tended to confirm and emphasize the views expressed in my last annual report as to the utility, economy, and necessity of the army transport system and the wisdom of continuing our present policy in its operation.

But nowhere in this report is there any statement of the original cost of these vessels or the cost of the vessels now in use. This was an item too insignificant for this system of bookkeeping. The transport service, according to the best figures obtainable, has cost this country the astounding sum of between thirty-five and forty millions of dollars. The cost to the Government of the vessels now engaged in the transport service is $8,268,146.92, as follows:

Amount of money United States has at present invested in army transports.

Name of ship.	Purchase price.	Cost of converting to transport.	Investment represented.
Buford	$350,000	$67,821.50	$417,821.50
Burnside	125,000	130,460.30	255,460.30
Crook	240,000	105,728.75	345,728.75
Dix	417,250		417,250.00
Ingalls	150,000	99,852.31	249,852.31
Kilpatrick	350,000	115,764.88	465,764.88
Logan	660,000	483,839.33	1,143,839.33
McClellan	175,000	98,046.09	273,046.09
Meade	400,000	374,009.52	774,009.52
Sheridan	660,000	339,169.38	999,169.38
Sherman	660,000	526,964.68	1,186,964.68
Sumner	160,594	250,000.00	410,594.00
Thomas	660,000	335,365.14	995,365.14
Warren	200,000	133,281.04	333,281.04
Total	5,207,844	3,060,302.92	8,268,146.92

Cost of army transports not now in service.

Name of ship.	Purchase price.	Cost of converting to transport.	Total.
Grant	$660,000	$328,458.69	$988,458.69
Hancock	600,000	543,516.28	1,143,516.28
Hooker	41,000	176,423.00	217,423.00
McPherson	250,000	116,299.70	366,299.70
Sedgwick	200,000	265,329.48	465,329.48
Rosecrans	147,200		147,200.00
Missouri	200,000	230,612.95	430,612.95
Relief	450,000	265,591.53	715,591.53
Total	2,548,200	1,926,231.63	4,474,431.63

Total investment, $12,742,578.55.

This does not include any launches, tugs, lighters, light-draft steamships, or harbor-service boats, but simply the ocean lines. Nor is the cost of operation, repairs, depreciation, insurance, or interest included.

Nowhere in this report is the service charged with anything for deterioration in this vast and fast depreciating property. Nowhere is the service charged with any interest on the many millions invested. Nowhere is there anything charged against the service for the heavy insurance the Government must carry. Nowhere is there anything charged against the service for tonnage tax that private owners must pay. Nowhere is there anything charged for damaged or lost goods. Here, at once, by these omitted items alone, you convert their boasted savings of $398,236 into a loss of one and one-half millions of dollars.

If this nation should buy and equip a railroad, and then turn it over to a Department, and no charge was made for interest on the capital invested—nothing charged for depreciation, for taxes, or insurance—it is probable that such Department could make a showing, under the system of bookkeeping adopted by the Quartermaster's Department, that it could carry goods cheaper than private roads. Under such conditions any business could be done by the Government cheaper than by private individuals.

THE CASE OF THE TRANSPORT "DIX."

That these transports can not be operated as cheaply as commercial lines, and that they are not operated upon business principles, was shown by many statements made before the Merchant Marine Commission. On page 999, vol. 2, Hearings Before Merchant Marine Commission, Mr. James B. Meikle, secretary of the Seattle Chamber of Commerce, made the following statement:

I have a statement that was made last winter which shows the cost of operating the *Dix* from the time she was purchased by the Government, March 1, 1901, up to September 6, 1903. It shows the total cost to have been $474,156.06. The cost of carrying the same amount of forage and miscellaneous freight and passengers carried by the *Dix* under the contract existing with the Boston Steamship Company would have been $349,401.22, a difference in favor of commercial lines of $124,756.84.

On page 1076, Mr. Louis W. Pratt, editor of the Tacoma Ledger, says:

I think I could offer a comparison. I mentioned that the *Dix* left here about the 27th of December, 1902, and that she left here again on the next voyage with her 3,900,000 feet cargo of lumber on the 27th of May, 1903, which was just five months later. I have the record of the sailing of the Boston Steamship Company, which operates to the same port. The *Shawmut* left here December 8, 1902, went to Manila, stopped at various other oriental ports, came back, and left again for Manila on the 24th of March, in just a little over three months."

In making these comparisons it must be remembered that it not only took the *Dix* two months longer to make the round trip than it did the *Shawmut*, but that the *Dix* also had this advantage, that it did not stop at any way ports and only carried a load one way.

MANY PASSENGERS UNLAWFULLY CARRIED.

A great part of the boasted saving of the transport service is made by unlawfully crediting the system with passengers carried free. This class of passengers is largely made up of the wives, children, servants, and friends of Government officials and of Government officials not traveling under orders or on business connected with the Government. There is no law permitting these passengers to be carried for nothing. There is no law giving the Quartermaster's Department the right to credit their carrying to the transport system. These passengers would have to pay fare if they rode on commercial lines, and the Government would not reimburse them for such expenditure. These passengers unlawfully ride on these transports at Government expense. How many of this class of passengers are carried only the officials of the Quartermaster's Department know, and they do not exhibit any great anxiety to tell, but it amounts to thousands each year. Although carried free the transport service is credited with full first-class fare at commercial rates for carrying each of these passengers, and only by including this credit is the transport service able to make a showing of a saving as compared with commercial lines. Even if you give full credit for every other item claimed, not until all of these "deadheads" have paid full first-class fare to the Government can the Quartermaster's Department make an honest showing of the saving claimed in its report. If the Quartermaster's Department will fully and honestly show how many of this class of passengers have been unlawfully credited to the transport sytem, and if the people will then approve it, I have no objections to its continuance. But this the Quartermaster's Department will not do. They dare not give the facts to the public. The only way this transport service can live is to conceal the truth.

UNLAWFUL CREDITS GIVEN THE SYSTEM.

This wonderful report of the Quartermaster's Department gives on page 19 the number of passengers carried for which the service duly claims credit, but it does not give the number of civilians carried, although taking this report (pages 16 and 17) and the statement that was made to the Merchant Marine Commission by Maj. D. A. Devol at the hearing of the Commission in San Francisco (vol. 2, Hearings before Merchant Marine Commission, pp. 1422–1437): You are able to ascertain that there were carried between San Francisco and Manila by the transport service last year upon the boats *Logan*, *Sheridan*, *Sherman*, *Thomas*, and *Dix* 2,529 civilians. This report of Major Devol's also shows that the transports above named last year, for carrying passengers, including soldiers and civilians, received a credit of $874,526.75, and of this sum $316,125 must be credited for carrying civilians; or, in other words, last year more than one-half as much was paid to the transport service for carrying civilians between San Francico and Manila alone as was paid for carrying all the soldiers from this country to the Philippine Islands. How many of these civilians should have been carried? How many had a right to charge their passage up against the Government? How many of these had they taken passage on private lines would have been reimbursed by the Government? How many of these were the wives, children, or servants of officials?

All these facts are significantly omitted from these reports, but it is safe to presume that only a small percentage of them had a right to be carried at Government expense, or would have had their passages paid by the Government had they been carried on commercial lines. *It is absolutely safe to say that not one of them paid one cent for their passage to the Government, yet last year the Government is unlawfully charged and the transport service credited with $316,125 for carrying civilians between the two ports of San Francisco and Manila.* What is the total amount thus charged to the Government and credited to the transport service for carrying passengers for nothing? It is impossible to tell.

It is simply evasion to say that the families and servants of officers should be carried by the Government. If this be so, let it be done legally. Let a law be passed to that effect and let it be done openly and honestly, and not as it is now, secretly and kept concealed from the public. The greatest evil is not carrying these families and servants free, although this is bad enough; but the greatest evil is charging the Government and giving credit to the transport service for their carrying at full commercial rates. Let the Quartermaster's Department show in its report that these people are carried free—that they do not pay one dollar to the Government—and not credit the transport system with their passage in order to make a showing of a saving in favor of this service as compared with commercial lines. In other words, let the Quartermaster's Department honestly and openly show the truth. Let them show to the public that if they did not unlawfully credit the service with first-class rates for carrying "deadheads" that the transport system could not compete with commercial lines.

Why should the families of these officials be carried at Government expense? Dare any man on this floor publicly advocate a law to that effect? Is this a necessity? It may be a necessity to the officer, but is it a necessity to the Government? It would be bad enough to let the Quartermaster's Department decide what passengers shoud be carried for nothing, as it does, regardless of any provision of law, but it is worse still to let them charge this expense to the Government and to credit the transport system with the cost at commercial rates.

The Department has two incentives to carry the families and servants and friends of these officers and their friends' friends over all the seas; first, to be accommodating—to be good fellows—and then every one that is carried adds that much to the showing of a saving made by the system.

This being permitted—to carry passengers for nothing—is the

key to this mysterious system of bookkeeping. Here is the explanation why the recommendation of the Secretary of War has not been followed. Here is the motive for the anxiety of the Government officials to maintain this service. These facts tell the whole story. The Quartermaster's Department has under its control the greatest fleet of private yachts that has ever floated since first the seas were navigated.

It would be much cheaper to turn over to the Quartermaster's Department one or two of these vessels and pay all the running expenses connected therewith, and let them be used for the express purpose of pleasure boats.

HOW THE SYSTEM MAKES A SHOWING OF A SAVING.

Then, to recapitulate, how is the transport service enabled to make a showing of a saving to the Government as compared with commercial lines? By refusing to charge up against the service, among others, the following items which all commercial lines must consider:

(1) Interest on capital invested.
(2) Insurance.
(3) Depreciation.
(4) Tonnage tax.
(5) Claims for goods lost or damaged.
(6) By unlawfully crediting the service with full fare for passengers carried free.

Taking $8,268,146, the cost of the transports now used, as a basis of calculation, these items amount in the aggregate to more than one and one-half million dollars. If you exclude the first three items upon the fallacious theory that the Government carries these items itself, upon what theory can you exclude the next two charges that commercial lines must and do pay directly to the Government? What these two items would amount to it is impossible to tell, but it would be many thousands of dollars each year; but excluding all of the above items except the last the transport service, by its own reports, still makes a showing of a loss of between $300,000 and $500,000 per annum.

Owing to the fact that the Quartermaster's Department refuses to give out any information concerning the number of civilian pasengers carried for nothing, and without warrant of law charged to the Government and credited to the system, it is impossible to tell the exact amount, but certainly it is not less than $300,000, and probably double that amount. How do they, by this system of bookkeeping, make up this loss? By carrying passengers for nothing, unlawfully, and then crediting up to the transport service their passage at first-class commercial rates. What extravagance could not be covered up by such a system of bookkeeping? How would it be possible under this system to show a loss?

A short time ago a great sensation was created throughout the country by the discovery that a few subordinate officials here in Washington were unlawfully using carriages at Government expense. This use of these carriages amounted to a few dollars; this use of these transports in the same way has amounted to millions. We are horrified at the hundreds; we are complacent at the millions. The people last year unlawfully paid more than a quarter of a million dollars for the subordinates of the Departments to carry their friends and families to the distant parts of the earth.

THE MORE "DEADHEADS" THE MORE SAVING.

If, under this system of bookkeeping, the Quartermaster's Department could get enough passengers to ride for nothing—if they could carry enough "deadheads"—they could save enough not only to pay the entire running expenses of the transport service, but to pay the running expenses of the entire country. What would be thought of the sanity of the superintendent of a commercial line that would claim that he was making a vast saving to his line by carrying passengers for nothing? This is exactly the claim of those running the transport system.

Can there be anything more deceptive, more dangerous, and more corrupting than this act of the Quartermaster's Department in carrying passengers for nothing and then crediting the transport service with their passage, thereby making a showing of a saving; and upon this showing asking a continuance of the service? This system places a premium on extravagance. Such are a few of the facts that can be gleaned from this remarkable report. If I have made any mistakes as to this system it is due to the refusal and failure of the Quartermaster's Department to furnish me with the information when asked so to do, and they, at least, can not complain.

NOT AN ATTACK ON THE OFFICIALS BUT ON THE SYSTEM.

This system of bookkeeping adopted by the Quartermaster's Department can not be explained or justified by eulogistic defenses of General Humphrey when he has not been attacked. I have the highest faith in the honesty and absolute integrity of General Humphrey. I admire and appreciate the splendid service he has rendered to his country. I am not attacking or criticising him. I am attacking the system of bookkeeping, a system in vogue many years before he entered the office. If this system of bookkeeping is correct, if it gives the facts, then no eulogy of General Humphrey is necessary to sustain it. If it does not give the facts then it is an insult to General Humphrey to use his good name and splendid reputation to conceal the truth and to deceive the country.

DOES CONSIDERATION FOR THE SOLDIER CAUSE THE TRANSPORT SERVICE TO BE CONTINUED?

It is a maneuver as old as the race, when confronted by facts, to seek to evade their force by appealing to sympathy; so the defenders of this transport system, whenever confronted with the figures of its extravagance, immediately lift up their voices in pathetic appeals about the awful horrors of carrying American soldiers on commercial lines. But all of these transports do not carry soldiers, nor are any of them used exclusively for this purpose. Then why these tears and sighs about discontinuing the use of these transports as freight carriers? Does it help the health of a soldier to get his supplies from the transports? Are his clothes rendered more comfortable? Does his food on that account more pleasantly tickle his palate? Are the horrors of a tropical climate lessened because the families and servants of his officers are carried for nothing? The appeal for sympathy for the soldier is to cover up the privileges given to the civilian. What foundation, in fact, is there for this appeal on behalf of the soldier to be carried on the transports? The commercial lines stand ready now, and for two years have been ready at all times to comply with any requirements that the Government may make relative to carying the soldiers. But the requirement that the commercial lines can not meet is the requirement to carry the wives and children and servants and friends of officials for nothing. If the commercial lines could meet this requirement, the suffering and distress of the soldier would soon disappear. It is the civilian and not the soldier who is benefited by the transports.

There are vessels now running between the Pacific ports and Manila properly fitted up according to the requirements of the War Department to carry all soldiers between this country and the Philippine Islands, and these vessels are new, strictly modern in every detail, much larger, much faster, and in every way vastly superior to the transports. This trip from the Pacific coast to Manila is known to be generally one of the roughest on the globe. Can anyone believe it is an act of humanity to carry our soldiers in one of these small, cramped, and slow-going transports, exposing them for many days longer to the horrors of seasickness, than it would be to carry them on the large ships of the Pacific Mail, the Boston Steamship Company, or on the great ship of Mr. Hill? These ships have vastly more deck room, more light, more air, and, as compared with the small, slow, and old-fashioned transports, but little motion. These charges that the commercial lines can not comfortably carry the soldiers is due largely to the ignorance of those who make them of the character of the ships now running from the Pacific coast to the Orient, and they are constantly exaggerated by those to whose advantage it is to continue the transport service. It is the civilian who is caused to suffer by commercial lines, because he has to pay his fare, while on the transport he is carried for nothing and luxuriantly boarded for 33 cents a meal. This misguided sympathy for the soldier should be given to the suffering civilian.

WOULD THE COMMERCIAL LINES CHARGE EXORBITANT RATES?

Another plea, based like all the rest on no facts or figures, for the continuance of the transport service is that if it were abolished the commercial lines would combine and charge exorbitant rates. This same argument applies with equal force to the railways. It applies to everything that the Government buys. This same argument was made when it was proposed to abolish this service on the Atlantic, but it was abolished on the Atlantic, and subsequent facts have demonstrated that this argument was untrue and, like all the rest, was used only as an excuse. If the transports are laid up, can they not again be brought into use should the commercial lines attempt to charge unjust rates? Exorbitant rates could be avoided by making long-time contracts or by inserting in the contract conditions that would prevent the Government from at any time paying more than the prevailing commercial rates. The cry of exorbitant rates in case of this service being discontinued is really a plea to retain the privilege for a few civilians to make a use, not given by law, to their own advantage of Government property.

The gentleman from California [Mr. BELL] suggests that this opposition to the transport service emanates from the commercial rivalry existing between San Francisco and Seattle. If

this be true, in view of the fact that all of the transports now run from San Francisco, it would not be hard to find a motive to explain why the gentleman so quickly comes to the assistance of this service. Does the gentleman fear the competition of Seattle if this business is done by commercial lines? It seems to me that there is little force in the gentleman's suggestions so far as Seattle is concerned, in view of the fact that the San Francisco bid last year was lower than the Seattle bid, and if this work had not been done by the Government transports it would have been done by commercial lines running from San Francisco. Does the gentleman prefer that this work be done by the transports rather than by the Pacific Mail, even if it does cost the Government more?

It has been claimed that this service should be continued because there were no vessels to be had on the Pacific to perform the service. That may have been true once, but it is not true now.

WOULD BENEFIT PRIVATE LINES.

Suppose it be true, as has been charged, that the abolition of the transport service would benefit private lines, is that any objection? Let some modern Solomon who defends this system tell me how you can build up or assist our merchant marine and not help commercial lines? Will not mail subsidies, which both parties indorse, be a direct payment and benefit to private lines?

INJURY TO AMERICAN SHIPPING.

All I have said against this service is separate and apart from what effect it has upon American shipping. Here is an opportunity for the Government to directly aid American shipping engaged in the foreign trade to the extent of more than three million dollars per annum that will not cost it a dollar, but, on the other hand, will result in a saving of millions. Why should not this be done?

IT IS RETAINED ONLY TO BENEFIT A FAVORED FEW.

You may argue this question as you will. You may talk of humanity to our soldiers. You may orate about patriotism. You may try to conceal the facts. You may appeal to sentiment. You may adopt a system of bookkeeping absurd to every principle of business, but the fact remains that this transport service lives to-day only because it is used to the benefit of a favored few.

There is but one reason under heaven to-day why the transport service is continued, and that is because some of the subordinates in the War Department want it continued.

The question is, How long are we going to permit these vessels to run in competition with American shipping? How long are we going to permit the Government to pay $1,500,000 each year more for the service of these vessels than the same service would cost if done by commercial lines? How long are we going to pay $1,500,000 each year in order that Government officials may use these vessels as private yachts? It would be a saving to the Treasury, a benefit to American shipping, an advantage to the entire country, if these transports were laid up, sold, or sunk in the sea. [Applause.]

Mr. HULL. Mr. Chairman, this matter was gone into very fully some three years ago, and at that time I took something like an hour and a half to submit to the House my views on this whole subject. At that very time the Secretary of War proposed to abolish the transport service. He was entering into a contract with a firm in Boston owning a line of steamships to carry our troops and supplies from Seattle to the Philippine Islands. He claimed that it was a saving. We went into it thoroughly, and even then, without any system of bookkeeping, but getting a list of the men who were carried for the Government, getting the number of tons of supplies carried for the Government, and applying to that passenger and freight business the same rate that was offered by these steamship and railway companies, we found that we were saving then over $200,000 a year. The Quartermaster-General was before the committee——

Mr. HUMPHREY of Washington. May I ask the gentleman a question?

Mr. HULL. Why, certainly.

Mr. HUMPHREY of Washington. How many of these passengers for whom the transport service claims credit were entitled to have their passage paid by the Government? How many of them would have had it paid by the Government if they had taken passage on commercial lines?

Mr. HULL. A very large proportion of them.

Mr. HUMPHREY of Washington. Why does not the transport service let us know?

Mr. HULL. Outside of the wives of officers going over and the wives of sergeants—for some of them have wives—I should say that 99 out of 100 would have had their passage paid by the Government if they had taken passage on commercial lines. Now, if the gentleman wants to strike at wives of officers going with them to stay the three years, I will come to that in a few minutes. These transports take over all the school-teachers; they take over all the custom-house officers; they take officers and men for the Navy; they take every man employed by the Government, for whom the Government would have to pay full rate on these commercial lines if they did not go on the transports.

Mr. HUMPHREY of Washington. May I interrupt the gentleman again?

The CHAIRMAN. Does the gentleman from Iowa yield?

Mr. HULL. Oh, yes.

Mr. HUMPHREY of Washington. I want to ask you this question: Do you contend that if we had not had the transport service those school-teachers would have been taken down to Porto Rico and would have been carried around over this globe?

Mr. HULL. You mean to Manila?

Mr. HUMPHREY of Washington. To the Philippine Islands.

Mr. HULL. I have no doubt about that.

Mr. HUMPHREY of Washington. You think the Government would have paid their passage?

Mr. HULL. I think so, or you would not have had a teacher sent there. And I want to tell the gentleman that the American teachers in the Philippine Islands are the greatest agents of civilization, as well as education, that the Government can employ. [Applause.] The money paid for their transportation is money that will come back an hundredfold in the future. [Applause.] If the gentleman wants to hit the teacher, he comes from a very poor section of the country to do it. Starting from the Atlantic, finding their way westward over the prairies and over the mountains, till they reached the Golden Gate of the Pacific, they have been the bearers of the best type of American civilization this world has ever seen. [Applause.]

Mr. HUMPHREY of Washington. I want to ask the gentleman a question right there. That was an eloquent flight of oratory the gentleman just indulged in, but unfortunately for him and the transport service the Quartermaster's Department refused to allow the carrying of the school-teachers to be charged up against it.

Mr. HULL. Oh, no.

Mr. HUMPHREY of Washington. They protested against the charge being made, and said it ought not to be charged to them.

Mr. HULL. But it is charged. It is a part of the expenses of the Government that ought not to be charged to the Army. That is what they say.

Mr. HUMPHREY of Washington. They say the transport service ought not to be charged.

Mr. HULL. The whole thing is charged to the Army transportation. They do not object to carrying them, but they say it ought not to be deducted from the cost of the Army or charged up to the cost of maintaining an army. Now, if the gentleman will allow me to proceed for a few minutes—and I will have to ask for an extension of my time, for I want to get in as a part of my remarks what General Humphrey stated at our last hearing. I read from the hearings before the committee:

The CHAIRMAN. How much would it have cost the Government on the same amount of business at regular commercial rates?

General HUMPHREY. Charging everything carried by the transports at the lowest bids that we received from commercial marine companies, we may say that we have saved $398,236.50. To that we might add $126,402.11 that we have expended in keeping the transports that are out of commission in shape for use. We ought also to add what the *Kanawha*, a harbor boat in New York, has cost—$7,462.81; then, for it was no part of the transport service, what it cost to bring the teachers from Porto Rico and send them back—$33,027.46; and, further, what the *Burnside* cost—$126,923.47. She has not been worth a thousand dollars to the Quartermaster's Department for transport service, but has been used for laying the Alaskan cable, fire-control cables in the United States, and cable work in the Philippines.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HULL. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. HULL. The examination proceeds:

Mr. STEVENS. Is that the cost of the vessel?

General HUMPHREY. That is what the vessel cost the Quartermaster's Department last year to operate.

The CHAIRMAN. For operation and laying the last cable; that should be charged to the Signal Corps?

General HUMPHREY. It is proper enough to charge it to transportation of the Army, but it ought not to be charged to the transport service.

Then the transport *Ingalls* has cost $70,836.98, and was used by the commanding general of the Philippines division as a dispatch boat, in no wise serving the purposes of the Quartermaster's Department. If we add all the amounts I have here given to the $398,236.50 it would show a saving of $762,889.33.

The CHAIRMAN. These other things you have added would be an

expense to the Government if we did not have the transport service; in other words, the *Burnside* would be kept——

General HUMPHREY. I should say so.

The CHAIRMAN. Because we are laying these cables to Alaska and other places?

General HUMPHREY. Yes.

Now, Mr. Chairman, taking the whole of the testimony before this House, it is a matter of economy, even with some abuses, for the Government to continue to maintain the transports. But I go further than that. I will say to you, gentlemen of the House, that if it cost a half million dollars more, I should be in favor of maintaining the transports. We take American citizens because, as gentlemen know, every man that wears the uniform of this country is an American citizen. We send him 7,500 miles from home, from the United States proper; we put him from a temperate climate to a tropical climate, and we land him there with the transport in better health than when he left this country. These transports are fitted up for his benefit; they are not fitted up for the benefit of the officers. The officers would have better accommodations on the commercial line, but the private soldier has a vessel fitted up for his convenience and his benefit. He has ample air space for ventilation. He has fine opportunities for bathing, he has refrigerating apparatus that gives him fresh meat and vegetables every day. He has a hospital on the uper deck of the ship, where the sick are cared for and benefited by the trip.

If you take the commercial line, he is put in the hold of the ship; he is brought from one port of this country to another in the service of the Republic, just as the emigrants are housed in the ship when brought from Europe here. They can carry these men with those accommodations at a less rate, but with additional facilities we can, with the splendid appliances for preserving the health of the men, carry them at a lower rate than they offer to do it for.

As long as the necessity exists for sending one American soldier, or any number of American soldiers, from this country to the Philippine Islands, as long as this Government needs their services to uphold the flag, as long as it is necessary to maintain this army thus far from our homes, just that long I am in favor of maintaining this transport service, the best the world has ever seen, acknowledged by all nations to be the best, so that the American citizen wearing the uniform of his country may be treated like a sovereign citizen of the Republic and not like a man escaping from his country.

Mr. BELL of California. Mr. Chairman, I would like to ask the chairman of the Military Committee, the gentleman from Iowa [Mr. HULL], if this agitation to abolish the transport service is not the outgrowth, really, of the rivalry that exists between Seattle and San Franciso?

Mr. HULL. No doubt of that.

Mr. BELL of California. Having its inception in the attempt of President Hill, of the Great Northern Railroad Company, three years ago, to divert trade and shipping from San Francisco to the port of Seattle?

Mr. HULL. I do not propose to enter into that question, and have no information on the subject. It does not affect my views as to desirability of continuing the transport service.

Mr. BELL of California. That is it, and has a great deal to do with it, has it not?

Mr. HULL. In my judgment the agitation for the abolishment of the transport service is not for the elevation of the merchant marine, and will not materially affect that question one way or the other, but it is an effort to do away with this line that is established and has done so much good, and is a saving to the Government, and to throw it into the hands of private corporations.

Mr. DE ARMOND. Mr. Chairman, I would like to make just a few remarks upon this proposition.

There seems to be involved in this discussion something in regard to the efficiency and worth of the gentleman who is at the head of the Quartermaster's Department, General Humphrey. There seems to be a suggestion that the reports made by him are not to be understood, and that if they were understood the understanding would be to his prejudice. Such suggestions must come either from those who do not know him or those who do not know what they are talking about. General Humphrey is one of the very highest in character and in efficiency of the officers in the military service of the United States; a tireless, patient, conscientious worker in the discharge of the duties of his department; a man who has devoted his time and his attention and his talents to his work with an eye single to the welfare of the soldiery of the United States and the general interests of the Government. General Humphrey, well acquainted with this entire transportation matter, long in the quartermaster service of the United States, experienced in this country and in Cuba and in the Philippines in the discharge of the duties incumbent upon a high officer in that service, thoroughly acquainted with all that is to be known about it, has said, and said time and time again—not in the interest of any transportation company, not in the interest of anybody who desires to make money out of the Government or to further any private enterprises, but in the interest of the soldiers of the United States and the Government of the United States and the taxpayers of the United States—that the transport service ought to be maintained. [Applause.]

I think he is right. I think he knows what he is talking about. I think that for the reasons which he gives, reasons which have been reiterated by the chairman of the Military Committee, the gentleman from Iowa [Mr. HULL], this service ought to be continued and ought to be a perpetual service if there is to be need for the transportation of troops and supplies. There is great force in what the gentleman from Iowa [Mr. HULL] just stated.

There is a vast difference between the transportation of the private soldier of the United States in the transports owned by the Government and their transportation for hire by steamship companies. In the one case they have good accommodations and are well cared for—their transportation is comfortable and such as befits and becomes this Government and such as the American soldier is entitled to. In the other case, as many soldiers as possible are crowded into as small a space as possible, in order to make as much money as possible for the company transporting them. So, if we look to the interest of the private soldier, we shall find that his interest lies in the maintenance of this service. If we look to the interest of the Government, that also lies in the maintenance of this service, because it is cheaper than the same work done in the same way, or even done in an inferior way, if let out to private contractors and companies.

Once do away with this service, once allow these companies to fix their own charges and rates and to furnish their own accommodations, and you have the expenses mounting high, you have extravagance running riot, and you have the soldiers of the United States, as transported for hire and for gain, badly treated, badly sheltered, badly cared for. I think that this House and this Congress ought to stand by General Humphrey, a man of experience and of knowledge, a man of patriotism, a man who is devoted to duty. I think this Congress ought to stand by the system which he favors, because he favors it for honest motives, because it is the best system, because it is to the interest of the general public and to the interest of the soldier to continue it. I think that a proposition to abolish this Government transport service in the interest of private companies, whether on the Pacific coast or on the Atlantic coast, whoever may represent them or speak for them, should not have countenance or support in this House.

I do not believe, as is well known, in the policy which requires the transportation of soldiers to the Philippines and the bringing back of soldiers, dead or alive; but while that transportation takes place, while the Philippines are held as they are held now, or held by the United States at all, there is no reason why our own transport ships should be put upon the auction block and sold, of course, at a sacrifice. There is no reason why the long arm of corporation managers should go deep into the public Treasury, and the soldiers of the United States be passed over to them for bad transportation. [Applause.]

Mr. PRINCE. Mr. Chairman, in the hearings before the Committee on Military Affairs, on page 146, I read, "The Army transport service cost $3,074,024.08." The chairman of the committee asked General Humphrey this: "How much would it have cost the Government on the same amount of business at regular commercial rates?" General Humphrey replied: "Charging everything carried by the transport at the lowest bids that we received from commercial marine companies, we may say that we saved $398,236.50." Between 10 and 12 per cent were saved. Some of us on the committee had heard some of these grapevine rumors about some little curly headed fellow being in the wood pile, and we thought we would ask further questions. I remember asking this question myself: "In that figuring you take into consideration the expense of our transports and the insurance?" General Humphrey replied: "The United States carries its own insurance. We keep a separate account for each and every transport, whether in commission or not, and immaterial of the work engaged in." I asked, "And you allow a reasonable rate of interest on them?" General Humphrey answered "No." Then I asked, "How much have we invested in the transports proper; what is the value of them?" and he then gave an itemized statement of the number of vessels and their cost. He then stated:

We could not get a fair price if we were to sell the transports, and once they were disposed of the low bids which we now have for pas-

senger and freight service would very naturally be increased to the regular commercial rates. There is a vast difference between the lowest bids we have for passenger and freight service between points in the United States and the Philippine Islands and regular commercial rates.

This question was asked by Mr. STEVENS of Minnesota, in asking with reference to the number of passengers and persons carried back and forth:

Mr. STEVENS. That is, they are not allowed to travel back and forth as they see fit?

General HUMPHREY. No, sir; they are not. I will tell you how this number of civilians was made up. There were carried for the Navy Department 1,489 persons, of whom 70 were officers, 1,300 enlisted men of the Navy and Marine Corps, and 119 were civilians; for the insular government, 334 persons; for the Treasury Department, 7; for the Post-Office Department, 3; for the State Department, 1, and for the Department of Justice, 2. I do not suppose there were as many as 3 or 4 private persons, on an average, taking the transport monthly. I refer, of course, to parties in no wise belonging to the Government service.

The evidence before the committee was clear to the effect that the transport service has been of good to the soldiers themselves and of good to the Government, and at a lower rate than the Government could have obtained it had it employed commercial lines. A further question was asked with reference to the treatment accorded to soldiers by virtue of this transport service. Mr. STEVENS of Minnesota asked this question:

Mr. STEVENS. What would be the condition supposing the men were sent by commercial lines?

General HUMPHREY. As a commercial line would carry our men I do not think the men would have it; at least we could expect much trouble aboard the ships.

Mr. STEVENS. In what way?

General HUMPHREY. There would be insubordination or worse.

Mr. PRINCE. They would have to go as steerage passengers?

General HUMPHREY. Yes; to all intents and purposes, and not first-class steerage either, more than likely.

Mr. ESCH. Would the private lines change their boats to accommodate the troops?

General HUMPHREY. I should judge not. Vessels would not be carrying any considerable number of troops with any great degree of regularity.

Regarding this matter, the general agent of a Pacific line said to me they would make no further effort to secure the army traffic until such time as our transports were no longer fit for work; in other words, until it became necessary for us to buy new vessels for this service. This was because he was aware that they could not fit up their vessels, except at great expense, to carry enlisted men with the same comfort they now have on our own vessels.

Mr. ESCH. They could not afford to?

General HUMPHREY. Nor could they. We have a sick bay and complete arrangements to take care of the sick, the insane, and, in fact, have all modern conveniences and appliances for rendering the enlisted men's voyage as comfortable as is possible by us.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BUTLER of Pennsylvania. Will the chairman of the committee permit me to ask him a question?

Mr. HULL. Certainly.

Mr. BUTLER of Pennsylvania. I understood you to say three years ago the Secretary of War, for some reason, advised Congress to pass a law authorizing him to sell these ships.

Mr. HULL. No; I did not say that.

Mr. BUTLER of Pennsylvania. Well, to authorize the Secretary of War to discontinue this service.

Mr. HULL. He did this. At the time this provision was first put into the bill he was entering into contracts and he would have made contracts for the carrying of the troops and for freight that would have stopped the transport service.

Mr. BUTLER of Pennsylvania. Has he made any official declaration concerning it?

Mr. HULL. Not that I remember.

Mr. BUTLER of Pennsylvania. Did he assign any reason for his desire to discontinue the service?

Mr. HULL. I think his reasons were that he wanted to get out of the business as soon as possible. I do not remember of seeing any official act of the Secretary of War on the subject.

Mr. BUTLER of Pennsylvania. I am obliged to the gentleman from Iowa [Mr. HULL]. I have the report here.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Washington [Mr. HUMPHREY].

The amendment was rejected.

The Clerk read as follows:

That no part of the sums appropriated for the support of the Regular Army shall be used to pay any part of the expenses of the organized militia of any State, Territory, or District of Columbia while engaged in joint encampment, maneuvers, and field instruction of the Regular Army and militia as provided by section 15 of the act of January 21, 1903, entitled "An act to promote the efficiency of the militia, and for other purposes."

Mr. BARTLETT. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from Iowa [Mr. HULL] a question. What is the necessity for this bill, Mr. Chairman?

Mr. HULL. The necessity is this: We have a permanent law in section 25 of the militia act that provides that the army appropriation can be used for that purpose without this express provision is inserted in the bill. Maneuvers are not provided for. Last year we appropriated a million dollars for maneuvers with the distinct provision of law that no other money could be used except specifically provided for that purpose. We put it in here so that there would be no injury. I do not think there is any danger of the Department using this money for maneuvers, but with this provision inserted they are relieved from any power.

Mr. BARTLETT. This repeals the act of 1903?

Mr. HULL. No; it does not repeal it; it merely provides that nothing in this act shall be paid to carry on maneuvers. I want to say it is the intention of the committee, and I think of Congress, to keep track of the money spent for that purpose, and when they desire maneuvers let them come to Congress and let us say to them how much they can have.

Mr. BARTLETT. You have already provided for maneuvers?

Mr. HULL. We have not provided for them.

Mr. BARTLETT. In another bill, in 1903, you did. I understand that if this bill becomes a law, and it will, of course, then there will be no joint maneuvers between the militia of the various States and the Regular Army, as at Manassas last summer.

Mr. HULL. Oh, not for this next fiscal year.

Mr. BARTLETT. I think we ought to have a rest from it.

Mr. SMITH of Kentucky. I desire to ask the chairman of the committee [Mr. HULL] a question. There were maneuvers held in my district in 1903 and the claims from the same have never been paid yet. I would like to know why it is there is not some provision in this bill for that purpose?

Mr. HULL. It is probably because they have not been adjusted as yet.

Mr. SMITH of Kentucky. Then there was a board?

Mr. HULL. And the board has not allowed it. I think all of the findings of the board have been paid.

Mr. SMITH of Kentucky. The board reported, made their findings, and the citizens to whom this money is due have been trying to find out why it has not been paid, and the last information I had was that Congress would have to make an appropriation for it.

Mr. HULL. Let them certify them to Congress then and ask for it.

Mr. SMITH of Kentucky. I will be glad to have any information we can get on this subject.

Mr. STEVENS of Minnesota. Under the act known as the "Dick bill," or militia act, there was a provision that military maneuvers of the National Guard and regular troops may be held and all of the appropriations carried in the army appropriation bill, such as this under dscusson, could be made available by the War Department for the purpose of paying for those maneuvers. Now, under that provision, the maneuvers were held in the district of the gentleman, and to which he refers, so that every dollar appropriated for the army appropriation bill which was in force for that year could be appropriated within its limits for the payment of those bills.

Now, for example, every dollar which is appropriated for the transportation of the Army can be used in payment of such expenses of transportation and kindred subjects embraced within that item as would be necessary for those maneuvers, and where contracts are made on expenses incurred money to pay for them can be held in the Treasury ready to be used for payment for two years after the expiration of the current year for which it was appropriated. That money has been appropriated and is now in the Treasury, and is available for paying expenses of contracts actually made for that year. Now, in the last appropriation bill——

Mr. SMITH of Kentucky. Now, let me ask the gentleman from Minnesota this question: Why is it that the War Department, in reply to my written inquiry, states to me that Congress will have to make an appropriation to pay these claims for which you say every dollar appropriated in the army appropriation bill for that year was available? I want to know why it is doing that.

Mr. STEVENS of Minnesota. This may be the condition. It may be that in some one fund, for example for subsistence, in the commissary fund there is a deficiency. Now, of course, if there is a deficiency, the Committee on Military Affairs has no jurisdiction to determine or recommend an appropriation for a deficiency as to that department, and for that purpose the War Department would have to go to the Committee on Appropriations. Now, if it goes beyond a deficiency, then it would become a claim, and go to the Committee on Claims. But this bill would have no jurisdiction to carry any amount such as the

gentleman asks for. If there are no funds actually available there would either be a deficiency on the appropriation bill for that year, and go to the Committee on Appropriations, or if not, then be a claim, and go to the Committee on Claims.

Now, I would state further that we found the original plan worked badly, allowing all the appropriations for the Army to be used for the purpose of military maneuvers.

The CHAIRMAN. The time of the gentleman from Kentucky has expired. [Laughter.]

Mr. SMITH of Kentucky. Mr. Chairman, I ask unanimous consent that the gentleman from Minnesota be permitted to proceed with his answer until he has concluded.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the gentleman from Minnesota may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. STEVENS of Minnesota. I appreciate the courtesy of the gentleman from Kentucky.

Mr. SMITH of Kentucky. I want to hear.

Mr. STEVENS of Minnesota. Last year we found the plan worked badly, such as had been carried on in conducting the maneuvers at West Point, and that some money was liable to be wasted or not properly accounted for. Claims such as the gentleman's constituent had were not paid, and we determined there should be a more careful accounting of the expenditures and a detailed statement made to Congress. So we provided some such provision as that in the present bill, and we appropriated a million dollars for it. We provided that $600,000 should be paid to the Quartermaster-General for his department; $250,000 for subsistence and commissary stores, and $150,000 for the payment of the soldiers of the National Guard, and that a detailed statement should be made to Congress of the expenditures made.

Last year the maneuvers at Manassas were made under that sort of a provision, and all those things are paid for and the matter is fairly well closed up. The appropriation last year was for the maneuvers of last year only. Now, if the gentleman states that amounts are yet outstanding, and the War Department states that the money is yet due, it should ask for a deficiency for that purpose, and it is right that we should know how much these maneuvers cost. There is a great opportunity for extravagance in that sort of thing, and this amendment is placed on the bill to prevent that kind of negligence. I believe the maneuvers should be had in the proper kind of way. The expenses of the Regular Army should be paid by regular appropriations for the Regular Army; the expenses of the militia should be paid out of appropriations directly and expressly for that purpose.

The appropriation of expenses for the payment for grounds, for payment of claims, for payment of supplies to the people, should be made in specific terms by items for that purpose.

I think the maneuvers held at West Point afforded the very best illustration of the necessity for extreme care by Congress in guarding and guiding this sort of work. Maneuvers can be held by the States under the provision of this bill, and they must pay for them themselves or out of the appropriation for militia. The Regular Army as part of the Regular Army can go to any part of the country when ordered by the proper authorities, and the payment for these things must come out of the items for the purpose in this bill, and that is the way it ought to be left until there is some other system adopted in the future.

Mr. SMITH of Kentucky. Mr. Chairman, I just want to say that I approve the general theory stated by the gentleman from Minnesota [Mr. STEVENS], but the thing that I was after was to get some money that is due to some of my constituents for maneuvers held nearly two years ago.

Mr. JAMES. You want the money instead of a theory.

Mr. SMITH of Kentucky. Yes; I would rather have a little money for some of my constituents than so much theory about appropriations for army maneuvers.

I am candid to say that the gentleman from Minnesota [Mr. STEVENS] has not shed a great deal of light upon the question how and when my constituents are to get their money; but there is one proposition that I stand upon in this matter, and that is I am against all future army maneuvers until the bills for those held at Westpoint are paid. We agree on that proposition.

Mr. HULL. Mr. Chairman, before proceeding, I am requested by the gentleman from Porto Rico [Mr. DEGETAU] to ask unanimous consent that he may have the privilege of extending his remarks in the RECORD.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the gentleman from Porto Rico [Mr. DEGETAU] may have leave to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Washington [Mr. HUMPHREY] makes a similar request. The Chair is also reminded that the gentleman from Missouri [Mr. CLARK] and the gentleman from Texas [Mr. SLAYDEN], in the course of their remarks, said they would ask leave to extend their remarks in the RECORD. If there be no objection, these several requests also will be granted.

There was no objection.

The Clerk read as follows:

Construction and repair of hospitals: For construction and repair of hospitals at military posts already established and occupied, including the extra-duty pay of enlisted men employed on the same, and including also all expenditures for construction and repairs required at the Army and Navy Hospital at Hot Springs, Ark., and for the construction and repair of general hospitals and expenses incident thereto, and for additions needed to meet the requirements of increased garrisons, $315,000.

Mr. SLAYDEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by striking out the word "fifteen," in line 17, page 31, and inserting the word "ninety."

Mr SLAYDEN. Mr. Chairman, the effect of that amendment will be to increase the appropriation for hospitals, repairs, and construction from $315,000 to $390,000. I want to say a few words in support of the amendment and to advance a few reasons why I think it should be done.

The Surgeon-General, in his statement before the Committee on Military Affairs, said his estimate of the hospital requirements of the Government this year was $925,000. Arbitrarily that amount was reduced by one of the military authorities to about $700,000, and then, a fit of economy having seized a second authority in the War Department, it was again arbitrarily reduced to $400,000.

General O'Reilly stated in detail, as all Members can see by referring to the hearings, what are the hospital necessities of the Government. I speak of personal knowledge with reference to one of them, and, Mr. Chairman, in support of this amendment I would like to have the Clerk read this memorandum furnished me from the medical branch of the War Department.

The Clerk began the reading of the memoranda, which is as follows:

Memoranda for the Surgeon-General, United States Army, showing the necessity for the erection of a new hospital at Fort Sam Houston, Tex.

April 5, 1899, a board of officers examined "the hospital at Fort Sam Houston, Tex., and recommended the erection of a new hospital building large enough for 100 patients at as early a time as practicable."

The chief surgeon, Department of Texas, stated: "If the Government intends to keep so large a command (headquarters, Sixth Infantry, and several troops of the Tenth Cavalry) permanently at the post, then, in my opinion, a new hospital should be erected."

June 7, 1899, the surgeon, Fort Sam Houston, Tex., reported that "a board of officers was convened some months ago by order of the department commander of the Gulf to report on the needs of the present hospital building at this post and the advisability of constructing a new hospital. As the board, of which I was a member, went over the ground carefully and thoroughly and noted most of the needs that I had intended to report myself, I deem it important that your office be furnished with a copy of the proceedings. The chief surgeon of the department informs me that the papers with outline plans were furnished to the War Department April 5, 1899. I wish to add to the deficiencies therein mentioned that the present building is infected throughout, and to request that if the question arises whether the old structure should be again repaired or a new one built this fact should be considered. There is at present no safe room for antiseptic treatment of wounds or aseptic surgical operations, erysipelas, measles, mumps, and typhoid fever having prevailed here to a great extent while the hospital was very much overcrowded for the past six months or more. Frequent cleansing and disinfecting of all contents of rooms and wards, washing, scrubbing, airing, and disinfection of all walls and floors have not corrected this evil. In my opinion, on this account alone the building should be condemned."

In 1899 iron anchors were authorized to brace the walls of the hospital, owing to settlement, and, January 22, 1900, the surgeon stated that "after consultation with the quartermaster, I deem it to be in the best interests of the Government to await authority for the erection of a new and larger building;" that "further bracing of walls be discontinued. Only the broken stone lintel over the main doorway of administration building has been replaced by an iron one. The engineer in the employ of the quartermaster's department informs me that no less than fifty rods have been put in at various times for this purpose, and that he can not find a place suitable for another rod, especially in view of a discovery, recently made, of a serious defect in the original construction of the buildings. It has been found that the roof water is gathered in gutters which empty into spouts terminating in the ground drain surrounding the building. This drain is perforated, intended to drain the water from the surface and subsoil, and empties into the sewer. It is evident that during a large downpour of rain the reverse happens—that is, water is forced through the perforations and keeps the soil about the foundations moist, and thus weakens their sustaining power. For some years the walls of all brick buildings erected at this post within the past ten years, as well as of the hospital, have manifested an alarming tendency to sink and break in spite of rebracing, and the engineer having investigated, found the same condition at all."

August 18, 1901, the surgeon stated: "The present building is situated in department headquarters, five-sevenths of a mile distant from the nearest barracks; it is badly built, badly arranged, and inadequate for its purpose. The walls have settled so that they have to be held together by strong iron binding rods; some of the additions which have been made have separated from the main building. The squad room is entirely too small for the detachment; there is no waiting room, no recreation room, no place for instruction, no isolation room which isolates, not sufficient storeroom. The operating room in the annex has wooden floor and wainscot, and can not be made to fulfill modern surgical requirements, and this is the post where the important surgical work of the department ought to be done under the best conditions. There are numerous other defects which might be enumerated, but it is believed that enough has been said to show the necessity for a new hospital and the uselessness of spending large sums of money with the idea of utilizing the present building."

December 24, 1902, the surgeon stated, referring to his sanitary report of August 18, 1901, that "since this was written the garrison has continued to increase in size, the number of patients sent from other posts 'for observation and treatment' has grown larger, the amount of surgical work done has assumed large proportions, and the detachment of hospital corps has been considerably augmented on account of the establishment of a detachment of instruction."

March 9, 1903, the surgeon stated: "In view of the necessity for a new hospital, only such repairs are asked for as are actually necessary."

August 25, 1903, the surgeon stated "that the post is to be enlarged by the addition of eight companies of infantry. The strength of the command, with the enlarged garrison, will be about 1,500 men. In addition the post hospital serves all the clerks and employees of department headquarters, about seventy-five men. Sick soldiers are constantly sent from other posts for observation and treatment, an average of two beds being constantly occupied by this class of patients. There are a large number of general prisoners, whose sick will require treatment in a restraint ward. The present hospital is old-fashioned, out of repair, badly arranged, and could not be converted into a modern hospital. The new hospital should have a total capacity of about sixty beds—forty-eight beds in regulation wards, four beds in restraint wards, four beds in two rooms for officers, and four beds in an isolation ward. The isolation ward should be in a detached pavilion, with attendant's room, bathroom and water-closet, disinfecting chamber, small special-diet kitchen (with gas stoves), and pantry."

March 1, 1904, the surgeon stated: "The hospital is old and out of date, but in view of the necessity for a new hospital, only such repairs are asked for as are necessary to maintain the present condition of the building."

The present hospital was erected in 1885, for twenty-four beds, at a cost of $15,100. Since then $32,041.95 have been used for additions, repairs, etc., increasing the capacity to 40 beds. Owing to the settlement of the foundation, it became necessary to tie the walls together with iron rods, and it is thought that any further expenditure of funds upon this structure will be poor economy.

The garrison is to consist of headquarters, band, and one regiment of infantry, four troops of cavalry, and two batteries of field artillery, or about 1,536 men. This will require hospital accommodations for 72 patients in wards, also a prison ward, an isolation ward, accommodations for thirty-two hospital corps privates and eight noncommissioned officers, or a total bed capacity of about 120, with necessary kitchens, mess rooms, etc.

The estimated cost is $75,000, and this is as low as it is believed a hospital of the above capacity can be erected.

Respectfully submitted.

M. W. BAYLISS.

During the reading,

Mr. SLAYDEN said: Mr. Chairman, the Clerk has read as far as necessary, provided I can get consent to incorporate the remainder of it in the RECORD.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to incorporate the remainder of the letter in his remarks. Is there objection?

There was no objection.

Mr. SLAYDEN. Now, Mr. Chairman, the appropriation for the construction and repair of hospitals has been cut down to about one-third of what the Surgeon-General of the Army says is necessary to protect the life and provide for the comfort and health of the Army. I have proposed a very modest increase in that amendment. I believe that we ought to cut down the size of the Army whenever we can, but so long as we maintain one we surely ought to take the advice of the trained medical officers in these matters, concerning which we can not have the sort of information which is clear to them. They say it is necessary to have an increase of hospitals, and I want to be perfectly frank with the House and say that if this amendment is adopted I shall propose a further amendment providing for the construction of a hospital at a department headquarters where there are about 2,000 troops who are cared for in a small hospital built for a post of two or three hundred people.

[Here the hammer fell.]

Mr. HULL. Mr. Chairman, I will ask the gentleman from Texas if he will offer his proviso first. If that is agreed to, then the amount should be increased, but if the proviso is not agreed to, there certainly ought not to be any increase in this amount, because the Surgeon-General himself says this amount is all he could use under the limitations of the law affecting the appropriations in this bill. Let the gentleman offer his proviso first.

Mr. SLAYDEN. I wish to say that while I hope to see the appropriation expended in the manner I have suggested, I prefer to see it expended in the discretion of the Surgeon-General rather than not to have it made at all. For that reason I think it is unwise to incorporate the proviso with the increased appropriation.

Mr. HULL. The Surgeon-General says he can not use it unless the limit of cost for buildings carried in this bill is raised; therefore there is no use in our appropriating a large amount of money here unless it can be used. I have some sympathy with the gentleman's ideas that we ought to be allowed to have a larger building, and if he will offer his proviso I shall raise no point of order on it, and, if it goes through, I shall be in favor of increasing it by the amount necessary—$70,000. I am opposed to increasing the amount unless it is clear that Congress is going to remove the limitation.

Mr. SLAYDEN. The gentleman has suggested that the authority to build a larger hospital ought to be given to the Medical Corps. As it is, we can not provide for one that will cost more than $20,000 in this bill. The Surgeon-General says that with so small a sum he can not do more than provide for the necessities of the smaller posts. There are a dozen or more places mentioned in these hearings where he says hospitals are urgently needed. The building proposed by me to be removed is insanitary, infected, and out of date.

Mr. GILLETT of Massachusetts. Is not the building of that hospital properly within the jurisdiction of another committee?

Mr. SLAYDEN. I called attention to the fact that it was, but when the other committee will not do its duty, we must try to do it in some other way.

Mr. GILLETT of Massachusetts. Has the other committee passed upon it?

Mr. SLAYDEN. The medical officers of the War Department have for several years been calling the attention of Congress, and presumably the Appropriation Committee, to this necessity. I have just had incorporated with my remarks a series of communications upon that particular point, all of which show that year after year this matter has been brought to the attention of the committee of which the gentleman is a distinguished member. Mr. Chairman, I would rather have a vote on the amendment as offered.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken; and the amendment was rejected.

The Clerk read as follows:

Shooting galleries and ranges: For shelter, shooting galleries, ranges for small-arms target practice, repairs, and expenses incident thereto, such ranges and galleries to be open, as far as practicable, to the National Guard and organized rifle clubs under regulations to be prescribed by the Secretary of War, $75,000.

Mr. BARTHOLDT. Mr. Chairman, I ask unanimous consent to make a statement to this House on a subject which I believe is of general interest to all of the Members.

Mr. BARTLETT. In reference to this bill?

Mr. BARTHOLDT. Well, it has some connection with it.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that he may be permitted to make a statement to the committee.

Mr. BARTLETT. What is it about, we would like to know?

Mr. BARTHOLDT. I desire to speak on the subject of international arbitration.

Mr. HULL. How long time does the gentleman desire?

Mr. BARTHOLDT. Twenty minutes.

Mr. HULL. Oh, I can not give the gentleman twenty minutes. Mr. Chairman, I ask that the gentleman be permitted to address the committee for fifteen minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the gentleman from Missouri may address the committee for fifteen minutes. Is there objection?

Mr. BAKER. I shall have to object, Mr. Chairman. I am in favor of international arbitration as much as the gentleman can be, but he could have had the opportunity under general debate.

Mr. BARTHOLDT. Mr. Chairman, I move to strike out the last word, and I hope I shall have the attention of the House on the subject upon which I desire to speak. Mr. Chairman, in the early days of April of last year Congress passed a resolution extending an invitation to the members of what is now known the world over as the Interparliamentary Union for the Promotion of International Arbitration, and made an appropriation of $50,000 for their entertainment.

Mr. BAKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BAKER. I understand that when a Member moves to strike out the last word the discussion must be germane to the bill.

The CHAIRMAN. The gentleman from New York makes the point of order that the gentleman from Missouri must proceed in order.

Mr. BARTHOLDT. Mr. Chairman, I submit to the consideration of the House that a question which touches the subject of international arbitration is certainly germane to any appropriation that may be made for war purposes, and upon that theory I claim that I am in order.

The CHAIRMAN. The gentleman from Missouri will proceed in order.

Mr. BARTHOLDT. In effect, Mr. Chairman, the passage of that resolution meant the fulfillment of a promise I had made as the only American delegate attending the conference of that organization, held the year before at Vienna, to the effect that if the members would only decide to come to our country an official invitation from Congress and our Government would surely be forthcoming.

Mr. BAKER. Mr. Chairman, I make the point of order that the gentleman is not in order.

The CHAIRMAN. If the gentleman from New York insists on the point of order the Chair will be compelled to hold that the gentleman from Missouri [Mr. BARTHOLDT] must proceed in order.

Mr. BARTHOLDT. I hope, Mr. Chairman, the gentleman will withdraw his point of order.

Mr. BAKER. Mr. Chairman, I see no reason why this discussion should take place in the middle of this bill any more than that I should discuss the subject or an equivalent subject.

The gentleman had the opportunity under general debate, and the opportunity will come up to-morrow under general debate on the Indian appropriation bill.

Mr. MANN. Mr. Chairman, I hope the gentleman from New York [Mr. BAKER] will remember that we did, by unanimous consent, give to the gentleman time to debate to-day.

Mr. BAKER. I desire to call the attention of the Chair to the fact that I had only the time that I was entitled to, five minutes, and I did not get it by unanimous consent.

Mr. MANN. Still, it was by unanimous consent.

Mr. BAKER. Well, I did not get it.

The CHAIRMAN. The Chair will be compelled to sustain the point of order. The Clerk will read.

The Clerk read as follows:

Medical and Hospital Department: For the purchase of medical and hospital supplies, including disinfectants for military posts, camps, hospitals, hospital ships, and transports; for expenses of medical supply depots; for medical care and treatment of officers and enlisted men of the Army on duty, and of prisoners of war and other persons in military custody or confinement, at posts and stations for which no other provision is made, under such regulations as shall have been or shall be prescribed by the Secretary of War; for the proper care and treatment of epidemic and contagious diseases in the Army or at military posts or stations, including measures to prevent the spread thereof, and the payment of reasonable damages, not otherwise provided for, for bedding and clothing injured or destroyed in such prevention; for the pay of male and female nurses, not including the Nurse Corps (female), and of cooks and other civilians employed for the proper care of sick officers and soldiers, under such regulations fixing their number, qualifications, assignment, pay, and allowances as shall have been or shall be prescribed by the Secretary of War; for the pay of civilian physicians employed to examine physically applicants for enlistment and enlisted men, and to render other professional services from time to time under proper authority; for the pay of other employees of the Medical Department; for the payment of express companies and local transfers employed directly by the Medical Department for the transportation of medical and hospital supplies, including bidders' samples and water for analysis; for supplies for use in teaching the art of cooking to the Hospital Corps; for the supply of the Army and Navy Hospital at Hot Springs, Ark.; for advertising, laundry, and all other necessary miscellaneous expenses of the Medical Department, $600,000: *Provided*, That hereafter the purchase of medicines and medical stores or the engagement of services not personal for the Medical Department of the Army may be made by the Medical Department in open market in the manner common among business men when the aggregate of the amount required does not exceed $200, but every such purchase or employment shall be promptly reported to the Secretary of War: *Provided further*, That hereafter civilian employees of the Army stationed at military posts may, under regulations to be made by the Secretary of War, purchase necessary medical supplies when prescribed by a medical officer of the Army.

Mr. BARTHOLDT. Mr. Chairman, I understand that the gentleman from New York [Mr. BAKER] will now withdraw his objection, and therefore I would renew my request for unanimous consent that I may proceed.

Mr. BAKER. Mr. Chairman, I hope the gentleman will not present that request just at the present time.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that he may address the committee on the subject of the interparliamentary union. Is there objection?

Mr. BAKER. Mr. Chairman, I shall object at the present time.

The CHAIRMAN. The gentleman from New York makes objection. The Clerk will read.

The Clerk read as follows:

Total for Engineer Department, $81,500.

Mr. BARTHOLDT. Mr. Chairman, I understand that now the gentleman from New York [Mr. BAKER] has withdrawn his objection.

Mr. BAKER. Mr. Chairman, I ask unanimous consent that the gentleman from Missouri may be allowed to proceed. [Applause.]

The CHAIRMAN. The gentleman from New York asks unanimous consent that the gentleman from Missouri may proceed for how many minutes?

Mr. BAKER. For fifteen minutes.

Mr. HULL. Not to exceed fifteen minutes. We want to finish this bill to-day.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears no objection, and it is so ordered.

Mr. BARTHOLDT. Mr. Chairman, in the early days of April of last year the Congress passed a joint resolution extending an invitation to the members of what is now known the world over as the "Interparliamentary Union" to visit the United States and hold their annual conference on American soil, and providing at the same time for an appropriation of $50,000 for their entertainment. In effect, the passage of that resolution meant the fulfillment of a promise I made as the only American delegate attending the conference of that organization held the year before at Vienna to the effect that if the members would only decide to come to our country an official invitation by Congress and our Government would surely be forthcoming and American hospitality, proverbial the world over, would not be lacking in the matter of their entertainment.

In pursuance of that resolution the twelfth conference of that international organization of lawmakers was held in the city of St. Louis, in connection with the great World's Fair, during the three days of September 12, 13, and 14 of last year. The delegates from abroad who attended the conference were, in accordance with the instructions of Congress, treated as the guests of the nation from the day of their arrival to practically the time of their departure, and now that they have come and gone I feel it incumbent upon me, as chairman of the reception committee and president of the Interparliamentary Union, as well as of its American branch, to make a report to this House on not only the character of that organization and its deliberations at St. Louis, but also on the far-reaching diplomatic results of that great international conference. I feel, and most of you will probably agree with me, that since Congress made this event possible its history should find a place somewhere in the CONGRESSIONAL RECORD, the more so because the time of that conference marks, and will by future historians be regarded, as a new epoch in the diplomatic history of our country. While the advocacy of international arbitration is an American tradition, yet the year 1904 will be memorable for all time to come because the United States Government then appeared in the arena of the world's politics as a leader in the great movement for its general adoption by the civilized nations of the earth.

What is the Interparliamentary Union, who are its members, and what are its aims and objects? An answer to these questions is necessary for the better understanding of what has recently occurred and of what has been accomplished. The organization may be best described as the nearest realization at the present time of what the poet has beautifully called the "Parliament of Man." It is a parliament of parliaments, a union composed of lawmakers of the different countries and which every member of every legislative body of the world has a right to join. It had a small beginning. On October 31, 1888, thirty members of the French Chamber of Deputies and ten members of the English Parliament met at a plain hotel in Paris to discuss the project of an arbitration treaty between France, England, and the United States. This was the birth of the child, and William Randal-Cremer, an English deputy, and Edward Passy, of the French Chamber, were its godfathers. To these two men really belongs the credit for having originated the idea that members of all the parliaments of the world should meet occasionally for the purpose of discussing questions which may be of common interest to all civilized nations alike. The idea inspired immediate action. Invitations were at once issued to all the other parliaments, and in 1889, during the Paris Exposition, the first so-called "interparliamentary conference" was held at the French capital. Though the attendance was small, and though the first declarations in favor of international peace were met with derision and satire by part of the press, the movement grew, and the second conference in London, in 1890, was attended by a much larger number of deputies from an increased number of countries. When, in 1891, the third conference convened in Rome, the delegates met at the capitol building, and were welcomed, on behalf of the Government, by the prime minister of the Kingdom. At this conference Germany and Austria-Hungary were represented for the first time, and from it resulted the establishment of a central bureau at Berne, Switzerland. Since then the union has continued its labors and sessions with ever-increasing attendance and ever-growing influence upon the international

relations and the development of international law. Berne, Brussels, Prague, Budapest, Christiania, Paris, and Vienna in succession welcomed the members within their hospitable walls, so that last year's conference was the twelfth in the history of the union and the first ever held on American soil. Since the initial meeting at Paris it also was the first not held in the capitol building of the nation whose hospitality the delegates enjoyed.

At present there exist branches or groups of the Interparliamentary Union in all countries of Europe, except in Russia, Turkey, and Spain. The reason why the two first-named countries are not represented in the union is obvious. They have no parliaments. I am proud to say, Mr. Chairman, that since the 13th day of January, 1904, the United States Congress, too, has an arbitration group, forty-three members having responded to the invitation to attend the initial meeting on that day. Since that time many more members have signified their intention of joining the organization. Indeed, there is no reason why every Senator and every Member of this House should not join it, and thus make his influence felt in the councils of the civilized nations. Whether Republicans or Democrats, surely we all believe in the religion of humanity.

But let me explain more fully the aims and objects of the organization. As its name indicates, only members of national legislative bodies are eligible to membership, and they can maintain their connection with the union, in case of failure of reelection, only for a certain number of years. Hence the body is made up, not of dreamers, theorists, and cranks, but of practical men of affairs who, instead of chasing rainbows, strive only for possible and practical reforms such as may be brought about by reasonable changes of existing conditions. Each member of the organization being elected by the people is responsible to the people, and this element of responsibility is possibly its strongest safeguard against the schemes and dreams of visionaries. The whole platform of the union is contained in the first section of its constitution, which reads as follows:

The Interparliamentary Union consists of members of all parliaments who have organized groups in their respective countries or will organize them for the purpose of carrying out, either by legislation or international agreement, the principle that differences between the various nations be settled by arbitration.

And this brings me to the most successful meeting ever held in the annals of the union, the one held in the United States in September last. I say most successful because its result was the making of actual history. The real friends of arbitration in Europe have watched the wonderful growth and development of our country with ungrudging admiration. They are our friends, not our enviers. They know that we will not abuse our great power for conquest or war, and are satisfied that the mission of this great nation is one of peace and good will to all men. From what I know of them I am sure that if ever this traditional American policy were reversed, if ever we would undertake to rival the Old World in military armament, it would forever put out the light of hope in the hearts of the best and noblest everywhere. For years their eyes were turned longingly to the United States in the expectation that salvation and relief from well-nigh unbearable military burdens must some day come from this side of the Atlantic, and this hope had become the more desperate the more they realized that, in view of the jealousies and rivalries of the old monarchies, the land of the Star-Spangled Banner was really their last resort. To-day, I am happy to say, and we all have reason to felicitate ourselves upon the fact, that the distinguished foreigners who came as our guests to attend a peace conference upon American soil were not only not disappointed, but that the success of their mission surpassed their most sanguine expectations. They passed a resolution requesting the President of the United States to convene a second conference of nations at The Hague, in order that the work of the first may be perfected and completed, and President Roosevelt promptly responded, when they informed him of their desires, he would accede to the request without delay. And when they respectfully submitted, further, that they had adopted resolutions in favor of the negotiation of arbitration treaties between the different countries, he surprised them with the statement that these treaties had already been drafted and were ready for the signatures of the different governments and for submission to the Senate of the United States. Do you wonder, gentlemen, that the White House rang with cheers and applause such as had never been heard on a like solemn occasion? There were present the representatives of fifteen different nations, so it was practically the civilized world that was applauding. It was as if I could see behind the 200 and more of distinguished statesmen who were clapping their hands the millions of pale-faced men, women, and children of the Old World whose very lifeblood is systematically sucked out by the vampire of militarism, and whose plaudits and blessings were here being demonstratively expressed to an American President. If I was prouder of my American citizenship at any one time than another, it was on this memorable occasion. [Applause.]

WAR NOT WHOLLY RELEGATED.

What does it mean, Mr. Chairman? Does it mean war has now become an obsolete issue? No; the friends of arbitration are not so sanguine as that. They know that war can not be abolished with a stroke of the pen, the same as murder can not be abolished by law. But they ask—and it seems to me with good logic—if murder will continue to be committed, is this a reason why there should not be a law against it? Granted that wars could not be stopped, is this a reason why there should not be international agreements and international laws to make appeals to the sword less frequent and less probable?

When a citizen has a controversy with his neighbor they are not allowed to take the law in their own hands, but civilized society and the law of every country requires them to submit their difference to the arbitrament of a court. What is demanded is that nations should be held to do the same. In other words, what is law for an individual should be law for a nation. In the human family the nation is the unit; in the single nation the individual is the unit, and the same ethics of law should be applicable to both. The failure to lay down the same rule of conduct and enforce the same law in international relations which govern individuals in separate States breeds the spirit of anarchy, and the barbarous idea that human beings should be permitted to kill each other when they are parts of a nation will prompt them to kill when they are facing each other as individuals.

Moreover, to those of you who have given any thought to the subject, it must have often occurred that war is never a guaranty for a just settlement of an honest difference, the same as a fight or a duel between men is never a guaranty that the injured party may obtain satisfaction. On the contrary, he has suffered the injury, and as the result of a fight he may be made to suffer the humiliation of defeat besides. The maxim of war is that might is right, and it is the same with a fight—it is merely a question of the survival of the most skillful or the strongest. The cause of justice is in either case absolutely ignored. We have in this country at least sufficiently progressed in culture and refined thought to ridicule duels between individuals. But is there any reason why duels between nations should be measured with a different rule of ethics—why they should not also be ridiculed, if not scorned and abhorred? The members of the Interparliamentary Union contend that all the nations should settle their differences by arbitration, because moral as well as material rights will much more surely be vindicated by the impartial verdict of applied justice than by appeals to human passions and physical force. It was this principle which guided President Roosevelt when he called a second conference at The Hague and when he sent the arbitration treaties to the Senate. [Applause.]

And right here let me suggest to my friends on the other side of the Chamber that he did not do it as a Republican, but as an American President, and as American citizens, irrespective of faith and party affiliation, we should be proud of his act, an act which will weigh more in the scales of history than all the laurels earned by the heroism of the battlefield. The first conference at The Hague was called by a representative of European autocracy, the second by a representative of American democracy. It is fair to assume that all shades of political opinion which lie between those two extremes approve the substitution of right for might, of justice for brute force, of arbitration for war, and it is also recognized as being in accord with the fitness of things that an American President should have wrested from the tottering hands of a czar the lead in this great movement for international justice and humanity. It is a rôle in which I want to see my country appear before the world, not threatening the world with its great power, but offering the olive branch to all the nations and endeavoring to elevate them to the intellectual height of the twentieth century, where the imperative demand is justice and good will among men. [Applause.]

In this connection it may be proper to refer to the arbitration treaties now pending in the Senate of the United States. They are part and parcel of the twentieth-century policy of our country and represent a concession wrung from Europe by the American spirit of liberty and peace. While these treaties are, as I said, pending in another House, yet I hold that, in view of the many popular demonstrations in their favor, the Members of this House, as the direct representatives of the people, have an unquestioned right to express their opinion regarding them.

I say they should be ratified without delay and without change. Mass meetings of citizens have recently been held in nearly all large cities calling upon Senators to take that course. I realize, Mr. Chairman, that these treaties do not go as far as they might, or as the true friends of arbitration may wish, but they are an entering wedge, and at least point the way in which all controversies of nations can and should be settled. The gist of the agreement in each case is contained in Article I, which is as follows:

Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the two contracting parties, and which it may not have been possible to settle by diplomacy, shall be referred to the permanent court of arbitration established at The Hague by the convention of the 29th July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two contracting States, and do not concern the interests of third parties.

What does it mean? It means simply to apply the rules of conduct which control civilized society in each individual country to the larger field of international relations. Is not the United States furnishing the world a splendid example of the application of this principle by the agreement of its forty-five different States to submit all their differences to a Supreme Court as a high arbiter between them? What is there to hinder the nations of the earth emulating, by creating and maintaining an international supreme court, this glorious example, except it be human folly, combativeness, or narrow chauvinism? Let us at least hope that opposition to the first discreet steps in that direction, as represented by the language just quoted and its limited scope, may not emanate from this side of the Atlantic. Let us hope that no American Senator will stoop to stay the hand of our President when he proceeds to sign that magna charta of international justice and peace, to which the spirit of the time prompted even European monarchs to subscribe. Yet, to tell the truth, I must confess that opposition has arisen in the Senate. It is caused by the fear that under such an agreement Uncle Sam might possibly be adjudged guilty of repudiation and held to pay the outlawed debts of several of our States. In other words, the opponents are mortally afraid that the United States might be "Venezuelaized." But it has evidently never occurred to them that under the "vital interest" clause of the agreement referred to Uncle Sam can wave such a question off by a simple shake of his head.

We are told by the same gentlemen that "these treaties will affect the people for ages to come," while in truth their life is limited to five years, when, of course, we hope to have them extended and their scope enlarged. It sounds like a voice from the grave when we hear such a treaty characterized as "a compact with imperialism" and The Hague Tribunal as an "imperial court." The fact is that the pages of our international history fairly bristle with such compacts and contracts, one of the first and most important being the purchase of the Louisiana territory from Napoleon. Every treaty of commerce is such a compact, and if we once proceeded to carry our aversion to the form of government of the majority of European countries into our international relations no treaty of any kind could ever again be concluded, because we surely could not deny to other governments the right to do exactly the same. And it may be possible that monarchies may have the same aversion to a republican form of government as we have to theirs, especially if the same caliber of critics would have their way in both. [Applause.]

No, Mr. Chairman, these objections will not hold good before the forum of reason, and the civilized world will proceed to business in spite of them. To-day it is not so much the form of government that people care for, as it is the kind of government which is meted out to them. Economical questions have taken the place of mere political problems, the discussion of which, in these latter days, has assumed a mere academical character. The true friends of arbitration in this country—and who to-day is not included in this collective term?—are for a closer acquaintance with the nations of the world, on the theory that to know each other better is to better understand each other, and on the basis of a mutual respectful understanding the peace of the world will be best secured. To-day nothing contributes more to this desirable end than the annual meetings of the Interparliamentary Union, to which I desired, in these few remarks, to direct the attention of the House. [Prolonged applause.]

The Clerk read as follows:

Ordnance, ordnance stores, and supplies: Manufacture or purchase of metallic ammunition and the materials therefor for small arms for current needs and reserve supply, and ammunition for reloading cartridges, including the cost of targets and material for target practice, ammunition for burials at the National Home for Disabled Volunteer Soldiers and its several Branches, including National Soldiers' Home in Washington, D. C., and at soldiers' and sailors' State homes, and for firing the morning and evening gun at military posts prescribed by General Orders, No. 70, Headquarters of the Army, dated July 23, 1867, and at National Home for Disabled Volunteer Soldiers and its several Branches, including National Soldiers' Home in Washington, D. C., and at soldiers' and sailors' State homes, and marksmen's medals, and insignia for all arms of the service, $1,250,000.

Mr. LIND. Mr. Chairman, I move to strike out the last word. Last Wednesday we passed an amendment relating to the assignment of retired officers for service in connection with the National Guard in the States. The amendment as adopted provides that any officer above the rank of a major shall only receive the retired pay while so serving. We have in our State in that capacity a lieutenant-colonel. My colleagues from our State will bear me out in the statement that there is not a finer gentleman, a better soldier, or a more estimable man in the service of the United States than that gentleman. His rank, as I said, is that of a lieutenant-colonel. Our State wishes to retain him. He loves our State and wishes to remain, and I apprehend that it was not the purpose of the House to discriminate against him and others situated in a like manner by granting an officer of the rank of major larger pay for performing like service than a retired lieutenant-colonel, or an officer of higher rank, is receiving. I am very certain every man in this House who voted for this amendment, as well as those who voted against it, would be glad to have an opportunity to correct this discrimination, and it can be done by adding at the end of the amendment these words: "In excess of the maximum pay and allowance accruing to the rank of major." The effect of this proposed amendment, which I shall offer, with the consent of the chairman, will simply be this: That officers of a higher rank than major who have been assigned to service in the States in connection with the National Guard who choose to remain shall receive as large pay and allowances as a major's maximum pay and no more.

Mr. HULL. I would like to say to the gentleman as soon as the bill is concluded I propose to ask unanimous consent to go back to that proviso, and then I think his amendment will be a very proper one. I will ask unanimous consent to go back to it for the purpose of one or two other amendments I shall present when I ask unanimous consent.

Mr. LIND. That is all, Mr. Chairman.

The Clerk resumed and concluded the reading of the bill.

Mr. HULL. Mr. Chairman, I ask unanimous consent that we may return to the amendment in regard to the pay of retired officers, on page 12 of the bill, for the purpose of offering an amendment to it, as follows: First, insert the word "hereafter," so as to read "provided that hereafter." Second, strike out all that part of the amendment that refers to the detail with militia, so it will stand for all retired officers detailed for any purpose whatever whether it is recruiting service, foreign attaché, or whatever it may be, and then the amendment suggested by the gentleman from Minnesota, that the pay of any officer of higher rank than major so serving shall be equal to the pay of a major on the active list.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to return to page 12 for the purpose of considering the amendments stated by him.

Mr. BAKER. Mr. Chairman, I ask the chairman of the committee to couple with it a request for unanimous consent that we go back to page 15——

Mr. HULL. I would change that language in asking unanimous consent and provide that it should not be less than that of major. What is the request of the gentleman from New York?

Mr. BAKER. I ask that the chairman of the committee couple with the request the further request to go back to page 15, so I may have my three minutes to which I am entitled on that.

Mr. HULL. I would suggest to the gentleman that I will guarantee him at least ten minutes to-morrow, if that will satisfy him.

Mr. BAKER. I prefer to have the three minutes to-night.

Mr. HULL. The gentleman can take his three minutes now, if he so desires.

Mr. BAKER. I am willing to take it now.

Mr. HULL. Mr. Chairman, I ask unanimous consent that the gentleman may have three minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the gentleman from New York may have three minutes. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. COCKRAN of New York. What is the section to which the gentleman from Iowa [Mr. HULL] refers?

Mr. HULL. It is the proviso limiting the pay of retired offi-

cers who are assigned to active duty, giving them the full pay of their rank.

Mr. COCKRAN of New York. Is it the section which we debated here the other day?

Mr. HULL. I propose to amend it, or to make it more sweeping, in other words. I desire to change it so that the pay of any retired officer assigned to active duty under the provisions of the law passed last year, if it is still in force, will not exceed the pay of major, whether of militia or assigned to schools, or anywhere else.

The CHAIRMAN. The Chair will first put the request made by the chairman of the committee [Mr. HULL].

Mr. COCKRAN of New York. One moment. I am not quite sure that I understand. The gentleman from Iowa [Mr. HULL] asked unanimous consent to return to page 12 of the bill for the purpose of stating certain amendments offered by him.

Mr. THAYER. I do not rise to object at this time, but to ask a question of the chairman of the committee [Mr. HULL]. I note that the chairman said "heretofore" so and so. I want to ask him whether that would refer or relate to those who have already been appointed?

Mr. HULL. Not at all.

Mr. THAYER. To illustrate, General Miles has been detailed and has accepted a position in the National Guard of Massachusetts. Would it affect him one way or another?

Mr. HULL. It would not affect his standing under the present fiscal bill. It would affect officers on the retired list acting in these positions after the 30th day of next June.

The CHAIRMAN. The gentleman from Iowa [Mr. HULL] asks unanimous consent to return to page 12 of the bill for the purpose of amendment. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The Chair recognizes the gentleman from New York [Mr. BAKER] for three minutes.

Mr. BAKER. I merely ask for the privilege of speaking here now because I want to revert to one of the serious arguments advanced in support of the maintenance of the Porto Rican regiment. The gentleman from Minnesota [Mr. STEVENS] said, and he seriously advanced the proposition, that the rations which these Porto Rican soldiers receive as United States troops are so much better than they were accustomed to, that they were getting so much better food, it had increased their physique.

Now, Mr. Chairman, let us, for heaven's sake, commence our charity at home. Who is going to pay for the Porto Rican regiment? Who is going to pay this $70,000,000 that is appropriated under this bill? It is going to be raised, every penny of it, by indirect taxation. That taxation, as every man knows, or as he must know, bears with peculiar hardship upon those who are least able to bear taxation, upon those who are nearest to the verge of starvation. The less return a man gets for his labor the larger proportion of that he must give up for taxation in proportion to his income.

Now, Mr. Chairman, if that is a serious argument, it will apply just as much to the whole Army, because it is admitted, it must be admitted—it is a fact that no one can deny—that there are literally hundreds of thousands of people, if not millions, in the United States to-day who are victims of your indirect taxation, who are on the verge of starvation, and who are therefore going to have their burdens increased by this very provision to continue the Porto Rican regiment in order that a few people in Porto Rico may have their advantages extended at the expense of the people who pay the indirect taxation.

Mr. Chairman, this is a monstrous proposition, but it is no more monstrous than the whole system of indirect taxation. And if the Members of this House ever can thoroughly grasp what is involved in it, how this system of taxation reaches down into the pockets of the very poorest people with such tremendous severity, how it brings them to the verge of starvation, then it seems to me, Mr. Chairman, there would be less willingness on the part of any Member of this House to vote millions upon millions of dollars for your Army and yet other millions upon millions for a big navy and for fortifications. You would consecrate yourselves to the duty of seeing how you could raise these taxes, if you will insist upon a large army, so that they would not be a burden upon those who are least able to bear the burdens of taxation and who to-day have practically to support all your Federal Government through indirect taxation.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk will report the proposed amendment.

The Clerk read as follows:

Amend the amendment by adding, after the word "that," in the first line, the word "hereafter," and strike out, after the word "duty," "with the organized militia of the several States and Territories."

So that the amendment will read:

Provided, That hereafter no retired officer of the Army above the grade of major shall, when assigned to active duty, receive from the United States any pay or allowances additional to his pay as a retired officer in excess of the maximum pay and allowances accruing to the rank of major.

The CHAIRMAN. The question is on the amendment to the amendment.

Mr. THAYER. I would like to ask, as a matter for information, how that would affect those lieutenant-generals who have much larger salaries than majors, and perhaps three-fourths of their salaries might be larger than the full salary of a major. Would it not be a discrimination against them, so that they may have less for performing active duty than three-fourths of their salary?

Mr. HULL. I should say, in answer to the gentleman's question, that it would not prevent them from having their salaries in full as authorized by law for retired officers, but the higher officers would not get any further pay from the Federal Government.

Mr. McCALL. Would it not be a penalty against them in the event they should accept such assignments?

Mr. HULL. If that amendment would have that effect the last amendment would be wrong, but it does not have such an effect.

Mr. THAYER. Now, I want to know, and in order to do so I make a practical application. Lieutenant-General Miles has accepted the command of the militia of our State. Am I to understand that he is only to receive what he would have received had he accepted his three-fourths pay?

Mr. HULL. If there is any question of any danger of officers not having the retired pay of their rank I think that is better than the language of the gentleman from Minnesota.

Mr. THAYER. Now, I want to understand this, so I may know which way I shall vote on this question. By this amendment to the amendment, or this other, do you say, as I understand it, that a man situated as General Miles is, that man can not get more pay than a major?

Mr. HULL. Oh, no; not as we passed it the other day.

Mr. THAYER. We have passed it.

Mr. HULL. As we passed it the other day he would get the full pay of his rank on the retired list.

Mr. THAYER. I ask unanimous consent that it may be again reported.

Mr. COCKRAN of New York. What page is that?

Mr. HULL. Page 12.

The Clerk read as follows:

Amend the amendment so that it will read: "*Provided*, That hereafter no retired officer of the Army above the grade of major shall, when assigned to active duty, receive from the United States any pay or allowances additional to his pay as a retired officer in excess of the maximum pay and allowances accruing to the rank of major."

Mr. COCKRAN of New York. That is the present amendment.

Mr. HULL. The larger part of it is the old amendment. It is proposed to amend by adding to it that no officer who is doing his duty where he is assigned shall have his pay reduced. Now, he does not have it reduced by this amendment, but the gentleman from Minnesota has the impression that without this addition a lieutenant-colonel serving would have to serve for less than he would have if he did not serve. In other words, it would deprive him of some part of his pay as a lieutenant-colonel or a colonel. My impression is that it would not be true, but in order to make it sure we put this in.

Mr. LIND. Now, if the gentleman will permit me to correct him, it would deprive him of a portion of his pay by discriminating against him. A major would be entitled to $2,500 under the provision of the original amendment, whereas a lieutenant-colonel's retired pay is only $2,250, and with quarters and allowances there is a discriminating difference of $500.

Mr. HULL. The gentleman's amendment, as I understand it now, is simply to provide that in no case shall a lieutenant-colonel—that being the next grade and the only one that would be affected—receive less pay than the pay of a major under like circumstances.

Mr. LIND. The amendment is so worded that it does not affect his retired pay, but it says his allowances for this service shall not, in the aggregate, exceed the maximum pay of a major.

Mr. HULL. That is done to make it up to the pay of a major, and I think he should have that.

Mr. McCALL. Does not that introduce an ambiguity, so that it might mean that the officer of the higher rank should not get more than the pay of a major?

Mr. LIND. No; let it be reported again, so that the gentleman can hear it.

The CHAIRMAN. If there be no objection, the Clerk will again report the amendment.

The amendment was again read.

Mr. HULL. I think the amendment is all right for this reason, that some lieutenant-colonels are now acting, and their pay on the retired list would not be quite as much as the pay of a major performing the same duty and getting active-duty pay.

Mr. COCKRAN of New York. I should like to ask the gentleman from Iowa to explain this, because I have not the original amendment before me. As I understand it, the amendment adopted the other day allows the States to avail themselves of the services of officers up to the grade of major, and these officers at once acquire the right to draw full pay from the United States; but if the State undertakes to utilize the services of an officer above the rank of major who is on the retired list, no additional pay is given to him by reason of that service.

Mr. HULL. No additional pay by the Federal Government.

Mr. COCKRAN of New York. That is continued under the new amendment?

Mr. HULL. Yes.

Mr. COCKRAN of New York. The new amendment does not in any way affect that?

Mr. HULL. Not at all.

Mr. COCKRAN of New York. Then I think it is a mere competition of objections to the amendment, whatever form it takes.

Mr. THAYER. Mr. Chairman, I do not fully understand the last part of it.

Mr. COCKRAN of New York. I am going to ask a yea-and-nay vote on this entire question when we come into the House.

Mr. THAYER. As I understand, it is the phraseology of the first amendment that they shall not receive any pay when assigned to these places above what they receive as retired officers. Then it says "in excess"—any pay in excess of that of a major. Might they not, under that, receive some pay in excess?

Mr. HULL. Not by the original amendment, no; they receive nothing additional.

Mr. McCALL. It seems to me this amendment is a model of ambiguity. I do not find any gentleman around me who understands clearly the construction of it. It seems to me the idea of the gentleman might be expressed more clearly.

Mr. LIND. It seems to me that this is as plain as language can make it, but if the committee or any member of the committee can make it plainer I am perfectly willing. The sole object of this amendment and the sole effect of that language is to remove a discrimination against a superior officer resulting from the wording of the former amendment. It penalized an officer of higher rank than major by requiring him to serve at a less pay than was allowed to a major.

Mr. PAYNE. I should like to ask the gentleman a question. I have been reading the amendment and trying to understand it, and I confess that for the life of me I can not. It seems to say that a major-general, for instance, serving under these circumstances, shall not receive any pay or allowances in excess of the pay of a major.

Mr. LIND. Will the gentleman allow me to correct him——

Mr. PAYNE. In excess of the retired pay of a major.

Mr. LIND. It does not say that.

Mr. PAYNE. It does say it.

Mr. LIND. No additional allowance. It gives him his retired pay, but says he shall not have any additional allowance in excess of the maximum pay of a major.

Mr. SLAYDEN. Mr. Chairman, as I understand the gentleman from Minnesota [Mr. LIND], and as I understand the amendment submitted by the chairman of the committee [Mr. HULL], the effect of it will be this: If a superior officer secures an assignment to active duty, and his three-quarter pay and his allowances on active duty exceed the pay of a major, he will draw his own pay then, but under no circumstances will any officer above that grade be permitted to have pay and emoluments in excess of those of a major.

Mr. McCALL. It seems to me that this amendment gives to the retired officer an additional allowance to his pay as a retired officer in this way, if I may read the amendment:

Provided, That hereafter no retired officer of the Army above the rank of major shall, when assigned to active duty, receive from the United States any pay or allowance additional to his pay as a retired officer in excess of the maximum pay and allowances accruing to the rank of major.

It would seem to follow there that he may receive over and above his retired pay an additional pay, but not in excess of the maximum pay and allowances accruing to the rank of major.

Mr. LIND. That is what we mean.

Mr. McCALL. That is, a general may receive, over and above the three-quarters pay, an additional allowance, but not to exceed the allowance of the rank of major.

Mr. WILLIAMS of Mississippi. An additional allowance not exceeding the additional allowance of a major.

Mr. McCALL. Will the gentleman state what the additional pay and allowance accruing to the rank of a major is?

Mr. LIND. Two thousand five hundred dollars is the maximum.

Mr. HULL. He gets 40 per cent in addition to that if he has had twenty years' service.

Mr. McCALL. The limitation, as it seems to me, is that an officer above the grade of major may get, in addition to his retired pay, $2,500 more, or not to exceed $2,500.

Mr. LIND. Oh, not at all.

Mr. McCALL. I think that is the evident construction.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. HULL. Now, Mr. Chairman, I move to return to page 9, which deals with clerks, messengers, and laborers at headquarters. I ask unanimous consent to insert, after the word "service," "*Provided*, That no clerk, messenger, or laborer at headquarters of divisions, departments, or office of Chief of Staff shall be assigned to duty with any bureau in the War Department."

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to return to page 8 to offer an amendment, which the Clerk will report.

The Clerk read as follows:

After the word "service," insert "*Provided*, That no clerk, messenger, or laborer at headquarters of divisions, or departments, or office of the Chief of Staff shall be assigned to duty with any bureau in the War Department."

The amendment was agreed to.

Mr. HULL. Mr. Chairman, I move that the committee do now rise and report the bill and amendments to the House.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BOUTELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 17473) making appropriations for the support of the Army for the fiscal year ending June 30, 1906, and for other purposes, and had directed him to report the same back to the House with sundry amendments with the recommendation that the amendments be adopted and that the bill as amended do pass.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I want to ask for a separate vote on one amendment.

Mr. HULL. I move the previous question, Mr. Speaker, on the bill and amendments to its passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. WILLIAMS of Mississippi. I ask for a separate vote upon the amendment on page 12, relating to the pay of retired officers detailed for State militia and other service.

The SPEAKER. Is a separate vote demanded upon any other amendment; if not the other amendments will be agreed to in gross.

The question was taken, and the other amendments were agreed to.

The SPEAKER. The question is on agreeing to the amendment designated by the gentleman from Mississippi, which the Clerk will report.

The Clerk read as follows:

After the word "service," line 21, page 12, insert: "*Provided*, hereafter, that no retired officer of the Army above the grade of major shall, when assigned to active duty, receive from the United States any pay or allowance additional to his pay as retired officer in excess of the maximum pay and allowance accruing to the rank of major."

Mr. WILLIAMS of Mississippi. Mr. Speaker, I want to make a suggestion to the gentleman from Iowa in charge of the bill. This is, in my opinion, a right important matter, and I would like to have a full vote with a full House to-morrow morning. If the gentleman will consent, I think it would be well to take the vote upon that amendment to-morrow after the morning hour.

Mr. HULL. Immediately after reading the Journal.

Mr. WILLIAMS of Mississippi. I have no objection to that. I think that would be better.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 16992. An act to authorize the county of Sunflower to construct a bridge across the Sunflower River, Mississippi.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 850. An act granting an increase of pension to Henry V. Sims;

S. 1539. An act granting an increase of pension to Edward Shiflett;

S. 844. An act granting an increase of pension to Mary L. Duff;

S. 1981. An act granting an increase of pension to Elizabeth V. Reynolds;

S. 2890. An act granting an increase of pension to Andrew C. Kemper;

S. 2009. An act granting a pension to Richard Dunn;

S. 1996. An act granting an increase of pension to William R. Williams;

S. 2274. An act granting an increase of pension to Joseph J. Carson;

S. 2574. An act granting an increase of pension to Nelson Purcell;

S. 2231. An act granting an increase of pension to Bessie M. Dickinson;

S. 2238. An act granting an increase of pension to William Strawn;

S. 2286. An act granting an increase of pension to James Thompson;

S. 2287. An act granting an increase of pension to Samuel J. Brainard;

S. 2310. An act granting an increase of pension to William Dar;

S. 2333. An act granting a pension to Benjamin F. Hall;

S. 2339. An act granting an increase of pension to Caroline Apfel;

S. 2492. An act granting an increase of pension to George G. Tuttle;

S. 2493. An act granting an increase of pension to Alfred Tichurst;

S. 2518. An act granting an increase of pension to Clarinda A. Spear;

S. 784. An act granting an increase of pension to Beverly Waugh;

S. 801. An act granting an increase of pension to Samuel L. D. Goodale;

S. 2096. An act granting an increase of pension to John W. Millett;

S. 2117. An act granting an increase of pension to Philip L. Hiteshew;

S. 2212. An act granting an increase of pension to Charles N. Wood;

S. 424. An act granting a pension to George W. Lehman;

S. 552. An act granting an increase of pension to Ira K. Eaton;

S. 1413. An act granting a pension to Louisa D. Miller;

S. 554. An act granting an increase of pension to Thomas P. Farley;

S. 567. An act granting an increase of pension to William Cody;

S. 566. An act granting an increase of pension to William H. Hart;

S. 776. An act granting an increase of pension to Calvin H. Morris;

S. 2581. An act granting an increase of pension to Myron D. Hill;

S. 2848. An act granting an increase of pension to William H. Lewis;

S. 2850. An act granting an increase of pension to Sallie J. Calkins;

S. 1208. An act granting an increase of pension to Samuel G. Magruder;

S. 1541. An act granting an increase of pension to Commodore P. Hall;

S. 1810. An act granting an increase of pension to George W. Thomas;

S. 1207. An act granting an increase of pension to James D. Stewart;

S. 1830. An act granting an increase of pension to Sarah E. Austin;

S. 266. An act granting a pension to Emma S. Harney;

S. 316. An act granting an increase of pension to Elmore Y. Chase;

S. 377. An act granting an increase of pension to Ezra W. Cartwright;

S. 2972. An act granting an increase of pension to Thomas Boyle;

S. 3001. An act granting an increase of pension to Adrinna Lowell;

S. 2915. An act granting a pension to Mary Williamson; and

S. 2945. An act granting an increase of pension to Sallie M. Nuzum.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives, by Mr. BARNES, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On January 18, 1905:

H. R. 1513. An act for the relief of the estate of George W. Saulpaw;

H. R. 6351. An act to pay J. B. McRae $99, for services as hospital steward, etc.;

H. R. 15606. An act to authorize the county of Itawamba, in the State of Mississippi, to construct a bridge across the Tombigbee River, near the town of Fulton, in the said county and State;

H. R. 15810. An act to authorize Caldwell Parish, La., to construct a bridge across the Ouachita River; and

H. R. 15981. An act to amend an act entitled "An act to authorize the Pearl and Leaf Rivers Railroad Company to bridge Pearl River, in the State of Mississippi."

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 3712. An act granting a pension to Frederick W. Tappmeyer;

H. R. 5436. An act granting a pension to Hiram Baird;

H. R. 10945. An act granting a pension to Lola Qualls;

H. R. 4948. An act granting a pension to Wilson H. Davis;

H. R. 15634. An act granting a pension to Harriet A. Orr;

H. R. 12052. An act granting a pension to Walter P. Mitchell;

H. R. 11235. An act granting a pension to Clarissa E. McCormick;

H. R. 15791. An act granting a pension to Mary Suppes;

H. R. 15269. An act granting a pension to Anna C. Owen;

H. R. 5341. An act granting a pension to Jennie Petteys;

H. R. 10554. An act granting an increase of pension to John McGregor;

H. R. 11402. An act granting an increase of pension to Agnes B. Hesler;

H. R. 3287. An act granting an increase of pension to Orin Plaisted;

H. R. 15071. An act granting an increase of pension to Matilda L. Curkendall;

H. R. 15207. An act granting an increase of pension to Amos Jones;

H. R. 5037. An act granting an increase of pension to Richard H. Stillwell;

H. R. 12577. An act granting an increase of pension to James Graves;

H. R. 7367. An act granting an increase of pension to John M. Barron;

H. R. 2353. An act granting an increase of pension to Sophia C. Hilleary;

H. R. 5089. An act granting an increase of pension to Charles W. McKenney;

H. R. 1099. An act granting an increase of pension to Lewis O. Marshall;

H. R. 10686. An act granting an increase of pension to Michael Kurtz;

H. R. 912. An act granting an increase of pension to John F. Dorsey;

H. R. 3359. An act granting an increase of pension to Cyrus E. Salada;

H. R. 12058. An act granting an increase of pension to John W. Dickey;

H. R. 14855. An act granting an increase of pension to Henry C. Thayer;

H. R. 13064. An act granting an increase of pension to John K. Tyler;

H. R. 15743. An act granting an increase of pension to Desire Leglise;

H. R. 12859. An act granting an increase of pension to James Donnelly;

H. R. 12397. An act granting an increase of pension to Alfred Chill;

H. R. 11451. An act granting an increase of pension to Alexander Morrison;

H. R. 6961. An act granting an increase of pension to Thomas E. Rice;

H. R. 9798. An act granting an increase of pension to Isaac W. Sherman;

H. R. 14875. An act granting an increase of pension to Seeley Earnest;

H. R. 14879. An act granting an increase of pension to Benjamin Dillingham;

H. R. 11661. An act granting an increase of pension to William H. McClurg;

H. R. 15785. An act granting an increase of pension to Charles E. Young;

H. R. 8996. An act granting an increase of pension to Diah Lovejoy;

H. R. 14951. An act granting an increase of pension to Benjamin F. Watts;

H. R. 15680. An act granting an increase of pension to Isaac Hanson;

H. R. 12576. An act granting an increase of pension to William M. Kitts;

H. R. 15144. An act granting an increase of pension to William J. Reynolds;

H. R. 14150. An act granting an increase of pension to John J. Carberry;

H. R. 11788. An act granting an increase of pension to Henry L. Kyler;

H. R. 15404. An act granting an increase of pension to John A. Hayward;

H. R. 15473. An act granting an increase of pension to James W. Capron;

H. R. 10969. An act granting an increase of pension to Joseph H. Shay;

H. R. 15387. An act granting an increase of pension to William Hall;

H. R. 15744. An act granting an increase of pension to Edward L. Russell;

H. R. 7241. An act granting an increase of pension to Philip H. Strunk;

H. R. 15688. An act granting an increase of pension to Augustus H. Haines;

H. R. 2151. An act granting an increase of pension to Samuel H. Hunt;

H. R. 6506. An act granting an increase of pension to Edward M. Rhoades;

H. R. 808. An act granting an increase of pension to George Deland;

H. R. 6640. An act granting an increase of pension to John A. Courtney;

H. R. 4655. An act granting an increase of pension to Henry Jeffers;

H. R. 1907. An act granting an increase of pension to Wyman J. Crow;

H. R. 4211. An act granting an increase of pension to Elijah Roberts;

H. R. 5245. An act granting an increase of pension to William A. Helt;

H. R. 6832. An act granting an increase of pension to Nathaniel Cayes;

H. R. 6129. An act granting an increase of pension to Edwin M. Raymond;

H. R. 11984. An act granting an increase of pension to Edward C. Jones;

H. R. 10272. An act granting an increase of pension to Lorenzo Streeter;

H. R. 11148. An act granting an increase of pension to George W. Stanfield;

H. R. 15779. An act granting an increase of pension to Lucinda M. Reeves;

H. R. 14184. An act granting an increase of pension to James Ginnane;

H. R. 2558. An act granting an increase of pension to John Cummings;

H. R. 14601. An act granting an increase of pension to William Scheall;

H. R. 9115. An act granting an increase of pension to Merritt Mead;

H. R. 6857. An act granting an increase of pension to Lorenzo D. Jameson;

H. R. 6543. An act granting an increase of pension to Robert Liggatt;

H. R. 5692. An act granting an increase of pension to John Shanley;

H. R. 8166. An act granting an increase of pension to Martha A. Johnson;

H. R. 13501. An act granting an increase of pension to James L. Townsend;

H. R. 14576. An act granting an increase of pension to Evelyn M. Dunn;

H. R. 5461. An act granting an increase of pension to Preston D. Roady;

H. R. 14774. An act granting an increase of pension to Albert S. Graham;

H. R. 9771. An act granting an increase of pension to Mary E. Weaver;

H. R. 6948. An act granting an increase of pension to Joshua Parsons;

H. R. 4112. An act granting an increase of pension to Elizabeth Wynne;

H. R. 11178. An act for the relief of Miss Lelia G. Cayce;

H. R. 7279. An act for an additional circuit judge in the first judicial circuit;

H. R. 16160. An act granting to Farwell, Ozmun, Kirk & Co. license to make excavations and place footings in the soil of certain land belonging to the United States at St. Paul, Minn.;

H. R. 16582. An act to authorize the Union Trust and Storage Company to change its corporate name;

H. R. 11584. An act for the protection of wild animals and birds in the Wichita Forest Reserve;

H. R. 16284. An act to transfer Fayette County from western to southern judicial district of Texas; and

H. R. 1979. An act providing for the extension of the national cemetery, on Williamsburg turnpike, near the city of Richmond, Va.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3532. An act to provide for the payment of certain claims against the District of Columbia in accordance with the acts of Congress approved January 26, 1897, and as amended July 19, 1897—to the Committee on the District of Columbia.

S. 6312. An act providing for the construction of irrigation and reclamation works in certain lakes and rivers—to the Committee on Irrigation of Arid Lands.

S. 4277. An act for the relief of John M. Hill—to the Committee on Claims.

S. 2654. An act to amend chapter 55 of an act entitled "An act to establish a code of law for the District of Columbia"—to the Committee on the District of Columbia.

CONDITION OF NATIVES IN ALASKA.

The SPEAKER laid before the House the following message from the President of the United States; which, with the accompanying papers, was referred to the Committee on the Territories and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report on the condition and needs of the natives of Alaska, made by Lieut. G. T. Emmons, United States Navy, retired.

Lieutenant Emmons had for many years peculiar facilities for ascertaining the facts about the natives of Alaska, and has recently concluded an investigation made on the ground by my special direction. I very earnestly ask the attention of the Congress to the facts set forth in this report as to the needs of the native people of Alaska. It seems to me that our honor as a nation is involved in seeing that these needs are met. I earnestly hope that legislation along the general lines advocated by Lieutenant Emmons can be enacted.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 19, 1905.*

NOTE.—The report accompanied a similar message to the Senate.

PROMOTION OF AMERICAN INDUSTRY ABROAD.

The SPEAKER laid before the House the following message from the President of the United States; which, with the accompanying papers, was referred to the Committee on Foreign Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Acting Secretary of State, accompanied by reports from the diplomatic and consular officers, upon the feasibility of regular cooperation between the two branches of our foreign service for the better promotion of American industry and trade. Basing his conclusions upon the views expressed in these reports, the Acting Secretary recommends that provision be made for six special agents, with the diplomatic rank and title of commercial attache, to be sent abroad to make practical trial of the proposed plan; to report to the Department of State conditions existing in different countries which might suggest modifications or changes in the general scheme; to prepare, for the Department of Commerce and Labor, reports upon commerce and manufactures, or upon kindred topics, of a more exhaustive and comprehensive character than is ordinarily obtainable at present; and to visit consulates, examine their workings, and suggest such changes, either to the consular officers or to the Department of State, as would tend to the general improvement and strengthening of the service.

It is proposed that these agents shall be chosen primarily for their expert knowledge, but shall be not merely specialists, except for par-

ticular investigations that might, from time to time, be required, but practical men of affairs, with the experience best suited to fit them for their executive duties. It is suggested that the consular service might supply the best type of agents desired, and that, for this reason, and also because of the incentive to merit which would thus be provided, appointments should be made preferably from among those consular officers who have demonstrated their special fitness and capacity.

It will, in my opinion, be found upon examination that while the measure proposed is a modest and more or less tentative one, involving comparatively slight expense, it promises important and far-reaching consequences in the judicious strengthening of our whole foreign service in the interest of trade, and the gradual development of capacities in it but imperfectly available as yet to make it fully adequate to the demands of our productive energy as a nation.

Agriculture in the United States has long been dependent for its prosperity upon the demand from abroad for its surplus products, and of late years our manufacturing industries have found that they were outstripping the capacity of even our enormous home market and are now looking more and more to foreign consumption for relief from accumulating stocks. According to an estimate of the Department of Commerce and Labor our exports of manufactures in the calendar year 1904 "will not only exceed the highest figures of any earlier year, but may probably pass the $500,000,000 line, as against $434,000,000 in the high-record year, the fiscal year 1900, $151,000,000 in 1890, $103,000,000 in 1880, $68,000,000 in 1870, and $40,000,000 in 1860."

The magnitude and steady growth of this export movement from our workshops and factories are such as to suggest the grave importance of providing it with all the official apparatus necessary to its full and free development.

It is generally admitted that in recent years the consular service, whatever may be its defects of system, has developed a commercial utility which has been of great practical value. It would be most regrettable, however, if this improvement, which has been brought about by the zeal and energy of individual consuls rather than by the efforts of the service as a whole, and also, to a large extent, by the special direction of the Department of State, should be accepted as fully satisfying even present requirements, not to speak of the prospective demands of a rapidly expanding commerce. For this reason I cordially commend to the consideration of the Congress the recommendations of the Acting Secretary of State, looking to the gradual systematizing and equipment of the whole foreign service, by simple and inexpensive means, as an auxiliary, responsive at all points to what may reasonably be expected of it by the great industrial and commercial interests which are so deeply concerned in enlarging their share of the world's trade.

In view of the interest and importance of the subject to the public, and especially to the business community, I also suggest that authority be given for the printing of a special edition of 5,000 copies of the Acting Secretary's letter, together with the appended reports from diplomatic and consular officers, of which 2,000 copies shall be for distribution by the Department of State.

THEODORE ROOSEVELT.

WHITE HOUSE,
Washington, January 18, 1905.

SOLICITOR FOR POST-OFFICE DEPARTMENT.

The SPEAKER laid before the House the following request from the Senate:

IN THE SENATE OF THE UNITED STATES,
January 19, 1905.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4162) providing for the appointment of a solicitor for the Post-Office Department and abolishing the office of Assistant Attorney-General for the Post-Office Department.

Attest: CHARLES G. BENNETT,
Secretary.

The SPEAKER. Without objection, the request will be granted.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to—

Mr. GAINES of Tennessee, until further notice, on account of sickness.

Mr. MORRELL, indefinitely, on account of illness.

Mr. COOPER of Wisconsin, indefinitely, on account of important business.

ADJOURNMENT.

Mr. HULL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 25 minutes p. m.) the House adjourned until to-morrow at 12 o'clock m.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Navy, submitting a report as to expenditures on the vessels *Connecticut, Louisiana, Tennessee, Washington, Dubuque*, and *Paducah*—to the Committee on Naval Affairs, 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. DAVEY of Louisiana, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 17333) to authorize the construction of a bridge across Red River at Shreveport, La., reported the same without amendment, accompanied by a report (No. 3697); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17481) authorizing the Alexandria, Bayou Maçon and Greenville Railway Company to construct bridges over Red River, Little River, Ouachita River, and Bayou Louis, in Louisiana, reported the same with amendment, accompanied by a report (No. 3698); which said bill and report were referred to the House Calendar.

Mr. MARSHALL, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 17994) to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations for carrying the same into effect, reported the same without amendment, accompanied by a report (No. 3700); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DAVIS of Minnesota, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 7022) to amend section 4 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901, reported the same with amendment, accompanied by a report (No. 3702); which said bill and report were referred to the House Calendar.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 15986) creating the Colorado Cliff Dwellings National Park, reported the same with amendment, accompanied by a report (No. 3703); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5603) for the preservation of historic and prehistoric ruins, monuments, archæological objects, and other antiquities, and to prevent their counterfeiting, reported the same with amendment, accompanied by a report (No. 3704); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7269) to set apart certain lands in the Territory of New Mexico as a public park, to be known as the Pajarito Cliff Dwellers' National Park, for the purpose of preserving the prehistoric caves and ruins and other works and relics therein, reported the same with amendment, accompanied by a report (No. 3705); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4680) granting a pension to Jonas Ball, reported the same with amendment, accompanied by a report (No. 3647); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6663) granting a pension to Mahala Alexander, reported the same with amendment, accompanied by a report (No. 3648); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7609) granting an increase of pension to Mary A. Ryon, reported the same with amendment, accompanied by a report (No. 3649); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10691) granting an increase of pension to J. W. Hilyard, reported the same with amendment, accompanied by a report (No. 3650); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10950) granting an increase of pension to William Clark, reported the same with amendment, accompanied by a report (No. 3651); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14071) granting a pension to Cole B. Fugate, reported the same with amendment, accompanied by a report (No. 3652); which said bill and report were referred to the Private Calendar.

Mr. WILEY of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14255) granting an increase of pension to Margaret H. Bates, reported the same with amendment, accompanied by a report (No. 3653); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14305) granting a pension to Walter Gardner, reported the same with amendment, accompanied by a report (No. 3654); which said bill and report were referred to the Private Calendar.

Mr. BROWN of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14935) granting an increase of pension to William G. Taylor, reported the same with amendment, accompanied by a report (No. 3655); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15000) granting an increase of pension to Isabel Nichols, reported the same with amendment, accompanied by a report (No. 3656); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15044) granting an increase of pension to Nahrvista G. Heard, reported the same with amendment, accompanied by a report (No. 3657); which said bill and report were referred to the Private Calendar.

Mr. WILEY of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15082) granting a pension to J. C. Albritton, reported the same with amendment, accompanied by a report (No. 3658); which said bill and report were referred to the Private Calendar.

Mr. HOUSTON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15305) granting a pension to Isaac Clayton, reported the same with amendment, accompanied by a report (No. 3659); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15822) granting an increase of pension to Oliver P. Beckmon, reported the same with amendment, accompanied by a report (No. 3660); which said bill and report were referred to the Private Calendar.

Mr. WILEY of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15766) granting a pension to Henry J. Richardson, reported the same with amendment, accompanied by a report (No. 3661); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15648) granting an increase of pension to Joseph Sawyer, reported the same with amendment, accompanied by a report (No. 3662); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15823) granting an increase of pension to James M. Liddil, reported the same with amendment, accompanied by a report (No. 3663); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16239) granting an increase of pension to Mary K. Roone, reported the same with amendment, accompanied by a report (No. 3664); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16254) granting an increase of pension to Lydia R. Howard, reported the same with amendment, accompanied by a report (No. 3665); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16384) granting a pension to Thomas Poag, reported the same with amendment, accompanied by a report (No. 3666); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16419) granting an increase of pension to F. A. W. Weaver, reported the same with amendment, accompanied by a report (No. 3667); which said bill and report were referred to the Private Calendar.

Mr. BROWN of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16524) granting an increase of pension to Nancy B. Stratton, reported the same with amendment, accompanied by a report (No. 3668); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16613) granting a pension to Cornelia J. Schoonover, reported the same with amendment, accompanied by a report (No. 3669); which said bill and report were referred to the Private Calendar.

Mr. BROWN of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16749) granting a pension to George W. Cowan, reported the same with amendment, accompanied by a report (No. 3670); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16849) granting a pension to E. H. Holden, reported the same with amendment, accompanied by a report (No. 3671); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16874) granting an increase of pension to Reuben Terry, reported the same with amendment, accompanied by a report (No. 3672); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17013) granting an increase of pension to George P. Finlay, reported the same with amendment, accompanied by a report (No. 3673); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17060) granting an increase of pension to Daniel H. Hastings, reported the same with amendment, accompanied by a report (No. 3674); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17126) granting an increase of pension to Caroline Jennings, reported the same with amendment, accompanied by a report (No. 3675); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17151) granting a pension to Avery Dalton, reported the same with amendment, accompanied by a report (No. 3676); which said bill and report were referred to the Private Calendar.

Mr. BROWN of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17232) granting an increase of pension to Martha McAfee, reported the same with amendment, accompanied by a report (No. 3677); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17274) granting a pension to Louis A. Lavalley, reported the same with amendment, accompanied by a report (No. 3678); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17275) granting an increase of pension to Carmen Frazee, reported the same with amendment, accompanied by a report (No. 3679); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17311) granting an increase of pension to Adam W. Grassley, reported the same with amendment, accompanied by a report (No. 3680); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17361) granting a pension to Samuel H. Renfro, reported the same with amendment, accompanied by a report (No. 3681); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17464) granting an increase of pension to Nancy J. Nelson, reported the same with amendment, accompanied by a report (No. 3682); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17605) granting an increase of pension to Joseph B. Scott, reported the same with amendment, accompanied by a report (No. 3683); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17653) granting an increase of pension to Hezekiah H. Sherman, reported the same with amendment, accompanied by a report (No. 3684); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17672) granting an increase of pension to Oliver C. Cleveland, reported

the same with amendment, accompanied by a report (No. 3685); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 4392) granting an increase of pension to Samuel Hyatt, reported the same without amendment, accompanied by a report (No. 3686); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4660) granting an increase of pension to Nellie B. Newton, reported the same without amendment, accompanied by a report (No. 3687); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4823) granting an increase of pension to Mary Martin, reported the same without amendment, accompanied by a report (No. 3688); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4897) granting an increase of pension to Reuben Allred, reported the same without amendment, accompanied by a report (No. 3689); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5455) granting an increase of pension to Jeanie G. Lyles, reported the same without amendment, accompanied by a report (No. 3690); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5509) granting an increase of pension to Susie C. G. Seabury, reported the same without amendment, accompanied by a report (No. 3691); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5727) granting an increase of pension to Jesse Woodruff, reported the same without amendment, accompanied by a report (No. 3692); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5892) granting an increase of pension to James McAuliff, reported the same without amendment, accompanied by a report (No. 3693); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6152) granting an increase of pension to Anne E. Wilson, reported the same with amendment, accompanied by a report (No. 3694); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6268) granting an increase of pension to Adria M. Moale, reported the same without amendment, accompanied by a report (No. 3695); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the amendments of the Senate to the bill (H. R. 9548) 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, with Senate amendments thereto, reported the same, accompanied by a report (No. 3696); which said bill and report were referred to the Private Calendar.

Mr. BRANDEGEE, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 17750) authorizing the appointment of certain midshipmen in the United States Navy, reported the same without amendment, accompanied by a report (No. 3701); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 16505) granting a pension to Francis F. Mower—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13999) granting a pension to Charles S. Abney—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16601) granting a pension to Cecilia H. Long—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17883) granting an increase of pension to Mary Virginia Taylor—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. HULL, from the Committee on Military Affairs: A bill (H. R. 17984) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1906, and for other purposes—to the Union Calendar.

By Mr. JENKINS: A bill (H. R. 17985) to amend subdivision 6 of section 4596 of the Revised Statutes of the United States, as amended by chapter 28, approved December 21, 1898, entitled "An act to amend the laws relating to American seamen, for protection of such seamen, and to promote commerce"—to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 17986) to provide for filing of commissions of officers of the Post-Office Department and Department of Commerce and Labor—to the Committee on the Judiciary.

By Mr. KLUTTZ: A bill (H. R. 17987) to provide for the erection of a public building at Mountairy, N. C.—to the Committee on Public Buildings and Grounds.

By Mr. McGUIRE: A bill (H. R. 17988) establishing a United States court at Sulphur, Ind. T.—to the Committee on the Judiciary.

By Mr. JENKINS: A bill (H. R. 17989) to regulate criminal procedure in the Indian Territory—to the Committee on the Judiciary.

By Mr. HITT: A bill (H. R. 17990) to define the term "registered nurse," and to provide for the registration of nurses in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BOWIE (by request): A bill (H. R. 17991) authorizing R. R. Asbury and associates to use the water power that passes over dam No. 2, in Coosa River, Alabama, for the purposes of generating power—to the Committee on Interstate and Foreign Commerce.

By Mr. SCOTT: A bill (H. R. 17992) to permit the legislative assembly of the Territory of Oklahoma to make appropriations for the erection of buildings for the Agricultural and Mechanical College of said Territory—to the Committee on the Territories.

By Mr. BROUSSARD: A bill (H. R. 17993) creating a board of engineers to investigate the necessity, urgency, and practicability of divorcing the Mississippi River from the Red and Atchafalaya rivers, and making appropriation therefor—to the Committee on Rivers and Harbors.

By Mr. MARSHALL, from the Committee on Indian Affairs: A bill (H. R. 17994) to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations for carrying the same into effect—to the Union Calendar.

By Mr. JACKSON of Maryland: A bill (H. R. 17995) to equalize the rank and pay of certain retired officers of the Marine Corps—to the Committee on Naval Affairs.

By Mr. HEFLIN: A bill (H. R. 17996) to regulate the practice in criminal cases in the United States district and circuit courts—to the Committee on the Judiciary.

By Mr. CURTIS: A bill (H. R. 17997) to extend chapter 12 of Wilson's Revised and Annotated Statutes of Oklahoma of 1903 to and put in force in the Indian Territory, and for other purposes—to the Committee on Indian Affairs.

By Mr. GROSVENOR: A bill (H. R. 17998) to amend section 9 of the act of August 2, 1882, concerning lists of passengers—to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 17999) concerning foreign-built dredges—to the Committee on the Merchant Marine and Fisheries.

By Mr. ALLEN: A bill (H. R. 18000) authorizing the extension of W street NW.—to the Committee on the District of Columbia.

By Mr. BELL of California: A bill (H. R. 18001) authorizing and empowering the Secretary of the Interior to include swamp and overflowed lands in reclamation projects—to the Committee on Irrigation of Arid Lands.

By Mr. HITT: A joint resolution (H. J. Res. 202) to create a commission to examine into the subjects of citizenship of the United States, expatriation, and protection abroad—to the Committee on Foreign Affairs.

By Mr. GROSVENOR: A joint resolution (H. J. Res. 203) providing for the printing of certain statutes and decisions—to the Committee on Printing.

By Mr. STEPHENS of Texas: A resolution (H. Res. 453) asking the Secretary of the Interior for certain information—to the Committee on Indian Affairs.

By Mr. WACHTER: A resolution (H. Res. 455) authorizing clerk to Committee on Enrolled Bills—to the Committee on Accounts.

By Mr. RAINEY: A resolution (H. Res. 456) directing the Secretary of War to make a survey of Hamburg Bay, Calhoun County, Ill.—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. ADAMS of Pennsylvania: A bill (H. R. 18002) granting an increase of pension to Isaac Williams—to the Committee on Pensions.

By Mr. BOWIE: A bill (H. R. 18003) granting an increase of pension to Alfred Rowan—to the Committee on Invalid Pensions.

By Mr. BROWN of Pennsylvania: A bill (H. R. 18004) granting an increase of pension to Thomas R. Boss—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 18005) granting a pension to Lizzie Jestadt—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 18006) granting a pension to C. G. Phelps—to the Committee on Pensions.

Also, a bill (H. R. 18007) authorizing the Auditor for the War Department to readjust the accounts of certain railway companies for transportation of troops since July 1, 1896, and for other purposes—to the Committee on Claims.

By Mr. HITT: A bill (H. R. 18008) for the relief of L. Biertempfel—to the Committee on Claims.

By Mr. HOGG: A bill (H. R. 18009) to reimburse the heirs of Gen. John Sevier—to the Committee on Private Land Claims.

By Mr. HUNTER: A bill (H. R. 18010) granting a pension to Thomas Z. Morrow—to the Committee on Invalid Pensions.

By Mr. JACKSON of Ohio: A bill (H. R. 18011) granting an increase of pension to Benjamin F. Evans—to the Committee on Invalid Pensions.

By Mr. LAMAR of Missouri: A bill (H. R. 18012) granting a pension to John R. C. Tucker—to the Committee on Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 18013) granting an increase of pension to McKinney Adams, sr.—to the Committee on Invalid Pensions.

By Mr. OTIS: A bill (H. R. 18014) granting an increase of pension to Hester A. Van Derslice—to the Committee on Invalid Pensions.

By Mr. PUJO: A bill (H. R. 18015) for the relief of the estate of Jean Louis Malvean, deceased, late of St. Landry Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 18016) for the relief of the estate of Louis Malvean, deceased, late of St. Landry Parish, La.—to the Committee on War Claims.

By Mr. RICHARDSON of Alabama: A bill (H. R. 18017) for the relief of the trustees of Chestnut Grove Church, in Morgan County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 18018) for the relief of J. M. Curtis, of Morgan County, Ala.—to the Committee on War Claims.

By Mr. RODEY: A bill (H. R. 18019) granting an increase of pension to Hannah E. Codington—to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 18020) granting an increase of pension to Nancy M. Moore—to the Committee on Pensions.

By Mr. RYAN: A bill (H. R. 18021) for the relief of Charles E. Lockwood—to the Committee on Military Affairs.

By Mr. SHACKLEFORD: A bill (H. R. 18022) granting a pension to Helen Goll—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 18023) granting an increase of pension to Lodriska L. Phillips—to the Committee on Pensions.

By Mr. SLEMP: A bill (H. R. 18024) granting a pension to Theomas M. Bellomy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18025) granting a pension to J. I. Cockran—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18026) granting a pension to John Morgan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18027) granting an increase of pension to Isaac Sloan—to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 18028) granting a pension to Emma A. Kuhoupt—to the Committee on Invalid Pensions.

By Mr. SULLIVAN of Massachusetts: A bill (H. R. 18029) granting a pension to Clara L. Mecuen—to the Committee on Invalid Pensions.

By Mr. THOMAS of Ohio: A bill (H. R. 18030) granting an increase of pension to Leonard Hammond—to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 18031) granting an increase of pension to John Tipton—to the Committee on Pensions.

By Mr. BURGESS: A bill (H. R. 18032) granting a pension to John Calhoun Greathouse—to the Committee on Pensions.

Also, a bill (H. R. 18033) granting a pension to John L. Croom—to the Committee on Pensions.

By Mr. DARRAGH: A bill (H. R. 18034) granting an increase of pension to Gabriel Cole—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of S. L. Phillips, submitting draft of a bill for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Board of Trade of Brunswick, Ga., opposing bill H. R. 7298, to remove discrimination against sailing vessels—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Pilots' Association of Brunswick, Ga., opposing bill H. R. 7298—to the Committee on the Merchant Marine and Fisheries.

Also, petition, of the Board of Pilot Commissioners of Brunswick, Ga., opposing bill H. R. 7298—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Cigar Dealers' Association of America, against any reduction of duties on tobacco from the Philippines—to the Committee on Ways and Means.

Also, petition of the Fernandina (Fla.) Board of Trade, against bill H. R. 7298—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Pilot Commissioners of the Port of Fernandina, Fla., against bill H. R. 7298—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the American Association of Masters and Pilots of Steam Vessels of New York City, protesting against enactment of bill H. R. 7298—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Ancient Order of Hibernians of Washington, D. C., favoring erection of a monument to Commodore Barry—to the Committee on the Library.

By Mr. ADAMS of Pennsylvania: Papers to accompany bill for relief of Isaac Williams—to the Committee on Pensions.

By Mr. ADAMSON: Petition of the Atlanta Chamber of Commerce, favoring enlarged powers for the Interstate Commerce Commission relative to freight rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Atlanta Freight Bureau, indorsing the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BOWERSOCK: Petition of the Shippers' Association of Cincinnati, Ohio, favoring the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Business Men's Association of Emporia, Kans., asking support of the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BRICK: Petition of Rev. Homer C. Ivey et al., against sale of intoxicating liquors in Indian Territory—to the Committee on the Territories.

Also, petition of C. S. Brown and 23 others, of Plymouth, Ind., favoring passage of the Hepburn bill (H. R. 4072)—to the Committee on the Judiciary.

By Mr. BROWN of Pennsylvania: Papers to accompany bill for relief of Thomas R. Boss—to the Committee on Invalid Pensions.

By Mr. BURGESS: Paper to accompany bill for relief of J. G. Greathouse—to the Committee on Pensions.

By Mr. CASSINGHAM: Petition of H. H. Hagelbarger et al., of Tiverton Grange, No. 1515, favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of Siegnit & Williams, of Coshocton, Ohio, favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS: Petition of the Interstate Commerce Law Convention, at St. Louis, favoring national control of railway rates—to the Committee on Interstate and Foreign Commerce.

By Mr. DANIELS: Petition of the Chamber of Commerce of San Francisco, for increase of number of revenue cutters—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of San Francisco, Cal., favoring legislation in the line of bill H. R. 16453—to the Committee on the Merchant Marine and Fisheries.

Also, petition of churches of San Diego County, Cal., against

restoration of army beer canteen—to the Committee on Military Affairs.

By Mr. FLOOD: Paper to accompany bill for relief of Benjamin I. Craig, of Augusta County, Va.—to the Committee on War Claims.

Also, papers to accompany bill for relief of John Bungardner—to the Committee on War Claims.

Also, paper to accompany bill for relief of heir of Samuel Huffman, of Augusta County, Va.—to the Committee on War Claims.

By Mr. FOWLER: Petition of Hinton R. Helper, regarding the Intercontinental Three Americas Railway—to the Committee on Foreign Affairs.

By Mr. FULLER: Petition of the Rockford (Ill.) Bolt Works, favoring the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Tonk Manufacturing Company, of Chicago, in favor of empowering the Interstate Commerce Commission to regulate freight rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Pressed Brick Company of Lasalle, Ill., favoring the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

By Mr. GROSVENOR: Petition of the Central Federated Union of New York, indorsing the Long Island Pilots' Association, against bill H. R. 7298—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Board of Pilot Commissioners of Brunswick, Ga., against bill H. R. 7298—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Board of Trade of Brunswick, Ga., against bill H. R. 7298—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Board of Trade of Fernandina, Fla., against bill H. R. 7298—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Board of Pilot Commissioners of Pensacola, Fla., protesting against passage of bill H. R. 7298—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Bar Pilots of Pensacola, Fla., against bill H. R. 7298—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Pilots' Association of the Port of Brunswick, Ga., opposing bill H. R. 7298—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Chamber of Commerce of Pensacola, Fla., against bill H. R. 7298—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Board of Pilot Commissioners of the Port of Fernandina, Fla., opposing bill H. R. 7298—to the Committee on the Merchant Marine and Fisheries.

By Mr. HARDWICK: Petition of Atlanta Division, No. 180, Order of Railway Conductors, supporting bill H. R. 7041—to the Committee on the Judiciary.

By Mr. HEPBURN: Petition of the Commercial Exchange of Des Moines, Iowa, favoring the Boutell bill—to the Committee on Ways and Means.

By Mr. HITT: Petition of the Brotherhood of Railroad Trainmen of Illinois, favoring bill H. R. 7041—to the Committee on the Judiciary.

By Mr. HOGG: Petition of the Grand Junction Chamber of Commerce, favoring the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HOUSTON: Petition of the Philanthropic Committee of Concord of the Quarterly Meeting of Friends, at Wilmington, Del., against the sale of liquor on Government premises—to the Committee on Public Buildings and Grounds.

Also, petition of the Philanthropic Committee of Concord of the Quarterly Meeting of Friends, favoring prohibition of sale of liquor in Indian territories—to the Committee on the Territories.

Also, petition of the Philanthropic Committee of Concord of the Quarterly Meeting of Friends, at Wilmington, Del., favoring the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. KLUTTZ: Petition of John F. Foard, to accompany bill H. R. 7191—to the Committee on War Claims.

Also, papers to accompany bill for relief of James H. Landreth, of Amelia, N. C.—to the Committee on Military Affairs.

By Mr. KNOWLAND: Resolution of the legislature of California, protesting against the proposed tax on grape brandy used in the fortification of sweet wines—to the Committee on Ways and Means.

By Mr. LACEY: Petition of the Commercial Exchange of Des Moines, Iowa, indorsing bill H. R. 9302—to the Committee on Ways and Means.

By Mr. LAMAR of Missouri: Papers to accompany bill for relief of Sarah Osborn, widow of John Osborn, of Licking, Texas County, Mo.—to the Committee on Pensions.

By Mr. MOON of Tennessee: Papers to accompany bill for relief of ——— McKinney, of Hamilton County, Tenn.—to the Committee on Invalid Pensions.

By Mr. PIERCE: Petition of William B. Landru, of Gibson County, Tenn., asking reference of claim to the Court of Claims—to the Committee on War Claims.

Also, petition of G. F. Brooks, administrator of the estate of Thomas Brooks, late of Gibson County, Tenn., asking reference of claim to the Court of Claims—to the Committee on War Claims.

Also, petition of W. H. Stovall, of Obion County, Tenn., asking reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. PORTER: Petition of the Epworth League of Christ Church, Pittsburg, Pa., favoring the present canteen law—to the Committee on Military Affairs.

Also, petition of the Epworth League of the Episcopal Church of Pittsburg, Pa., favoring the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. RUPPERT: Petition of the National Trades Association, favoring the passage of bill H. R. 9302—to the Committee on Ways and Means.

Also, petition of the Interstate Commerce Law Convention, recommending speedy enactment of certain legislation against unjust discrimination in tariff rates—to the Committee on Interstate and Foreign Commerce.

By Mr. SIMS: Petition of H. M. Jordan et al., favoring passage of bill H. R. 4072—to the Committee on the Judiciary.

By Mr. SLAYDEN: Paper to accompany bill for relief of widow of Andrew C. Phillips—to the Committee on Pensions.

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

By Mr. WEBB: Papers to accompany bill for relief of John Tipton—to the Committee on Pensions.

SENATE.

FRIDAY, *January 20, 1905.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

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

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

COUNTING OF ELECTORAL VOTES.

The PRESIDENT pro tempore. On the 18th instant the Chair appointed the Senator from Ohio [Mr. FORAKER] and the Senator from Maryland [Mr. GORMAN] as tellers on the part of the Senate under the concurrent resolution providing for the appointment of tellers of the counting of the electoral votes for President and Vice-President of the United States. Those Senators have asked to be excused from serving, and the Chair will appoint in their places the Senator from Michigan [Mr. BURROWS] and the Senator from Texas [Mr. BAILEY].

LANDS ON MOBILE POINT, ALABAMA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 16th instant, a report of the Judge-Advocate-General, United States Army, relative to the military reservation of Fort Morgan, Ala., and the proposed addition thereto; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bill and joint resolution:

S. 5798. An act to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak.; and

S. R. 77. Joint resolution providing for the reappointment of James B. Angell on the Board of Regents of the Smithsonian Institution.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 2871. An act to incorporate the Mutual Investment Fire Insurance Company of the District of Columbia; and

H. R. 9799. An act to remove the charge of desertion from military record of John Dorsey.