COMPARED WITH JEWISH NATION.

A Chaldean family fortified the rock of Jerusalem and grew into a nation which was the chosen of God. The visible presence of the Almighty illuminated its temples and glinted on the spear point and the shield of the Jewish soldier as he marched to battle. That race gave to men their greatest soldier, their greatest poet, their greatest lawgiver, and their Messiah. Where is the Hebrew nation now?

During all these ages China grew, developed a self-sustaining civilization and a resistance to decay such as marked no other nation. When our forefathers were clad in the skins of beasts, earning their sustenance in the forests, by the chase, armed with flint-headed weapons, China had Confucius and Astrolgabes and was calculating eclipses. We should respect China for what she has been, and sympathize with her in her trials, and look forward with hope to her future and the fulfillment of her mission.

I believe the characteristics which I have mentioned were natural to the man. But all earthly work must end. Humanity is a procession. Our words of farewell to a fellow-workman should not alone be those of grief that man's common lot has come to him, but of pride and joy for all the good he has accomplished. Men so weave themselves into their hour that, for the moment, it seems as though much will be interrupted when they depart. "One generation passeth away and another generation cometh, but the earth abideth forever." The progress of the race goes on and we realize in every step more and more its upward tendency. We are all agents, great or small, in a mighty purpose. If we and all things are not working together for good, if life is but a breath exhaled and then forever lost, our work means little.

Senator QUAY was a man of the broadest sympathies. He never exhibited any narrow prejudice or sectional repugnancy or vindictiveness toward any part of his country or countrymen. His attitude in this regard was that of a true American. He suffered often from base and intentional misrepresentation, and was sometimes attacked by those who owed him fealty instead; but he pursued the even tenor of his way, was never vindictive, and his magnanimous traits of character won him increasing friendships all his life. When the last end came, and all earthly aid stood at naught, the people of Pennsylvania and of the nation mourned, and expressions of sympathy were poured forth to the sorrowing wife and sons and daughters, who bowed at his side before the visitation of Almighty power.

Mr. Speaker, I move the adoption of the resolutions which have been offered by the gentleman from Pennsylvania [Mr. ADAMS].

The SPEAKER pro tempore. The question is on the adoption of the resolutions offered by the gentleman from Pennsylvania.

The question was taken; and the resolutions were unanimously agreed to.

The SPEAKER pro tempore. In pursuance of the resolution, the House stands adjourned until to-morrow at 12 o'clock noon.

Accordingly (at 1 o'clock and 40 minutes p. m.) the House adjourned.

SENATE.

MONDAY, *February 20, 1905.*

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

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

The PRESIDENT pro tempore. The Journal will stand approved, there being no objection.

DAUGHTERS OF THE AMERICAN REVOLUTION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Smithsonian Institution, transmitting, pursuant to law, the seventh annual report of the National Society of the Daughters of the American Revolution; which was ordered to be printed, and, with the accompanying report, referred to the Committee on Printing.

DISPOSITION OF USELESS PAPERS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting schedules of papers, documents, etc., on the files of the Interior Department not needed in the transaction of public business, etc.; which, with the accompanying papers, was referred to the Select Committee on the Disposition of Useless Papers in the Executive Departments, 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 bills:

S. 63. An act for the relief of Charles Stierlin;

S. 2354. An act to authorize the promotion of First Lieut. Thomas Mason, Revenue-Cutter Service;

S. 4066. An act for the relief of Leonard I. Brownson;

S. 5337. An act for the relief of Jacob Lyon;

S. 5771. An act to reinstate Francis S. Nash as a surgeon in the Navy;

S. 5902. An act for the relief of the Central Railroad of New Jersey; and

S. 6733. An act for the relief of M. L. Skidmore.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 15305) granting a pension to Isaac F. Clayton.

The message further announced that the House has passed the bill (S. 3479) making provision for conveying in fee certain public grounds in the city of St. Augustine, Fla., for school purposes, with amendments; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 815. An act to correct the military record of James Houselman;

H. R. 1476. An act to amend the naval record of John W. Thompson;

H. R. 1520. An act for the relief of the Mission of St. James, in the State of Washington;

H. R. 3535. An act to grant honorable discharge to William A. Treadwell;

H. R. 3916. An act for the relief of James S. Harber;

H. R. 5392. An act to provide an American register for the steamer *Brooklyn;*

H. R. 13944. An act for the relief of William H. Beall;

H. R. 15021. An act for the relief of Gilbert Shaw;

H. R. 15322. An act correcting the record of Nelson S. Bowdish;

H. R. 17330. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1906, and for other purposes;

H. R. 17353. An act to make Gloucester, Mass., a port to which merchandise may be imported without appraisement;

H. R. 17983. An act authorizing the President to reinstate Alexander G. Pendleton, jr., as a cadet in the United States Military Academy;

H. R. 18492. An act to authorize the Secretary of the Interior to cancel the trust patent issued to James Wahkiacus;

H. R. 18688. An act authorizing the President to appoint S. J. Call surgeon in the Revenue-Cutter Service;

H. R. 18754. An act to prohibit interstate transportation of insect pests, and the use of United States mails for that purpose;

H. R. 18785. An act to promote the security of travel upon railroads engaged in interstate commerce, and to encourage the saving of life; and

H. R. 18816. An act for the relief of the estate of James Mitchell, deceased.

The message further transmitted resolutions passed by the House commemorative of the life and public services of Hon. MATTHEW STANLEY QUAY, late a Senator from the State of Pennsylvania.

ENROLLED BILLS SIGNED.

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

S. 4609. An act to authorize the Secretary of the Treasury to appoint a deputy collector of customs at Manteo, N. C.;

S. 6017. An act for the relief of certain homestead settlers in the State of Alabama;

H. R. 3426. An act granting a pension to George W. Graig;

H. R. 4385. An act granting an increase of pension to Thomas Thompson;

H. R. 6663. An act granting a pension to Mahala Alexander;

H. R. 7252. An act granting a pension to James M. Garrett;

H. R. 8077. An act granting an increase of pension to John McFarlane;

H. R. 8208. An act granting an increase of pension to Burleigh C. D. Read;

H. R. 8392. An act granting an increase of pension to Eli B. Helm;

H. R. 8395. An act granting an increase of pension to James Duffy;

H. R. 8423. An act granting a pension to Joseph Hepworth;

H. R. 8476. An act granting a pension to Rolen J. Southerland;

H. R. 8477. An act granting a pension to John W. Guest;

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

H. R. 8839. An act granting an increase of pension to Thomas M. Hicks;
H. R. 8983. An act granting an increase of pension to Jonathan R. Cox;
H. R. 9062. An act granting a pension to John Goodspeed;
H. R. 9065. An act granting an increase of pension to Albert Z. Norton;
H. R. 9140. An act granting an increase of pension to James L. Capp;
H. R. 9271. An act granting an increase of pension to William Dyas;
H. R. 9335. An act granting an increase of pension to Joseph N. Croak;
H. R. 9405. An act granting a pension to Andrew Long;
H. R. 9410. An act granting a pension to Rosa Miller;
H. R. 9550. An act granting an increase of pension to William Butler;
H. R. 9769. An act granting an increase of pension to Joseph Pershing;
H. R. 10027. An act granting a pension to Green W. Hodge;
H. R. 10096. An act granting a pension to Louise E. Lavey;
H. R. 10181. An act granting an increase of pension to Andrew Hall;
H. R. 10206. An act granting an increase of pension to Benjamin F. Minnick;
H. R. 10342. An act granting an increase of pension to William W. Marple;
H. R. 10353. An act granting an increase of pension to Henry S. Riggs;
H. R. 10387. An act granting an increase of pension to Aaron C. Perry;
H. R. 10392. An act granting an increase of pension to Silas B. Irion;
H. R. 10628. An act granting an increase of pension to Margaret B. Rapp;
H. R. 10691. An act granting an increase of pension to James W. Hilyard;
H. R. 10948. An act granting an increase of pension to John N. Matthews;
H. R. 10950. An act granting an increase of pension to William Clark;
H. R. 11018. An act granting an increase of pension to William B. Bruner;
H. R. 11020. An act granting an increase of pension to Henry W. Hurlbut;
H. R. 11055. An act granting an increase of pension to Winfield S. Russell;
H. R. 11114. An act granting an increase of pension to William D. Leek;
H. R. 11303. An act granting an increase of pension to Robert Balsking;
H. R. 11312. An act granting an increase of pension to Malana W. Brant;
H. R. 11399. An act granting an increase of pension to James Sleeth;
H. R. 11465. An act granting an increase of pension to Frances E. Rex;
H. R. 11494. An act granting an increase of pension to Sarah Jane Grissom;
H. R. 11499. An act granting an increase of pension to Albert Jones;
H. R. 11599. An act granting an increase of pension to Albert S. Granger;
H. R. 11613. An act granting an increase of pension to Alexander H. Sockman;
H. R. 11847. An act granting an increase of pension to James B. Croly;
H. R. 11855. An act granting an increase of pension to John Cross;
H. R. 11859. An act granting an increase of pension to Deborah H. Bliss;
H. R. 12007. An act granting an increase of pension to Henry R. K. Lockman;
H. R. 12079. An act granting an increase of pension to Mary L. G. Mew;
H. R. 12090. An act granting an increase of pension to William R. Clark;
H. R. 12155. An act granting a pension to Nancy Hill;
H. R. 12171. An act granting an increase of pension to John Davis;
H. R. 12252. An act granting an increase of pension to James Baremore, alias James Baker;
H. R. 12255. An act granting an increase of pension to Benjamin F. Gudgell;
H. R. 12341. An act granting a pension to John Stilts;
H. R. 12488. An act granting an increase of pension to George H. Coddington;
H. R. 12601. An act granting an increase of pension to Francis M. Prill;
H. R. 12660. An act granting an increase of pension to Margaret Russell;
H. R. 12795. An act granting an increase of pension to John L. Lee;
H. R. 12820. An act granting an increase of pension to Isabella Bryson;
H. R. 13007. An act granting an increase of pension to Frederick B. Schnebly;
H. R. 13105. An act granting an increase of pension to William F. Gaut;
H. R. 13188. An act granting an increase of pension to Charles H. Dunihue;
H. R. 13260. An act granting an increase of pension to William Starks;
H. R. 13324. An act granting an increase of pension to John Kesler;
H. R. 13330. An act granting an increase of pension to Michael Kelly, alias Patrick Kelly;
H. R. 13332. An act granting a pension to Honora Sullivan;
H. R. 13377. An act granting an increase of pension to Albert R. Straub;
H. R. 13419. An act granting an increase of pension to George Weeks;
H. R. 13546. An act granting an increase of pension to Joel J. Addison;
H. R. 13547. An act granting an increase of pension to Lewis J. Parr;
H. R. 13656. An act granting an increase of pension to Mary W. Martin;
H. R. 13877. An act granting an increase of pension to Frederick Lilje;
H. R. 13887. An act granting an increase of pension to Jacob Steffes;
H. R. 13955. An act granting an increase of pension to Elijah G. Wood;
H. R. 13969. An act granting an increase of pension to Dora Smith;
H. R. 14028. An act granting an increase of pension to Carrie E. Risley;
H. R. 14108. An act granting an increase of pension to Timothy L. Taylor;
H. R. 14219. An act granting an increase of pension to Earl J. Lamson;
H. R. 14255. An act granting an increase of pension to Margaret H. Bates;
H. R. 14305. An act granting a pension to Walter Gardner;
H. R. 14406. An act granting a pension to Paul W. Thompson;
H. R. 14444. An act granting an increase of pension to William A. Stovall;
H. R. 14485. An act granting a pension to Charlotte M. Wylie;
H. R. 14495. An act granting an increase of pension to Jackson Adams;
H. R. 14600. An act granting an increase of pension to Joseph Woods;
H. R. 14680. An act granting an increase of pension to Monroe Chapin;
H. R. 14695. An act granting an increase of pension to Francis D. Lewis;
H. R. 14798. An act granting an increase of pension to Lusern Allen;
H. R. 14908. An act granting an increase of pension to Henry Leib;
H. R. 14909. An act granting an increase of pension to Albert E. Barnes;
H. R. 15004. An act granting an increase of pension to William N. Meacham;
H. R. 15019. An act granting an increase of pension to John H. Elston;
H. R. 15043. An act granting an increase of pension to James R. Ferson;
H. R. 15044. An act granting an increase of pension to Nahrvista G. Heard;
H. R. 15079. An act granting an increase of pension to Constantine J. McLaughlin;
H. R. 15082. An act granting a pension to James C. Albritton;
H. R. 15097. An act granting a pension to William H. Miller;
H. R. 15169. An act granting an increase of pension to Loretta V. Biggs;
H. R. 15199. An act granting a pension to Mary J. Lansing, formerly Mary J. Abbott;
H. R. 15239. An act granting a pension to Isabella Burke;

H. R. 15240. An act granting an increase of pension to James C. Baker;
H. R. 15252. An act granting an increase of pension to Maria Edmundson;
H. R. 15293. An act granting an increase of pension to John P. Davis;
H. R. 15324. An act granting an increase of pension to Joseph W. Winger;
H. R. 15328. An act granting a pension to William H. H. Simpkins;
H. R. 15406. An act granting an increase of pension to George W. Carpenter;
H. R. 15411. An act granting an increase of pension to Isaiah Garretson;
H. R. 15415. An act granting an increase of pension to Jonas H. Upton;
H. R. 15431. An act granting an increase of pension to Andrew Pinney;
H. R. 15466. An act granting an increase of pension to Isaac B. Snively;
H. R. 15491. An act granting a pension to Theresa M. Kennedy;
H. R. 15497. An act granting an increase of pension to Patrick H. Oliver;
H. R. 15504. An act granting an increase of pension to Ellen Tuite;
H. R. 15520. An act granting an increase of pension to William P. Dunnington;
H. R. 15529. An act granting an increase of pension to James M. Elkington;
H. R. 15535. An act granting a pension to John Crotty;
H. R. 15558. An act granting an increase of pension to Edwin R. Manson;
H. R. 15575. An act granting an increase of pension to Jones Adler;
H. R. 15617. An act granting an increase of pension to Aaron S. Gatliff;
H. R. 15631. An act granting an increase of pension to John Brooks;
H. R. 15632. An act granting an increase of pension to Barney Carroll;
H. R. 15633. An act granting an increase of pension to Henry King;
H. R. 15637. An act granting an increase of pension to William A. Smith;
H. R. 15639. An act granting a pension to Mollie Townsley;
H. R. 15640. An act granting a pension to William E. Quirk;
H. R. 15645. An act granting an increase of pension to Samuel B. Clark;
H. R. 15655. An act granting a pension to Mattie M. Bond;
H. R. 15657. An act granting an increase of pension to William Tawney;
H. R. 15661. An act granting an increase of pension to Malden Valentine;
H. R. 15669. An act granting an increase of pension to Matthew C. Danforth;
H. R. 15685. An act granting an increase of pension to Elizabeth Krehbiel;
H. R. 15710. An act granting an increase of pension to Luther W. Cannon;
H. R. 15719. An act granting an increase of pension to Harriet N. Jones;
H. R. 15728. An act granting an increase of pension to Waldron C. Townsend;
H. R. 15729. An act granting an increase of pension to Phaon Hartman;
H. R. 15730. An act granting an increase of pension to Benjamin F. Shireman;
H. R. 15741. An act granting an increase of pension to John S. Duncan;
H. R. 15746. An act granting an increase of pension to Israel Roll;
H. R. 15747. An act granting an increase of pension to Henry A. Wesson;
H. R. 15788. An act granting an increase of pension to Silas W. Bullock;
H. R. 15822. An act granting an increase of pension to Oliver P. Beckmon;
H. R. 15823. An act granting an increase of pension to James M. Liddil;
H. R. 15835. An act granting an increase of pension to James M. Walker;
H. R. 15838. An act granting an increase of pension to Mary F. Fuller;
H. R. 15848. An act granting an increase of pension to John Reninger;
H. R. 15857. An act granting an increase of pension to David Galbreath;
H. R. 15863. An act granting an increase of pension to Mark Wilde;
H. R. 15865. An act granting an increase of pension to William H. McClellan;
H. R. 15866. An act granting an increase of pension to Benjamin F. Hopkins;
H. R. 15869. An act granting an increase of pension to Benjamin H. Scrivens;
H. R. 15874. An act granting an increase of pension to John Kingdon;
H. R. 15886. An act granting an increase of pension to William S. Radcliffe;
H. R. 15887. An act granting an increase of pension to George F. Ludwig;
H. R. 15888. An act granting an increase of pension to James E. Andrews;
H. R. 15891. An act granting a pension to Harriett Stanley;
H. R. 15903. An act granting an increase of pension to George T. Barker;
H. R. 15918. An act granting an increase of pension to Thomas Cullen;
H. R. 15919. An act granting an increase of pension to Joseph Fike;
H. R. 15922. An act granting an increase of pension to William J. Cheney;
H. R. 15924. An act granting an increase of pension to William Shadrick;
H. R. 15927. An act granting an increase of pension to Freeman C. Witherby;
H. R. 15929. An act granting an increase of pension to Anna E. Brown;
H. R. 15941. An act granting an increase of pension to Israel V. Hoag;
H. R. 15946. An act granting an increase of pension to Oliver Marcus Bump;
H. R. 15947. An act granting an increase of pension to Philander S. Wright;
H. R. 15954. An act granting an increase of pension to Ira D. McClary;
H. R. 15962. An act granting an increase of pension to Charles T. Beals;
H. R. 15968. An act granting an increase of pension to James L. Hodges;
H. R. 16046. An act granting an increase of pension to Frederick Lahrmann;
H. R. 16054. An act granting an increase of pension to Patrick O'Brien;
H. R. 16072. An act granting an increase of pension to Albert H. Barry;
H. R. 16099. An act granting an increase of pension to Lafayette Boutwell;
H. R. 16104. An act granting an increase of pension to Thomas Lanning;
H. R. 16105. An act granting an increase of pension to Cyrus B. Allen;
H. R. 16121. An act granting an increase of pension to Edward Root;
H. R. 16123. An act granting an increase of pension to William Smith;
H. R. 16132. An act granting an increase of pension to Mary A. Seele;
H. R. 16140. An act granting an increase of pension to Nelson A. Fitts;
H. R. 16149. An act granting an increase of pension to Thomas J. Moore;
H. R. 16162. An act granting an increase of pension to Charles Müller;
H. R. 16165. An act granting an increase of pension to Francis L. Howard;
H. R. 16166. An act granting an increase of pension to Charles P. Morrison;
H. R. 16167. An act granting an increase of pension to Edward J. Dillon;
H. R. 16175. An act granting an increase of pension to Merrick D. Frost;
H. R. 16177. An act granting an increase of pension to Elisha C. Davidson;
H. R. 16215. An act granting an increase of pension to Fitz Allen Gourley;
H. R. 16216. An act granting an increase of pension to Philo G. Tuttle;
H. R. 16226. An act granting an increase of pension to William W. Smith;

H. R. 16232. An act granting an increase of pension to Charles V. Jenkins;
H. R. 16234. An act granting an increase of pension to Benjamin H. Hartman;
H. R. 16239. An act granting an increase of pension to Mary K. Roane;
H. R. 16254. An act granting an increase of pension to Lydia R. Howard;
H. R. 16308. An act granting an increase of pension to Webster Eaton;
H. R. 16310. An act granting an increase of pension to Hugh McKenzie, alias James A. Trainer;
H. R. 16312. An act granting an increase of pension to Alpheus Townsend;
H. R. 16324. An act granting an increase of pension to Richard Rollings;
H. R. 16325. An act granting an increase of pension to Jonas Myers;
H. R. 16335. An act granting an increase of pension to Frank C. Culley;
H. R. 16364. An act granting an increase of pension to Gustav Tafel;
H. R. 16370. An act granting an increase of pension to Henry H. Wright;
H. R. 16384. An act granting a pension to Thomas Poag;
H. R. 16385. An act granting an increase of pension to Edwin Vincent;
H. R. 16386. An act granting an increase of pension to Bryan Dunbar;
H. R. 16390. An act granting an increase of pension to Mortimer C. Briggs;
H. R. 16392. An act granting an increase of pension to John Tusing;
H. R. 16395. An act granting an increase of pension to Josephine A. Smith;
H. R. 16419. An act granting an increase of pension to F. A. William Weaver;
H. R. 16420. An act granting an increase of pension to William C. Travis;
H. R. 16424. An act granting an increase of pension to Charles M. Fay;
H. R. 16426. An act granting an increase of pension to Alexander Jones;
H. R. 16427. An act granting an increase of pension to Alfred D. Launder;
H. R. 16443. An act granting an increase of pension to Johanna J. Naughton;
H. R. 16444. An act granting an increase of pension to Henry C. Snyder;
H. R. 16455. An act granting an increase of pension to Elizabeth M. Ketcham;
H. R. 16457. An act granting an increase of pension to Herbert S. Nelson;
H. R. 16471. An act granting a pension to Martha C. Watkins;
H. R. 16472. An act granting a pension to Frances A. McQuiston;
H. R. 16473. An act granting an increase of pension to John R. Karns;
H. R. 16474. An act granting an increase of pension to Oliver McFadden;
H. R. 16488. An act granting an increase of pension to Daniel Reagan;
H. R. 16499. An act granting an increase of pension to Green Yeiser;
H. R. 16501. An act granting an increase of pension to George Jaggers;
H. R. 16502. An act granting an increase of pension to Henry Raeder;
H. R. 16503. An act granting an increase of pension to Dillion Asher;
H. R. 16524. An act granting an increase of pension to Nancy B. Stratton;
H. R. 16525. An act granting an increase of pension to Henry A. Glenn;
H. R. 16526. An act granting an increase of pension to John H. Caton;
H. R. 16540. An act granting a pension to Annie B. Orr;
H. R. 16544. An act granting an increase of pension to Varner G. Root;
H. R. 16551. An act granting an increase of pension to William Morris;
H. R. 16573. An act granting an increase of pension to Jonathan Wiggins;
H. R. 16574. An act granting an increase of pension to Leonard C. Davis;
H. R. 16575. An act granting an increase of pension to John E. Hurley;
H. R. 16578. An act granting an increase of pension to Caroline Vifquain;
H. R. 16579. An act granting an increase of pension to Isaac Vanatta;
H. R. 16581. An act granting an increase of pension to Eli Dabler;
H. R. 16589. An act granting an increase of pension to Martha Peck;
H. R. 16598. An act granting an increase of pension to John Bryan;
H. R. 16603. An act granting an increase of pension to Gearge S. Williams;
H. R. 16613. An act granting an increase of pension to Cornelia J. Schoonover;
H. R. 16614. An act granting an increase of pension to Jacob Repsher;
H. R. 16617. An act granting an increase of pension to Jacob Bowers;
H. R. 16618. An act granting an increase of pension to Alfred N. Brown;
H. R. 16619. An act granting an increase of pension to George Meisner;
H. R. 16620. An act granting an increase of pension to Alonzo Ackerman;
H. R. 16625. An act granting a pension to Laura A. Baughey;
H. R. 16654. An act granting an increase of pension to Isaac C. Buswell;
H. R. 16663. An act granting an increase of pension to Henry Newcomer;
H. R. 16668. An act granting an increase of pension to Emile H. Brie, alias Amede Brea;
H. R. 16684. An act granting an increase of pension to Lena Loeser;
H. R. 16685. An act granting an increase of pension to Isaiah M. Adams;
H. R. 16687. An act granting an increase of pension to M. Helen Orchard;
H. R. 16701. An act granting an increase of pension to Emanuel F. Brown;
H. R. 16702. An act granting an increase of pension to John A. Cairnes;
H. R. 16707. An act granting an increase of pension to John Bechman;
H. R. 16730. An act granting an increase of pension to Daniel Smith;
H. R. 16731. An act granting an increase of pension to Wallace W. Hicks;
H. R. 16740. An act granting an increase of pension to Laura Coleman;
H. R. 16745. An act granting an increase of pension to John W. Davis;
H. R. 16746. An act granting an increase of pension to James J. Summers;
H. R. 16748. An act granting a pension to Frona J. Wooten;
H. R. 16749. An act granting a pension to George W. Cowan;
H. R. 16774. An act granting an increase of pension to John J. James;
H. R. 16813. An act granting an increase of pension to Laura A. Hinkley;
H. R. 16815. An act granting an increase of pension to Michael L. Essick;
H. R. 16828. An act granting an increase of pension to James Spaulding;
H. R. 16834. An act granting an increase of pension to Thomas Harris;
H. R. 16842. An act granting an increase of pension to Lydia P. Kelly;
H. R. 16849. An act granting a pension to Edward H. Holden;
H. R. 16861. An act granting an increase of pension to Mary L. Walker;
H. R. 16874. An act granting an increase of pension to Reuben Terry;
H. R. 16876. An act granting an increase of pension to Samuel Nicholas;
H. R. 16879. An act granting an increase of pension to William H. Brown;
H. R. 16896. An act granting an increase of pension to Thomas Reynolds;
H. R. 16920. An act granting an increase of pension to Stillwell Truax;
H. R. 16929. An act granting an increase of pension to John Moore;

H. R. 16932. An act granting a pension to Louisa E. Cummings;
H. R. 16946. An act granting an increase of pension to William Huddleson;
H. R. 16953. An act granting an increase of pension to John Ryan;
H. R. 16962. An act granting an increase of pension to James J. Creigh;
H. R. 16968. An act granting an increase of pension to John H. Ladd;
H. R. 17017. An act granting an increase of pension to Joseph S. Thompson;
H. R. 17035. An act granting an increase of pension to William H. Miles;
H. R. 17046. An act granting an increase of pension to Hartvig Engbretson;
H. R. 17060. An act granting an increase of pension to Daniel H. Hastings;
H. R. 17068. An act granting an increase of pension to James A. Coil;
H. R. 17073. An act granting an increase of pension to Francis M. Shewmaker;
H. R. 17084. An act granting an increase of pension to Alonzo P. Spooner;
H. R. 17085. An act granting an increase of pension to William S. Stanley;
H. R. 17092. An act granting an increase of pension to John Jeffers;
H. R. 17119. An act granting an increase of pension to Lewis Hitt;
H. R. 17126. An act granting an increase of pension to Caroline Jennings;
H. R. 17131. An act granting an increase of pension to James W. Cross;
H. R. 17139. An act granting an increase of pension to George W. Jennings;
H. R. 17147. An act granting an increase of pension to James A. Gossett;
H. R. 17151. An act granting a pension to Avery Dalton;
H. R. 17161. An act granting an increase of pension to Claiborne J. Walton;
H. R. 17162. An act granting an increase of pension to Thomas Dukes;
H. R. 17164. An act granting an increase of pension to Solomon Carpenter;
H. R. 17197. An act granting an increase of pension to James Mitchell;
H. R. 17201. An act granting an increase of pension to Henry Lorch;
H. R. 17222. An act granting an increase of pension to William G. Mullen;
H. R. 17232. An act granting an increase of pension to Martha McAfee;
H. R. 17236. An act granting an increase of pension to Sarah B. Hirll;
H. R. 17240. An act granting an increase of pension to Luther Kaltenbach;
H. R. 17244. An act granting an increase of pension to John Winemiller;
H. R. 17261. An act granting a pension to Mary A. Gibson;
H. R. 17262. An act granting an increase of pension to Jennie N. Jones;
H. R. 17272. An act granting an increase of pension to Chauncey L. Guilford;
H. R. 17274. An act granting a pension to Louis A. Lavalley;
H. R. 17275. An act granting an increase of pension to Carmen Frazee;
H. R. 17290. An act granting an increase of pension to John W. Grove;
H. R. 17297. An act granting an increase of pension to Joseph C. Prosser;
H. R. 17300. An act granting an increase of pension to Charles H. Penoyer;
H. R. 17311. An act granting an increase of pension to Adam W. Grassley;
H. R. 17325. An act granting an increase of pension to Albert H. Noble;
H. R. 17361. An act granting an increase of pension to Samuel H. Renfro;
H. R. 17374. An act granting an increase of pension to Georgia A. Harlow;
H. R. 17390. An act granting an increase of pension to Samuel Sunderland;
H. R. 17403. An act granting an increase of pension to Horace Winslow;
H. R. 17434. An act granting an increase of pension to Samuel H. Draper;
H. R. 17437. An act granting an increase of pension to Albert H. Glassmire;
H. R. 17443. An act granting an increase of pension to Oscar Hinkley;
H. R. 17452. An act granting an increase of pension to Franklin Savage;
H. R. 17464. An act granting an increase of pension to Nancy J. Nelson;
H. R. 17537. An act granting an increase of pension to Theodore Titus;
H. R. 17543. An act granting an increase of pension to Lafayette Brashear;
H. R. 17558. An act granting an increase of pension to Sarah A. Morrison;
H. R. 17595. An act granting an increase of pension to Catherine A. Hogan;
H. R. 17605. An act granting an increase of pension to Joseph B. Scott;
H. R. 17635. An act granting a pension to John Burke;
H. R. 17653. An act granting an increase of pension to Hezekiah H. Sherman;
H. R. 17660. An act granting an increase of pension to James H. Wasson;
H. R. 17672. An act granting an increase of pension to Oliver C. Cleveland;
H. R. 17677. An act granting an increase of pension to James Hudson;
H. R. 17731. An act granting an increase of pension to William Stewart;
H. R. 17755. An act granting an increase of pension to Davis D. Osterhoudt;
H. R. 17770. An act granting an increase of pension to Matilda D. Clark;
H. R. 17771. An act granting an increase of pension to Jerome B. Nulton;
H. R. 17773. An act granting an increase of pension to William Hubbs;
H. R. 17849. An act granting an increase of pension to James Freeman;
H. R. 17891. An act granting an increase of pension to Robert M. Alexander;
H. R. 17900. An act granting an increase of pension to Edward M. Mobley;
H. R. 17917. An act granting an increase of pension to Lewis Hammack;
H. R. 17977. An act granting an increase of pension to William Barnhard;
H. R. 18002. An act granting an increase of pension to Isaac Williams;
H. R. 18003. An act granting an increase of pension to Alfred Rowan;
H. R. 18031. An act granting an increase of pension to John Tipton;
H. R. 18095. An act granting an increase of pension to Charlotte F. Russell;
H. R. 18144. An act granting an increase of pension to William Stout; and
H. R. 18268. An act granting an increase of pension to Annie Crawford.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a memorial of the legislative assembly of the Territory of New Mexico, remonstrating against the enactment of legislation providing for the construction of a dam and reservoir on the Rio Grande in New Mexico; which was ordered to lie on the table, and be printed in the RECORD, as follows:

TERRITORY OF NEW MEXICO,
OFFICE OF THE SECRETARY,
Santa Fe, February 16, 1905.

To the President pro tempore United States Senate,
Washington, D. C.

SIR: By direction of the thirty-sixth legislative assembly of the Territory of New Mexico I have the honor to inclose herewith certified copy of council joint memorial No. 3, protesting against the passage, in its present form, by the Senate of the United States of H. R. 17939, relating to the construction of a dam and reservoir on the Rio Grande in New Mexico, and for other purposes.

I have the honor to be, sir,
Yours, very respectfully,
J. W. RAYNOLDS,
Secretary of New Mexico.

[Territory of New Mexico, office of the secretary.]

Certificate.

I, J. W. Raynolds, secretary of the Territory of New Mexico, do hereby certify there was filed for record in this office, at 3.45 o'clock p. m. on the 10th day of February, A. D. 1905, council joint memorial No. 3, "Protesting against the passage, in its present form, by the Senate of the United States of H. R. 17939, relating to the construction of a dam and reservoir on the Rio Grande, in New Mexico, and for

other purposes;" and also that I have compared the following copy of the same with the original thereof now on file and declare it to be a correct transcript therefrom, and of the whole thereof.

In witness whereof, I have hereunto set my hand and affixed my official seal this 16th day of February, A. D. 1905.

[SEAL.] J. W. RAYNOLDS,
Secretary of New Mexico.

Joint memorial No. 3, protesting against the passage, in its present form, by the Senate of the United States of H. R. 17939, relating to the construction of a dam and reservoir on the Rio Grande, in New Mexico, and for other purposes. C. J. M. No. 3. Approved February 10, 1905.

Whereas it appears that there is now pending in the Senate of the United States Congress a bill, designated as H. R. 17939, passed by the House of Representatives of said Congress, relating to the construction of a dam and reservoir on the Rio Grande, in New Mexico, and for other purposes; and

Whereas it appears from the provisions of said bill that same established the priority of lands in New Mexico and Texas which have heretofore been actually irrigated for a considerable number of years in succession over lands in New Mexico (as well as in Texas) not so heretofore actually irrigated; and

Whereas the establishment of such a distinction by reason of such declared priorities would be detrimental to the development of that section of New Mexico referred to in said bill and tend to retard settlement upon the public lands of the United States in said section, and is inimical to the best interests of the Territory of New Mexico; and

Whereas the bill in its present form is vague, ambiguous, and uncertain as to the method provided therein for ascertaining the prior and vested water rights therein mentioned: Therefore,

Your memoralist, the thirty-sixth legislative assembly of the Territory of New Mexico, believing and realizing that the said bill, in its present form, is subversive of the vested prior rights of the landowners within the section in New Mexico in said bill mentioned, and will cause great and interminable litigation, earnestly pray that said bill be not acted upon by the said Senate of the United States until the duly accredited representatives of the Elephant Butte Water Users' Association of New Mexico have been given an opportunity to be heard by the Senate committee having charge of said bill; and, further, that in no event shall said bill be passed in its present form.

The PRESIDENT pro tempore presented the petition of J. Alfred Holly, praying for a change of conditions in Santo Domingo; which was referred to the Committee on Foreign Relations.

Mr. SMOOT presented a petition of the legislature of Utah, praying for the enactment of legislation to secure for the intermountain States a bureau of mining, to be located in some convenient and suitable State of the intermountain region; which was referred to the Committee on Mines and Mining, and ordered to be printed in the RECORD, as follows:

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

Your memorialists, the honorable governor and legislature of the State of Utah, respectfully memorialize your honorable bodies to pass such legislation at an early date as to secure for the intermountain States a bureau of mining, to be located in some convenient and suitable State of the intermountain region.

THOMAS HULL,
Speaker of the House.
[SEAL.] S. H. LOVE,
President of the Senate.
JOHN C. CUTLER,
Governor.

Attest:
C. S. TINGEY, *Secretary of State.*

STATE OF UTAH, *Office of the Secretary of State, ss:*

I, Charles S. Tingey, secretary of state of the State of Utah, do hereby certify that the foregoing is a full, true, and correct copy of a joint memorial passed by the senate of the State of Utah on February 3, 1905, and by the house of representatives on January 30, 1905, and filed in this office February 11, 1905, as appears on file in my office.

In witness whereof I have hereunto set my hand and affixed the great seal of the State of Utah this 14th day of February, A. D. 1905.

[SEAL.] C. S. TINGEY, *Secretary of State.*

Mr. SMOOT presented a petition of the legislature of Utah, praying that an appropriation be made to establish a United States mint and assay office at some suitable point in that State; which was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

To the President and Congress of the United States:

Your memorialists, the governor and legislature of the State of Utah, represent that the mines of Utah produced during the year A. D. 1904, 315,338 ounces of gold, 13,587,665 ounces of silver, and 56,419,969 pounds of copper; that the numerous smelters of this State smelt and refine large quantities of gold, silver, and copper ores from this and adjoining States, and that the encouragement of the mining and smelting industry in this region is worthy of the attention of the National Government.

Therefore we respectfully ask that an appropriation be made for the purpose of establishing a United States mint and assay office at some suitable point in the State of Utah, under the direction and supervision of the Secretary of the Department of the Treasury.

THOMAS HULL,
Speaker of the House.
S. H. LOVE,
President of the Senate.
[SEAL.] JOHN C. CUTLER,
Governor.

Attest:
C. S. TINGEY,
Secretary of State.

STATE OF UTAH,
Office of the Secretary of State, ss:

I, Charles S. Tingey, secretary of state of the State of Utah, do hereby certify that the foregoing is a full, true, and correct copy of a joint memorial, passed by the house of representatives of the State of Utah, on January 30, 1905, and by the senate on February 3, 1905, and filed in this office February 11, 1905, as appears on file in my office.

In witness whereof, I have hereunto set my hand and affixed the great seal of the State of Utah this 14th day of February, A. D. 1905.

[SEAL.] C. S. TINGEY,
Secretary of State.

Mr. DRYDEN presented a memorial of Local Union No. 427, Cigar Makers' International Union, of Rahway, N. J., remonstrating against any reduction of the duty on tobacco and cigars imported from the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented a memorial of the Home Missionary Society of the Fourth Presbyterian Church of Bridgeton, N. J., remonstrating against the enactment of legislation providing for the use of public funds for sectarian school purposes; which was referred to the Committee on Indian Affairs.

He also presented a petition of the Woman's Christian Temperance Union of Newark, N. J., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Woman's Christian Temperance Union of Newark, N. J., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 399, Musicians' Protective Union, of Monmouth and Ocean Counties, N. J., praying for the enactment of legislation to increase the salaries of members of the Marine Band and also to prohibit the unfair competition of that organization with professional civilian musicians; which was referred to the Committee on Naval Affairs.

Mr. CLARK of Montana presented a petition of sundry citizens of Bozeman, Mont., praying for the enactment of legislation to amend the patent laws relating to medicinal preparations; which was referred to the Committee on Patents.

Mr. PERKINS presented memorials of the San Jose Transfer Company, of San Jose; of L. Lion & Sons Co., of San Jose; of C. H. Reed & Co., of San Luis Obispo; of the Byers-McMahon Company, of San Jose; of the Carisa Cattle Company, of San Luis Obispo; of the Board of Trade of Santa Cruz; of the Producers' Fruit Company, of Sacramento; of W. E. Crossman, of San Jose; of the Associated Oil Company, of San Jose; of the South Santa Clara Fruit Drying and Packing Company, of Gilroy; of Raley & Co., of San Jose; of E. R. Renzel & Co., of San Jose; of L. La Montague, of Alviso; of Demicheli, Schuh & Co., of San Jose; of H. Bercovich, of San Jose; of Weinstock & Lubin, of Sacramento; of the Chamber of Commerce of Napa; of the Board of Trade of Oakland; of Connor & Blackstock, of Ventura; of Sinsheimer Brothers, of San Luis Obispo; of the Beeger Tanning Company, of Redwood City; of the Hobbs-Parsons Company, of Fresno; of the Star Shoe Store, of San Jose; of William Collins & Sons, of Ventura; of the Pierce Lumber Company, of Fresno, and of the Schaw-Batcher Company, of Sacramento, all in the State of California, remonstrating against the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

Mr. PLATT of New York presented memorials of the Board of Trade of Oneonta; of the Chamber of Commerce of Troy; of the Jacob Dold Packing Company, of Buffalo, and of R. L. Ginsburg & Sons, of Buffalo, all in the State of New York, remonstrating against the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

Mr. DEPEW presented a petition of Local Division No. 444, Order of Railway Conductors, of Olean, N. Y., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Erie County Pharmaceutical Association, of Buffalo, N. Y., praying for the enactment of legislation to amend the patent laws relating to medicinal preparations; which was referred to the Committee on Patents.

Mr. GALLINGER presented a petition of sundry citizens of Hopkinton, N. H., and a petition of sundry citizens of Merrimac County, N. H., praying for the enactment of legislation providing for a parcel post and check currencey; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. KEARNS presented a petition of the legislature of Utah, praying for the enactment of legislation to establish a bureau of mining in the intermountain States; which was referred to the Committee on Mines and Mining.

He also presented a petition of the legislature of Utah, praying that an appropriation be made to establish a United States mint and assay in that State; which was referred to the Committee on Finance.

Mr. McCOMAS presented a petition of the mayor and city council of Hyattsville, Md., praying for the enactment of legislation requiring that the District of Columbia line be made the eastern terminus of the Great Falls and Old Dominion Railroad Company if permitted to cross the city of Washington; which was referred to the Committee on the District of Columbia.

He also presented a petition of Damascus Lodge, No. 199, Independent Order of Good Templars, of Damascus, Md., praying for the enactment of legislation providing for continued prohibition of the liquor traffic in the Indian Territory according to recent agreements with the Five Civilized Tribes; which was ordered to lie on the table.

He also presented a petition of the Minerva Club, of New York City, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. LODGE presented a petition of sundry citizens of Southbridge, Mass., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. STEWART presented a concurrent resolution of the legislature of Nevada, relative to the purchase of intoxicating liquors or drugs by Indian wards of the Government; which was referred to the Committee on Indian Affairs, and ordered to be printed in the RECORD, as follows:

Assembly joint and concurrent resolution relative to the purchase of intoxicating liquors or drugs by Indian wards of the Government.

Whereas the laws of the United States relative to the sale of intoxicating liquors to the Indian wards of the Government in Nevada have been found inadequate, and fail of their object because the seller only is punished;

Resolved, That it is the sense of the senate and assembly that the Congress of the United States should enact suitable laws providing for the punishment of the purchasers as well as the sellers of such intoxicants; be it further

Resolved, That a copy of this resolution be forwarded to our Senators and Congressmen at Washington.

STATE OF NEVADA, *Department of State, ss:*

I, W. G. Douglass, the duly elected, qualified, and acting secretary of state of the State of Nevada, do hereby certify that the foregoing is a true, full, and correct copy of the original assembly joint and concurrent resolution No. 4, relative to the purchase of intoxicating liquors or drugs by Indian wards of the Government, now on file and of record in this office.

In witness whereof I have hereunto set my hand and affixed the great seal of State, at my office, in Carson City, Nev., this — day of ———, A. D. 190–.

[SEAL.]

———— ————,
Secretary of State.

Mr. SPOONER presented a petition of the Ancient Order of Hibernians of Milwaukee County, Wis., praying that an appropriation be made for the erection in the city of Washington of a monument to Commodore John Barry; which was referred to the Committee on the Library.

Mr. PENROSE presented a memorial of the Milk Shippers' Union of Telford, Pa., remonstrating against the repeal of the present oleomargarine law; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of Washington Camp, No. 674, of Shippensburg; of Washington Camp, No. 558, of Belfast, and of Washington Camp, No. 494, of Port Royal, all of the Patriotic Order Sons of America, in the State of Pennsylvania, praying for the enactment of legislation to restrict the immigration of aliens into the United States; which were referred to the Committee on Immigration.

He also presented memorials of sundry citizens of Coryville, Bradford County, McKean County, and Frank, all in the State of Pennsylvania, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sundays; which were referred to the Committee on the District of Columbia.

Mr. FRYE presented a petition of the executive council of the Massachusetts State Board of Trade, praying for the repeal of the duty on hides; which was referred to the Committee on Finance.

He also presented a memorial of the North Carolina Pine Association, of Virginia, remonstrating against the law exacting compulsory pilotage charges at South Atlantic ports from all sailing vessels engaged in the coastwise trade; which was referred to the Committee on Commerce.

Mr. DOLLIVER presented a memorial of the Federation of Labor of Cedar Rapids, Iowa, remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented a petition of the Corn Belt Meat Producers' Association, of Humboldt, Iowa, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Synod of Iowa of the Evangelical Lutheran Church of the United States, praying for an investigation of the conditions existing in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Woodbury and Union counties, Iowa, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

FRANK A. LEACH.

Mr. ALLISON. I present a communication from the Secretary of the Treasury, addressed to the chairman of the Committee on Appropriations, recommending that an appropriation of $25,000 be made to reimburse Frank A. Leach, superintendent of the mint at San Francisco, Cal., for loss of money stolen from that mint. I move that the communication be printed and referred to the Committee on Appropriations.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 18815) to authorize the construction of a bridge across Red River at or near Boyce, La., reported it without amendment.

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

A bill (H. R. 14958) granting an increase of pension to Hiram Burkholder;

A bill (H. R. 15727) granting an increase of pension to Lotwig Evans;

A bill (H. R. 16853) granting an increase of pension to Alfred Frost;

A bill (H. R. 15096) granting an increase of pension to Isaiah S. Winters;

A bill (H. R. 15018) granting an increase of pension to Joel V. Green;

A bill (H. R. 13316) granting a pension to Phebe Damoth;

A bill (H. R. 17163) granting an increase of pension to Elizabeth Jackson;

A bill (H. R. 17329) granting an increase of pension to Abraham Roberts;

A bill (H. R. 18182) granting an increase of pension to James Bothwell; and

A bill (H. R. 17616) granting a pension to Delila Dyer.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 7145) to amend an act entitled "An act to provide for the organization of the militia of the District of Columbia, and for other purposes," approved March 1, 1889, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 18000) authorizing the extension of W street NW., to report it without amendment, and to submit a report thereon.

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

Mr. GALLINGER. I move that the bill (S. 6705) authorizing the extension of W street NW., being order of business 3505 on the Calendar, be postponed indefinitely, and that the House bill just reported by me be given its place on the Calendar.

The motion was agreed to.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 16187) for the extension of Nineteenth street from Woodley road to Baltimore street, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 7180) to authorize the levying of certain special assessments, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 15970) to amend section 1141 of the "act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended by the act approved June 30, 1902, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 7039) to amend section 1141 of the "act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended by the act approved June 30, 1902, submitted

an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 18725) supplemental to the act of February 9, 1821, incorporating the Columbian College in the District of Columbia, and the acts amendatory thereof, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 7138) supplemental to the act of February 9, 1821, incorporating the Columbian College in the District of Columbia, and the acts amendatory thereof, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

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

A bill (H. R. 13486) granting an increase of pension to Henry Hovey;

A bill (H. R. 16805) granting an increase of pension to Frederick A. Bird;

A bill (H. R. 18745) granting a pension to William T. Chipman;

A bill (H. R. 15349) granting an increase of pension to George C. Smith;

A bill (H. R. 16660) granting an increase of pension to Joseph Rumell;

A bill (H. R. 18607) granting an increase of pension to William C. Alexander;

A bill (H. R. 11903) granting a pension to Bertha C. Hoffmeister;

A bill (H. R. 18145) granting an increase of pension to William H. Leonard;

A bill (H. R. 6439) granting a pension to Malinda McBride;

A bill (H. R. 16864) granting an increase of pension to George M. Tuley;

A bill (H. R. 18239) granting an increase of pension to George W. Farmer;

A bill (H. R. 4454) granting an increase of pension to Andrew F. Kraner;

A bill (H. R. 465) granting a pension to Erwin Fancher;

A bill (H. R. 3014) granting a pension to Louis Melcher;

A bill (H. R. 2992) granting an increase of pension to Solomon B. Umphrey;

A bill (H. R. 2487) granting an increase of pension to John M. Rutherford;

A bill (H. R. 2479) granting an increase of pension to Lander Robinson;

A bill (H. R. 2695) granting an increase of pension to Christopher C. Cash;

A bill (H. R. 5701) granting an increase of pension to James M. Harper;

A bill (H. R. 12670) granting an increase of pension to William Nease;

A bill (H. R. 16131) granting an increase of pension to William W. Clift;

A bill (H. R. 14034) granting an increase of pension to Edward C. Sanders;

A bill (H. R. 13444) granting an increase of pension to Eugene H. Harding;

A bill (H. R. 13541) granting an increase of pension to Ephraim E. Lake;

A bill (H. R. 13881) granting an increase of pension to Nancy Gabriel;

A bill (H. R. 11014) granting an increase of pension to Robert L. Duncan;

A bill (H. R. 10804) granting an increase of pension to Sarah Kearney;

A bill (H. R. 10649) granting an increase of pension to Lucius Harrington;

A bill (H. R. 9478) granting an increase of pension to Austin P. Hemphill;

A bill (H. R. 9598) granting an increase of pension to Ambrose N. Smith;

A bill (H. R. 2465) granting an increase of pension to Mary A. Craig;

A bill (H. R. 5730) granting an increase of pension to James McEntire;

A bill (H. R. 6992) granting an increase of pension to Isaac B. Vandevanter;

A bill (H. R. 7593) granting an increase of pension to Charles H. McGee; and

A bill (H. R. 1865) granting an increase of pension to Ormon W. Walsh.

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

A bill (H. R. 8810) granting an increase of pension to Benjamin Shaffer;

A bill (H. R. 12705) granting an increase of pension to Moss C. Davis; and

A bill (H. R. 15705) granting an increase of pension to James M. Champe.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 17280) granting an increase of pension to Ogden Lewis, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

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

A bill (H. R. 17413) granting an increase of pension to Mary E. Brown;

A bill (H. R. 17639) granting an increase of pension to Charles F. Junken;

A bill (H. R. 17079) granting an increase of pension to Edmund G. Ross;

A bill (H. R. 16527) granting an increase of pension to Francis A. Heath;

A bill (H. R. 16464) granting an increase of pension to Austin Handy;

A bill (H. R. 16389) granting an increase of pension to George F. Robinson;

A bill (H. R. 16261) granting an increase of pension to Andrew T. Welman;

A bill (H. R. 16843) granting an increase of pension to Henry Mountz;

A bill (H. R. 16831) granting an increase of pension to Isaac Hanks; and

A bill (H. R. 9130) granting an increase of pension to Charles Van Wey.

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

A bill (H. R. 17146) granting an increase of pension to William Carter;

A bill (H. R. 16818) granting an increase of pension to Levi Fleming;

A bill (H. R. 15715) granting a pension to Horace G. Robison, alias Frank Cammel;

A bill (H. R. 15750) granting an increase of pension to William Bechtel;

A bill (H. R. 15262) granting an increase of pension to Charles Brick;

A bill (H. R. 16035) granting an increase of pension to Church Fortner;

A bill (H. R. 16155) granting an increase of pension to John H. Barton;

A bill (H. R. 16505) granting an increase of pension to Frances F. Mower; and

A bill (H. R. 17976) granting an increase of pension to Joseph C. Kinsey.

Mr. KEAN, from the Committee on Foreign Relations, reported an amendment proposing to appropriate $158.11 to pay the claim of the owners of the British steamship *Lindisfarne* for demurrage while it was undergoing repairs necessitated on account of a collision with the U. S. army transport *Crook* May 23, 1900, intended to be proposed to the general deficiency appropriation bill, submitted a reported thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

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

A bill (H. R. 16959) granting an increase of pension to Andrew J. Wilde;

A bill (H. R. 16692) granting an increase of pension to Gertrude L. Tallman;

A bill (H. R. 15904) granting an increase of pension to John K. Hughes;

A bill (H. R. 15045) granting an increase of pension to William L. Waterman;

A bill (H. R. 16304) granting a pension to Mary Damm;

A bill (H. R. 16623) granting an increase of pension to George H. Hitchcock;

A bill (H. R. 16649) granting an increase of pension to Hans Anderson;

A bill (H. R. 17962) granting a pension to Chauncey B. Jones;

A bill (H. R. 10210) granting an increase of pension Chester S. Rockwell;

A bill (H. R. 14021) granting an increase of pension to Henry C. Earle;

A bill (H. R. 12486) granting an increase of pension to Andrew Deming;

A bill (H. R. 13061) granting an increase of pension to Henry S. Tillinghast;

A bill (H. R. 13503) granting an increase of pension to Catharine J. Hill;

A bill (H. R. 10506) granting an increase of pension to Charles H. Gardner;

A bill (H. R. 7518) granting an increase of pension to Eliza Flynn; and

A bill (H. R. 7060) granting an increase of pension to Palin H. Sims.

Mr. McCREARY. The message from the President of the United States transmitting a report from the Secretary of State, with accompanying papers, concerning the claim of Col. L. K. Scott, a British subject, was referred to the Committee on Foreign Relations. After proper examination and consideration it appeared that the same claim had been referred to the Committee on Claims, and that the Committee on Claims had reported favorably a bill for the relief of Colonel Scott. I am directed by the Committee on Foreign Relations to report back the message and accompanying papers, and to move that they be referred to the Committee on Claims.

The motion was agreed to.

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

A bill (H. R. 14771) granting an increase of pension to Alexander Hawkins;

A bill (H. R. 16394) granting an increase of pension to Sarah C. Johnson;

A bill (H. R. 17559) granting an increase of pension to Joseph Wilkes;

A bill (H. R. 17368) granting an increase of pension to Julius A. Mahurin;

A bill (H. R. 17408) granting an increase of pension to Charley Franklin;

A bill (H. R. 17425) granting a pension to Annie M. Kloeppel;

A bill (H. R. 18086) granting an increase of pension to James Eastland;

A bill (H. R. 17668) granting an increase of pension to Rosina Tyler; and

A bill (H. R. 17680) granting an increase of pension to George Hayes.

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

A bill (H. R. 9244) granting a pension to Enoch Voyles;

A bill (H. R. 18181) granting an increase of pension to Nancy Ann Smith;

A bill (H. R. 18180) granting an increase of pension to Jacob Fulmer;

A bill (H. R. 18092) granting an increase of pension to William A. Moore;

A bill (H. R. 13999) granting a pension to Charles S. Abney;

A bill (H. R. 16773) granting a pension to John Mather;

A bill (H. R. 15158) granting an increase of pension to Alexander Lessley;

A bill (H. R. 15151) granting an increase of pension to Rebecca C. Goodson;

A bill (H. R. 16222) granting an increase of pension to Elias W. Ticknor;

A bill (H. R. 16943) granting an increase of pension to Lucy E. Rumer;

A bill (H. R. 17130) granting an increase of pension to Edward Donnelly;

A bill (H. R. 17045) granting an increase of pension to William A. Forbes; and

A bill (H. R. 17421) granting a pension to Jesse M. Noblitt.

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

A bill (H. R. 15778) granting an increase of pension to Michael Hanberry;

A bill (H. R. 15149) granting a pension to Clara G. Bacon;

A bill (H. R. 15789) granting an increase of pension to Samuel Bickford;

A bill (H. R. 16137) granting a pension to Leocardia F. Flowers;

A bill (H. R. 17230) granting an increase of pension to Richard Desmond;

A bill (H. R. 17362) granting a pension to Nancy Bedford;

A bill (H. R. 17304) granting an increase of pension to William Dustin;

A bill (H. R. 17306) granting an increase of pension to George Dallison;

A bill (H. R. 17828) granting an increase of pension to Patrick Haney; and

A bill (H. R. 17973) granting an increase of pension to Bridget Enwright.

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

A bill (H. R. 17622) granting an increase of pension to Edwin S. Pierce;

A bill (H. R. 17034) granting an increase of pension to Augustus W. Thompson;

A bill (H. R. 17061) granting an increase of pension to Arthur E. Strimple;

A bill (H. R. 17065) granting an increase of pension to George F. Griffith, alias Frank W. Morton;

A bill (H. R. 16927) granting a pension to Mary Soupene;

A bill (H. R. 16688) granting an increase of pension to William F. Robertson; and

A bill (H. R. 8626) granting an increase of pension to Rosa Rossiter.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (H. R. 16878) granting an increase of pension to William Spriggs, reported it with an amendment, and submitted a report thereon.

Mr. MARTIN. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H R. 16917) to provide for condemning the land necessary for joining Kalorama avenue and Prescott place, to report it without amendment and to submit a report thereon.

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

Mr. MARTIN. I move that the bill (S. 6241) to provide for condemning the necessary land to join Kalorama avenue and Prescott place, being Order of Business 3443 on the Calendar, be indefinitely postponed.

The motion was agreed to.

Mr. STEWART, from the Committee on the District of Columbia, to whom was referred the bill (S. 2131) to provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 17474) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1906, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. DILLINGHAM, from the Committee on Immigration, to whom was referred the bill (S. 7025) to amend section 3 of an act entitled "An act to regulate the immigration of aliens into the United States," approved March 3, 1903, reported it without amendment, and submitted a report thereon.

Mr. FORAKER, from the Committee on Military Affairs, to whom was referred the bill (S. 7001) to amend an act entitled "An act authorizing the Secretary of War to cause to be erected monuments and markers on the battlefield of Gettysburg, Pa., to commemorate the valorous deeds of certain regiments and batteries of the United States Army," reported it without amendment.

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

A bill (H. R. 16873) granting an increase of pension to Sarah T. Moffett;

A bill (H. R. 16148) granting an increase of pension to Matthew McKown;

A bill (H. R. 16328) granting a pension to Lois E. Bliss, formerly Motter;

A bill (H. R. 18004) granting an increase of pension to Thomas R. Boss;

A bill (H. R. 17379) granting an increase of pension to James P. McCleery;

A bill (H. R. 17293) granting an increase of pension to Joseph Stewart;

A bill (H. R. 18027) granting an increase of pension to Isaac Sloan;

A bill (H. R. 17737) granting an increase of pension to John F. Bonnell; and

A bill (H. R. 17564) granting an increase of pension to Martha L. H. Spurgin.

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

A bill (H. R. 14935) granting an increase of pension to William G. Taylor;

A bill (H. R. 13447) granting an increase of pension to Nancy A. Rickman;

A bill (H. R. 11833) granting a pension to Jennie B. Johnston, formerly Blackburn;

A bill (H. R. 16743) granting an increase of pension to John Glass;

A bill (H. R. 17832) granting an increase of pension to Malinda Peak;

A bill (H. R. 18103) granting an increase of pension to Willis Booker;

A bill (H. R. 17544) granting an increase of pension to Stephen M. Fisk;

A bill (H. R. 18824) granting a pension to Nimrod W. Watson; and

A bill (H. R. 15748) granting an increase of pension to Evan E. Young.

Mr. GORMAN, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 18881) for the extension of Rittenhouse street, and for other purposes, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4812) for the extension of Rittenhouse street, and for other purposes, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

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

A bill (H. R. 16814) granting an increase of pension to William S. Lyon;

A bill (H. R. 16412) granting an increase of pension to Henry C. Steadman;

A bill (H. R. 16514) granting an increase of pension to Robert W. Patrick;

A bill (H. R. 16519) granting an increase of pension to Mary E. Quick;

A bill (H. R. 17238) granting an increase of pension to Andrew J. Herod;

A bill (H. R. 17058) granting an increase of pension to Oscar Getman; and

A bill (H. R. 18101) granting an increase of pension to Susan A. Demarest.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (H. R. 17632) granting a pension to James H. Thomas, reported it with an amendment, and submitted a report thereon.

Mr. PLATT of Connecticut, from the Committee on the Judiciary, to whom was referred the bill (S. 7184) to provide for an additional associate justice of the supreme court of the Territory of Arizona, and for other purposes, reported it with an amendment.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (H. R. 18197) to amend section 4463 of the Revised Statutes, relating to the complement of crews of vessels, reported it without amendment.

Mr. NELSON, from the Committee on the Judiciary, to whom was referred the bill (H. R. 4100) to provide for the appointment of a district judge for the western judicial district of South Carolina, and for other purposes, reported it with amendments.

REPORTS OF PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. J. Res. 216) providing for the publication of the annual reports and bulletins of the hygenic laboratory and of the yellow-fever institute of the Public Health and Marine-Hospital Service, to report it favorably without amendment, and I ask for its present consideration.

There being no objection, the joint resolution was considered as in Committee of the Whole. It provides that there shall be printed each year the bulletins of the hygienic laboratory, not exceeding ten in number in any one year, and of the yellow-fever institute of the Public Health and Marine-Hospital Service of the United States, not exceeding five in number in any one year, in such editions, not exceeding 5,000 copies in any one year, as the interests of the Government and the public may require, subject to the discretion of the Secretary of the Treasury.

It also provides that there shall be printed each year 4,000 copies of the annual report of the Surgeon-General of the Public Health and Marine-Hospital Service, bound in cloth, to be distributed by the Surgeon-General.

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

WHITE RIVER BRIDGE, INDIANA.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (S. 7164) permitting the building of a railway bridge across White River, joining the township of Harrison, in Knox County, State of Indiana, and township of Washington, in Pike County, State of Indiana, to report it with amendments.

Mr. FAIRBANKS. I should like unanimous consent for the present consideration of the bill just reported. There can be no objection to it.

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

The amendments of the Committee on Commerce were, in section 1, line 7, page 1, after the words "White River," to insert "at a point suitable to the interests of navigation;" in line 10 to strike out the words "construction of;" in the same line, after the word "works," to insert "and the location thereof;" in line 12, after the words "commencement of," to strike out "the;" and in line 13 to strike out the words "of such bridge;" so as to read:

That the consent of Congress is hereby granted to the Vincennes, West Baden and Louisville Traction Company, a railway corporation organized under the laws of the State of Indiana, its successors or assigns, to build a railway bridge across the White River at a point suitable to the interests of navigation joining the township of Harrison, in Knox County, State of Indiana, and the township of Washington, in Pike County, State of Indiana: *Provided*, That the plans for the said bridge and appurtenant works and the location thereof shall be submitted to and approved by the Chief of Engineers and the Secretary of War before the commencement of construction: *And provided further*, That said Vincennes, West Baden and Louisville Traction Company, its successors or assigns, shall not deviate from such plans after such approval either before or after the completion of the said bridge unless the modification of said plans shall have been previously submitted to and received the approval of the Chief of Engineers and of the Secretary of War, and any changes in said bridge which the Secretary of War may at any time order in the interest of navigation shall be promptly made by said company at its own expense.

The amendments were 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.

COMMISSION TO EXAMINE UNITED STATES CITIZENSHIP ABROAD, ETC.

Mr. CULLOM. I am directed by the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. 95) to create a commission to examine into the subjects of citizenship of the United States, expatriation, and protection abroad, to report it favorably with an amendment; and I ask that it be now considered.

The Secretary read the joint resolution.

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

Mr. HALE. There is so much noise in the Chamber that no one can tell what is in the joint resolution. I have the impression that it authorizes a new commission for some specific purpose. I think we are having altogether too many commissions, too many boards, and they come back to plague us. I shall object to its present consideration, in order to give me an opportunity to look at the measure.

Mr. CULLOM. The Senator says he objects for the present. I hope he will look at it later.

Mr. HALE. I will look at it between now and to-morrow.

The PRESIDENT pro tempore. The joint resolution will be placed on the Calendar.

LAND ON STATEN ISLAND, NEW YORK.

Mr. DEPEW. I am directed by the Committee on Commerce, to whom was referred the bill (S. 4782) for the conveyance of public lands belonging to the United States in the State of New York, to report it favorably with an amendment striking out all after the enacting clause and inserting a substitute; and I ask for the present consideration of the bill.

Mr. TELLER. I should like to know what the bill is.

Mr. DEPEW. I will explain it. The borough of Richmond, which is Staten Island, is spending about $5,000,000 for dock and terminal facilities and needs about an acre of ground belonging to the Government there. The Secretary of Commerce and Labor has approved of the transfer.

Mr. TELLER. I will state that that is not the bill I supposed it was.

The PRESIDENT pro tempore. The bill will be read.

The bill was read; and there being no objection the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Commerce was to strike out all after the enacting clause and insert:

That the Secretary of Commerce and Labor be, and he is hereby, authorized to sell and convey to the city of New York, for the purposes of a street, public place or park, about one acre of the property of the United States known as the United States light-house property, in the borough of Richmond, city of New York, and State of New York, for the purposes of widening Stuyvesant place and South street in said borough of Richmond, and improving the grade of said streets, upon such terms and conditions as he shall deem best.

The land to be conveyed under this authority is more particularly described as follows: Beginning at a point on the easterly line of Stuyvesant place, distant 421.43 feet northerly from the intersection of the southerly line of Wiener place and the easterly line of Stuyvesant place; thence northerly along the last-mentioned line 417.75 feet to the southerly line of South street; thence easterly along the last-mentioned line 359.49 feet; thence westerly, curving to the left on the arc of a circle of 305.65 feet radius, tangent to the last chord, 483.93 feet; thence southerly, tangent to the last chord, 104.62 feet to the southerly line of the United States light-house property; thence westerly along the last-mentioned line 50.10 feet to the point of beginning. Containing 41,435.70 square feet.

Together with all the right, title, and interest of the United States in and to that part of Stuyvesant place and South street abutting and adjoining the property to be so conveyed and above described.

That the proceeds from the sale of the property authorized by this act to be sold are hereby appropriated as an additional sum to the amount to be appropriated for repairing, protecting, and improving light-houses and buildings; for improvements to grounds connected therewith; for establishing and repairing day marks and pierhead and other beacon lights, including purchase of land for same; for illuminating apparatus and machinery to replace that already in use; construction of necessary outbuildings, at a cost not exceeding $200 at any one light station in any fiscal year; and for other necessary incidental expenses relating to these various objects, including the pay of officers and crews of light-house tenders and of clerks and other employees in the offices of the light-house inspectors and light-house engineers and at light-house depots to be made for the fiscal year ending June 30, 1906.

This act shall take effect and be in force immediately.

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.

LIFE-SAVING ON INTERSTATE RAILROADS.

The PRESIDENT pro tempore. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 18785) to promote the security of travel upon railroads engaged in interstate commerce, and to encourage the saving of life, was read twice by its title.

Mr. LODGE. I ask for that bill present consideration. It has been reported in identically the same form from the Interstate Commerce Committee of the Senate and is now on the Calendar. I do not think there will be the slightest objection to it.

Mr. NELSON. Mr. President——

Mr. KEAN. It will take only a moment. There is a change of but one word from the bill as reported by the Committee on Interstate Commerce of the Senate.

Mr. NELSON. Let the bill be read.

Mr. LODGE. It is substantially the same bill.

Mr. NELSON. Will it interfere with the recent decision of the Supreme Court?

Mr. LODGE. It is to give medals for life-saving. I do not think there can be anything wrong with it.

The PRESIDENT pro tempore. The bill will be read.

The Seretary read the bill.

Mr. PATTERSON. I attempted to get the attention of the Chair a moment ago. I supposed the reading of the bill had been concluded. I labored under the impression that no provision had been made for the person or the body who is to determine who are entitled to the bronze medal, and I am inclined to think that is the condition of the bill now. The knot or ribbon, I think, is to be given by the President; but is there anything in the bill that determines who shall award the bronze medal?

Mr. LODGE. Yes, Mr. President. It is provided that the President shall award it. I will say that it is a precise copy of the law which now exists, and has long existed, for the granting of medals to those persons who have saved life upon the ocean. This is simply extending the provisions of that act to those who, at the risk of their own lives, save life on railroads.

Mr. PATTERSON. I think it is a very worthy measure.

Mr. LODGE. It passed the House without objection. A similar bill was reported from the Senate committee without objection. It seems to be a most meritorious bill.

Mr. CULLOM. I wish to read the provision in section 2:

That the President of the United States be, and he is hereby, authorized to issue to any person to whom a medal of honor may be awarded under the provisions of this act a rosette or knot, to be worn in lieu of the medal, and a ribbon to be worn with the medal; said rosette or knot and ribbon to be each of a pattern to be prescribed by the President of the United States.

Mr. PATTERSON. I noticed that language—that the President of the United States may issue the rosette to one who is entitled to the medal; but does the bill itself provide that the President shall award the medal?

Mr. CULLOM. The first section of the bill provides:

That the President of the United States be, and he is hereby, authorized to cause to be prepared bronze medals of honor, with suitable emblematic devices, which shall be bestowed upon any person who shall hereafter, by extreme daring, endanger their own lives in saving, or endeavoring to save, lives from any wreck, disaster, or grave accident, or in preventing or endeavoring to prevent such wreck, disaster, or grave accident, upon any railroad within the United States engaged in interstate commerce.

Mr. LODGE. It provides in the first section, I will say to the Senator, that it shall be awarded by the President of the United States on sufficient evidence having been furnished and placed on file.

Mr. CULLOM. Furnished to him.

The PRESIDENT pro tempore. If there be no objection, the bill is before the Senate as in Committee of the Whole.

Mr. HALE. Mr. President, that very point is the one which raises doubt in my mind. It is whether the President ought to have this burden put upon him for every case upon all the vast railway systems of this country where there is some life-saving and heroic act. That the President shall consider the case, hear the testimony, and get at all the facts, and himself decide, it seems to me is adding too much of a burden upon the President. I do not think he ought to do it. I think some one else should do it. Perhaps, in the operation of the law, it will go to some one else. But clearly it ought not to go to the President.

Mr. LODGE. That is the provision of the law in regard to life saving at sea. The President gives the authority to the board of the Life-Saving Service and they make the awards of medals. They are made by the Treasury Department. I suppose these awards will be made through similar machinery. This is simply following the old law about the issuing of medals for saving life upon the ocean.

Mr. HALE. It is a transfer of this benevolent sentimental act from the cases that occur at sea, which are few, to cases which occur on land, which would be many. There is a special bureau in the Department of the Treasury which has charge of all the life-saving stations to consider these subjects. I do not know of any bureau in the Treasury Department that would take this subject in charge.

Mr. LODGE. I suppose it would come under the Interstate Commerce Commission.

Mr. HALE. Would it?

Mr. LODGE. It is to promote the security of travel upon railroads engaged in interstate commerce and to encourage the saving of life. I presume it would come through the body charged with that subject. The President could delegate it as he has delegated the matter of considering medals in the Life-Saving Service. There are a great many given for the saving of life at sea. They are not confined to the Life-Saving Service, of course. They are given to any person who saves life at sea at the risk of his own.

Mr. HALE. I think in the aggregate there are few as applied to the sea, and I think there would be many cases on railroads. If there is any place where this duty would probably go, I will not object, but certainly it ought not to be put upon the President.

The PRESIDENT pro tempore. Does the Senator from Maine object to the present consideration of the bill?

Mr. HALE. No, I will not object.

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

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

The PRESIDENT pro tempore. The bill (S. 6965) to promote the security of travel upon railroads engaged in interstate commerce, and to encourage the saving of life, will be indefinitely postponed.

ELIMINATION OF GRADE CROSSINGS.

Mr. MARTIN. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 7157) to amend an act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railway Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes, approved February 12, 1901, to report it favorably without amendment, and I ask for its present consideration.

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

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

ORDER OF BUSINESS.

Mr. HALE. Mr. President, I rise to a question of the order of business. What has become of the message from the House which came to the Senate on Saturday, and which, by agreement, went over until to-day? What was the order with reference to it?

Mr. GALLINGER. The order, as I remember it, was that it should be considered after the morning business.

The PRESIDENT pro tempore. As the Chair recollects, after the routine business this morning that matter was to be taken up for consideration.

Mr. HALE. I do not object to what is really routine morning business, but that is a subject-matter which ought to be disposed of and not hang any longer in doubt than possible. I shall object to anything except bare, strict morning business until that message is taken up.

The PRESIDENT pro tempore. Reports of committees are still in order.

Mr. CARMACK subsequently said: I am directed by the Committe on Pensions, to whom was referred House bill 15748, to report it favorably, and I ask unanimous consent for its present consideration.

Mr. HALE. I gave notice a few minutes ago that I would be constrained to object to anything except routine morning business. I am sorry that it falls upon the Senator, but it also falls upon half a dozen other Senators who have made the same appeal.

Mr. CARMACK. It would take only a minute to pass the bill.

The PRESIDENT pro tempore. Objection is made to the request of the Senator from Tennessee.

[The bill appears with other pension bills reported by Mr. CARMACK.]

MONEY-ORDER FUNDS.

Mr. CLAY. I am directed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 6828) to amend section 4045 of the Revised Statutes, to report it favorably. I ask unanimous consent for its present consideration. I will state that the passage of this bill has been recommended by the Post-Office Department, and unless it can get through the Senate in a day or two it will be impossible for it to pass the other House during this Congress. Some of the members of the committee were exceedingly anxious to have the bill put as an amendment on an appropriation bill, but it being a penal statute it was not done. I hope the Senator from Maine [Mr. HALE] will not object.

Mr. HALE. Mr. President——

Mr. CLAY. I will state to the Senator in just half a minute that the bill simply provides as to rural carriers that when money is intrusted to them by persons for the purpose of buying money orders it will be presumed to be in the possession of the Government, and that they can be indicted just like other officials of the Government. It simply adds rural carriers to the list. I am sure the bill will pass in half a minute if the Senator will not object.

The PRESIDENT pro tempore. Is there objection?

Mr. HALE. Mr. President, it is so good a bill that I am sure it will keep until to-morrow morning. I can not make fish of one and flesh of another. I can not shut out the Senator from Tennessee [Mr. CARMACK] and then let in the Senator from Georgia. I am constrained to make an objection, Mr. President.

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

BILLS INTRODUCED.

Mr. LODGE introduced a bill (S. 7215) authorizing the President to nominate and appoint James E. Smith a second lieutenant on the retired list of the United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PENROSE introduced a bill (S. 7216) for the relief of Nathan Van Beil, of Philadelphia, and others; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 7217) for the relief of Henry S. Hannis & Co.; which was read twice by its title, and referred to the Committee on Claims.

Mr. WARREN introduced a bill (S. 7218) authorizing and directing the Secretary of State to examine and settle the claim of the Wales Island Packing Company; which was read twice by its title, and referred to the Committee on Claims.

Mr. LATIMER introduced a bill (S. 7219) for the relief of Moses Winstock; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. STEWART introduced a bill (S. 7220) for the relief of John L. Smithmeyer and Paul J. Pelz; which was read twice by its title, and referred to the Committee on Claims.

Mr. BERRY introduced a bill (S. 7221) for the relief of the estate of John Nutt, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

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

A bill (S. 7222) for the relief of the heirs of Abram Joyner, deceased;

A bill (S. 7223) for the relief of William Wise;

A bill (S. 7224) for the relief of the legal representatives of Joshua Grantham, deceased;

A bill (S. 7225) for the relief of Ezekiel Hollman; and

A bill (S. 7226) for the relief of the legal representatives of Susan Britt.

Mr. TALIAFERRO introduced a bill (S. 7227) granting an increase of pension to Josephine E. Bard; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FOSTER of Louisiana introduced a bill (S. 7228) for the relief of the commissioners of the Judah-Touro Almshouse, of New Orleans, Orleans Parish, La.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 7229) for the relief of the estate of Dennis Sullivan, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. HOPKINS introduced a bill (S. 7230) granting an increase of pension to Benton Cantwell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 7231) granting an increase of pension to John Houston Crowell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 7232) removing the charge of desertion from the name of Joseph D. Campbell; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DANIEL introduced a bill (S. 7233) for the relief of the estate of Isaac Haynes, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 7234) to establish the University of the United States; which was read twice by its title, and referred to the Committee to Establish the University of the Unied States.

Mr. PETTUS introduced a bill (S. 7235) granting a pension to Julia H. Lyle and Willie Elizabeth Lyle; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT of Connecticut introduced a bill (S. 7236) to amend an act entitled "An act to authorize the board of commissioners for the Connecticut bridge and highway district to construct a bridge across the Connecticut River at Hartford, in the State of Connecticut;" which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. HEYBURN introduced a bill (S. 7237) for the relief of E. De Atley & Co.; which was read twice by its title, and referred to the Committee on Claims.

Mr. FULTON introduced a bill (S. 7238) to authorize the Portland, Nehalem and Tillamook Railway Company to construct a bridge across the lower Willamette River, in the State of Oregon, above Elk Rock; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PLATT of New York submitted an amendment authorizing the President to appoint William Woolsey Johnson, now professor of mathematics at the Naval Academy, to be a professor of mathematics in the Navy, etc., intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. DICK submitted an amendment proposing to appropriate $9,500 for marking the places where American soldiers fell and were temporarily interred in Cuba and China, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. McCREARY submitted an amendment proposing to appropriate $75,000 for improving Kentucky River, Kentucky, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. WARREN submitted an amendment directing resurveys to be made of certain townships in the State of Wyoming, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. McCOMAS submitted an amendment proposing to appropriate $3,000 for grading, retaining wall, and miscellaneous

work at the post-office at Annapolis, Md., intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

He also submitted an amendment providing that in the assignment or transfer of clerks from the Railway Mail Service to clerical service in the Post-Office Department or post-offices preference shall be given those who served in the war of the rebellion, etc., intended to be proposed by him to the post-office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. GAMBLE submitted an amendment authorizing the Court of Claims to further receive testimony, etc., in the case of the Sisseton and Wahpeton bands of Sioux Indians *v.* The United States, and report to Congress what annuities provided by the treaty of the United States with said bands of Indians dated July 28, 1851, would now be due said Indians if the act of forfeiture approved February 16, 1863, had not been passed, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. BARD submitted an amendment proposing to increase the appropriation for subsistence at the National Home for Disabled Volunteer Soldiers at the Pacific Branch, at Santa Monica, Cal., from $130,000 to $150,000, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. McCOMAS submitted an amendment intended to be proposed by him to the bill (H. R. 18973) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

AMENDMENTS TO PUBLIC BUILDINGS BILL.

Mr. FORAKER submitted two amendments intended to be proposed by him to the bill (H. R. 18973) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which were referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. FORAKER, it was

Ordered, That all papers in the files of the office of the Secretary of the Senate relating to the bill (S. 3566, 57th Cong.) granting an increase of pension to John W. Armitage be withdrawn, there having been no adverse report on said bill.

BUREAU OF PUBLIC HIGHWAYS.

Mr. LATIMER submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 10,000 copies each of Senate bill No. 4098 and the report thereon, being report No. 2626, of which 6,000 copies shall be for the use of the Senate and 4,000 for the use of the House of Representatives.

CUBAN EXPORT AND IMPORT TRADE.

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

Resolved by the Senate, That the Secretary of Commerce and Labor be, and he is hereby, directed to procure, so far as practicable, the information hereinafter specified, and report the same to the Senate during the present session of Congress, and at as early a date as possible:

First. The import and export trade, less specie, between the United States and the island of Cuba and between Cuba and other countries during the calendar year 1904, stating particularly principal items thereof, such as sugar, tobacco, rice, cotton goods, iron ore, cattle, etc.

Second. A detailed statement of the increase and decrease and by percentage in such trade for said year 1904 compared with the years 1903 and 1902.

STREET RAILWAY FRANCHISES, TAXATION, ETC.

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

Resolved, That the Commissioners of the District of Columbia are hereby directed to procure all available data showing the conditions and restrictions under which franchises are granted to street railway companies in the several cities of the United States which contain a population exceeding 200,000, and the basis on which the companies are taxed; also the character of the trackage arrangements in each city and the extent to which street railways are placed under State or municipal control, report to be made to the Senate at the beginning of the next session of Congress.

STATUE OF FRANCES E. WILLARD.

The PRESIDENT pro tempore. The Chair lays before the Senate a concurrent resolution from the House of Representatives, which will be read, and to which he calls the attention of the Senator from Illinois [Mr. CULLOM].

The Secretary read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That the statue of Frances E. Willard, presented by the State of Illinois, to be placed in Statuary Hall, be accepted by the United States, and that the thanks of Congress be tendered the State for the statue of one of the most eminent women of the United States.

Resolved, That a copy of these resolutions, duly authenticated, be transmitted to the governor of the State of Illinois.

Mr. CULLOM. Mr. President, a similar resolution has already passed the Senate, but the other House has passed the concurrent resolution which has just been read. I ask unanimous consent for the consideration of the House concurrent resolution at this time.

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

DAM AND RESERVOIR ON RIO GRANDE.

The PRESIDENT pro tempore. The morning business is closed, and the Chair lays before the Senate the resolution received on Saturday from the House of Representatives.

Mr. CULBERSON. Before that resolution is proceeded with, Mr. President, I wish to state that the Senator from Indiana [Mr. BEVERIDGE] who has charge of the statehood matter I believe will have no objection to the consideration of a very short bill, of which I spoke to him. It will not take more than a minute.

Mr. BEVERIDGE. Some time ago I agreed with the Senator from Texas that, so far as I was concerned, the bill he has in charge might be considered, provided it be brief and that it should involve no discussion. I wish to say that of course at this juncture debate can not be very extended.

Mr. CULBERSON. I ask unanimous consent at this time for the consideration of House bill No. 17939. I will state that, while the bill itself is somewhat lengthy, all parties especially interested have agreed to accept a substitute proposed by the Senator from Colorado [Mr. TELLER], which is very brief.

The PRESIDENT pro tempore. The Senator from Texas asks unanimous consent for the consideration at this time of a bill, which will be read for information, subject to objection.

The Secretary read the bill (H. R. 17939) relating to the construction of a dam and reservoir on the Rio Grande, in New Mexico, for the impounding of the flood waters of said river for purposes of irrigation, and providing for the distribution of said stored waters among the irrigable lands in New Mexico, Texas, and the Republic of Mexico, and to provide for a treaty for the settlement of certain alleged claims of the citizens of the Republic of Mexico against the United States of America; which had been reported from the Committee on Foreign Relations with amendments.

Mr. CULBERSON. I ask that the substitute proposed by the Senator from Colorado may be read.

The Secretary read the amendment proposed by Mr. TELLER, which was to strike out all after the enacting clause of the bill, and to insert the following:

That the provisions of the reclamation act approved June 17, 1902, shall be extended for the purposes of this act to the portion of the State of Texas bordering upon the Rio Grande which can be irrigated from a dam to be constructed near Engle, in the Territory of New Mexico, on the Rio Grande, to store the flood waters of that river, and if there shall be ascertained to be sufficient land in New Mexico and in Texas which can be supplied with the stored water at a cost which shall render the project feasible and return to the reclamation fund the cost of the enterprise, then the Secretary of the Interior may proceed with the work of constructing a dam on the Rio Grande as part of the general system of irrigation, should all other conditions as regards feasibility be found satisfactory.

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

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

The PRESIDENT pro tempore. The question is on agreeing to the amendment which has been read.

The amendment was agreed to.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

On motion of Mr. CULBERSON, the title was amended so as to read: "A bill relating to the construction of a dam and reservoir on the Rio Grande, in New Mexico, for the impounding of the flood waters of said river for purposes of irrigation."

Mr. CULBERSON. I move that the Committee on Foreign Relations be discharged from the further consideration of the bill (S. 7018) relating to the construction of a dam and reservoir on the Rio Grande, in New Mexico, for the impounding of the flood waters of said river for purposes of irrigation, and providing for the distribution of said stored waters among the irrigable lands in New Mexico, Texas, and the Republic of Mexico, and to provide for a treaty for the settlement of certain alleged

claims of the citizens of the Republic of Mexico against the United States of America, and that it be postponed indefinitely.

The motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

Mr. PENROSE. I desire to give notice that on Thursday next, immediately after the reading of the Journal, I shall ask the Senate to proceed to the consideration of the post-office appropriation bill.

PUBLIC GROUNDS IN ST. AUGUSTINE, FLA.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3479) making provision for conveying in fee certain public grounds in the city of St. Augustine, Fla., for school purposes, which were, on page 1, line 5, to strike out "John" and insert "Johns;" on page 1, line 14, to strike out "John" and insert "Johns;" and on page 1, line 15, to strike out "John" and insert "Johns."

Mr. TALIAFERRO. I will state that these amendments merely correct certain typographical errors in the bill. I therefore move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

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

On February 17, 1905:

S. 3218. An act for the relief of Civil Engineer P. C. Asserson, retired;

S. 6337. An act for the establishment of subports of entry at Rouses Point and Malone, N. Y.; and

S. 6923. An act for the construction of a private conduit across D street NW.

On February 18, 1905:

S. 4503. An act to provide for sittings of the circuit and districts courts of the southern district of Florida in the city of Fernandina, in said district;

S. 5172. An act for the relief of the heirs of D. C. McCan and Edward Conery, sr.;

S. 5997. An act authorizing the President to nominate and appoint William L. Patterson a second lieutenant in the United States Army;

S. 6425. An act to amend section 4472 of the Revised Statutes so as to remove certain restrictions upon the transportation by steam vessels of gasoline and other products of petroleum when carried by motor vehicles (commonly known as automobiles) using the same as a source of motive power;

S. 6951. An act to authorize the Spokane International Railway Company to construct and maintain bridges across the Pend d'Oreille River and the Kootenai River in the county of Kootenai, State of Idaho; and

S. R. 65. Joint resolution providing for an extension of time for completing the highway bridge and approaches across the Potomac River at Washington, D. C.

On February 20, 1905:

S. 4079. An act for the relief of James Denton;

S. 4096. An act for the relief of Louis J. Souer, collector of internal revenue for the collection district of Louisiana;

S. 6446. An act granting an increase of pension to John McGowan;

S. 5972. An act permitting the building of a dam across the Mississippi River between the village of Sauk Rapids, Benton County, Minn., and the city of St. Cloud, Stearns County, Minn.; and

S. 6270. An act directing the issue of a check in lieu of a lost check drawn in favor of W. W. Montague & Co., of San Francisco, Cal.

STATEHOOD BILL.

The PRESIDENT pro tempore. The Chair lays before the Senate the action of the House of Representatives on the statehood bill, which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES,
February 17, 1905.

Resolved, That the Committee on the Territories be, and hereby is, discharged from 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, with the Senate amendments thereto; that the said Senate amendments be, and hereby are, disagreed to by the House, and a conference asked of the Senate on the disagreeing votes of the two Houses on the said bill.

The PRESIDENT pro tempore. The question before the Senate is on the motion of the Senator from Indiana [Mr. BEVERIDGE], that the Senate insist upon its amendments disagreed to by the House of Representatives, agree to the conference asked for by the House, and that the Chair appoint the conferees.

Mr. GORMAN. Mr. President, on Saturday last, when the Chair laid before the Senate the message from the House of Representatives in regard to the statehood bill, the question was raised by me as to whether it could be considered that day when objection was made. During the discussion of the matter on Saturday I said:

I suggest to the Senate and to the Chair, with all due deference, that there can not, in my judgment, be found a single precedent in this body where the question of consideration on the day that a measure has come, whether the subject-matter be a request for a conference or not, has ever been agreed to when an objection was made by a Senator.

It is due to myself, as well as to the Chair, for me to say that from a careful examination of the precedents, so far as I have been able to find them, the statement I made was too broad. There is a precedent for it occurring, however, upon a very remarkable occasion. In 1883, when the Senate of the United States, having received from the House of Representatives a bill dealing with the internal-revenue feature of taxation and substituted for it an entirely new tariff bill—which, so far as I know and have been able to inform myself, is the first instance in the history of the country where this body undertook to frame originally a tariff bill—in that case it was held that the measure being one affecting only internal taxation the Senate had jurisdiction. The House of Representatives disagreed to the Senate amendment and asked for a conference. That was at a time of high party excitement, and the stress of the Government in its financial condition was such that immediate consideration was necessary in the opinion of those who controlled the Government at that session, which was a short session, as is now the case. It was on the 27th day of February.

When the Presiding Officer laid before the Senate the request of the House of Representatives for a conference objection was made. Quite a number of distinguished parliamentarians—Governor Harris, of Tennessee, and Senator Ingalls, of Kansas, among the number, and men as learned in parliamentary law as they—made the same point that I made here on Saturday. The Chair held that the motion was in order as a privileged question, and the Senate so considered it.

I desired to make that statement in justice to the occupant of the chair, with whom I always differ with a great deal of concern whenever I do differ with him. It was a remarkable debate which then occurred, and it was finally held, as the Chair held on Saturday, that it must be considered.

Mr. President, I think that possibly that case and the present one settle the precedent that a request from the House of Representatives for a conference is a privileged request. It is true we who took the other view were misled by the general provision of parliamentary law which requires that all motions and resolutions shall lie over one day if objected to. I was further misled—I confess I had for the time forgotten the case of 1883—by a special rule which the Senate has made in regard to conference reports. It had been held that a conference report should go over one day under the rule; but some twenty-five years ago that was found to be so inconvenient at the close of a session of Congress, when it was necessary that such reports should be taken up, that a special rule was made that a conference report should be considered when it was presented. Rule XXVII, on page 26 of the Manual, reads:

RULE XXVII.—*Reports of conference committees.*

The presentation of reports of committees of conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

I believed on last Saturday, being only able to refresh my memory by a cursory glance at the precedents, that the Senate having found it necessary to provide a special rule to take conference reports out of the general parliamentary law, that it also applied to messages from the other House. However, as I said, I consider the matter now closed, and only make this explanation now because of my positive statement to the Chair on Saturday, when he made the ruling.

But, Mr. President, the proposition now pending is in some respects similar to the one of 1883. While it is not exactly one of party division, the question comes now—and it is a serious one to the Senate—if we agree to the request of the House of Representatives for a conference upon this measure, that conference must be absolutely free. A conference can not amount to anything unless the conferees are constituted to represent

the views of the body of which they are members. Any instruction or coercion which will prevent them from having the most perfect liberty to confer freely and to report back to their respective Houses is a violation of the universal rule, to which there should be no exception.

In the very case that I have referred to in this body, and in another in 1873, I find the temporary occupant of the chair in 1873, who made the decision, was no less a distinguished man than the then Senator from Vermont, Mr. Edmunds, who decided that we might instruct our conferees; but on a day's reflection, after a discussion by such men as Roscoe Conkling, of New York; Governor Hamilton, of Maryland, and others, that decision was reversed by common consent, and there is now no question that conferees from the first must be so constituted as to represent, and to be in honor bound to represent, the views of the Senate upon every proposition of amendment made by it.

Second, that they must be free from any instruction of the Senate; and, third, the conferees on the part of the House asking the conference shall come into that conference perfectly free from any instruction on the part of the House.

I said on Saturday, and I repeat now, that it is unfortunate, certainly very unwise—destructive to good government—in my judgment, to refer in open discussion in this body to any action of the House of Representatives. Parliamentary law prohibits it, and I am sorry to say that it is so laxly observed. The close observance of such a rule would prevent much of the friction that has taken place in the past, and seems to exist now, and is likely to grow. Disagreeable as the duty may be, the Presiding Officer should stop instantly any Senator who attempts to quote any statement made in the other House. Therefore I approach that phase of the question with a great deal of hesitation.

I accept the record that has been made as a complete one, and yet we can not fail to take note of what has been done and said outside of the Congress of the United States, and I do so at this time only for the purpose of emphasizing the necessity that the conferees to be appointed on the part of the Senate in this case shall represent fairly and earnestly the view of the Senate. Committees of this body of all sorts are to be elected by the body except when it is done otherwise by unanimous consent. As a rule—indeed, I believe it is almost the universal rule—the Chair, by the unanimous consent of the body, has appointed conferees. I know of no exception to that rule in the last thirty years.

But there has grown up another custom, to which there have been exceptions only in very, very rare cases, and that is that the conferees on the part of this body shall be the chairman of the committee who has charge of the bill and usually the senior member of the majority next to him and the senior Senator representing the other side of the Chamber. There have been one or two exceptions. One was made by the distinguished Presiding Officer [Mr. FRYE] who now occupies the chair, in whose perfect fairness we have confidence. He now approaches a case that is unique and one that necessarily must embarrass him. It is a case that requires, in my judgment, under the circumstances, in view of what has occurred elsewhere, extraordinary care in the selection of the conferees.

By a decided majority of the Senate, as the votes upon the various amendments show, the admission of Oklahoma and the Indian Territory as one State was determined upon, and therefore the conferees would have no difficulty in ascertaining the desire of this body upon that proposition. And it is suggested to me that that is not in controversy. But an amendment having been made to the eighteenth section by accident, I think it throws the whole section into conference. That was an error into which my friend the Senator from Georgia [Mr. BACON] and I fell, because we did not know where the amendment offered by the Senator from Utah [Mr. KEARNS] was attached to the bill. But that opens every provision of the bill, as I understand the usages of conference committees.

The other and second vote that was pronounced, and, I believe, unanimous, was upon the amendment offered by the distinguished Senator from Ohio [Mr. FORAKER], that in submitting the matter to the people a separate vote should be taken in both Arizona and New Mexico upon the question of uniting those two Territories in one State. After that the crucial vote came on the amendment offered by the distinguished Senator from Georgia [Mr. BACON] that rather than accept the proposition as it came from the House of Representatives, to unite New Mexico and Arizona in one State, we would eliminate those two Territories from the bill and let them remain Territories, as they now are.

That was determined upon unquestionably by a majority of the Senate, though slim. Still it is the voice of the Senate, and that view, I submit with great deference, ought to be represented in the conference by a Senator who is in hearty accord with the majority of the Senate.

Then came the proposition of the distinguished Senator from California [Mr. BARD] to admit New Mexico as a State, leaving out Arizona. First, in Committee of the Whole, the proposition was adopted by one majority, eliminating the vote of the Senator from Utah [Mr. KEARNS], and in the Senate a tie vote threw it out. Offered again in a modified form, it carried.

Mr. President, as I said a moment since, it is perfectly within the rule, and a single objection will prevent the appointment of the conferees by the Chair. I think, as I said a moment ago, that has not been done for thirty years. In the case of the present occupant of the chair [Mr. FRYE] and every other presiding officer whom I have known since 1880, I have never known an instance where the Chair has not been absolutely fair in the conduct of the business of this body. I apply that remark emphatically to the present occupant of the chair. I think it is perfectly proper, in view of the closeness of the vote and of the great interest that is taken in the question, if the Chair will permit me to say so, that he should follow the example which he wisely set. I can not lay my hand upon the very clause of the Chinese-exclusion act which was amended in this body, but so close was the vote that the Senator from Pennsylvania, contrary to the custom which has grown almost to be a rule, was not appointed to serve on the conference committee, and a Senator who concurred in the views of the majority on the position taken by the Senate was substituted.

I think that all Senators, no matter what view they may have about the consolidation of the other Territories, feel that the Indian Territory and Oklahoma ought to be admitted. That seems to be the overwhelming sentiment in the Senate. I trust—and I think it will add much to the effort to reach a fair conclusion when we meet the House—that the different views of the Senate, as expressed in its vote, may be represented on the conference committee. Much more could be said about the attitude which is supposed elsewhere to be maintained, but I think it would be unwise. I do trust that we may have as conferees on the part of this body Senators who represent and concur in its views as expressed by its vote, however temporarily it may embarrass the Chair to depart from the universal rule, the only exception during this period being the one I have quoted. It will bring us nearer together, in my judgment, and prevent the scene that has been witnessed once before upon this proposition, but which fortunately seldom occurs in this body, there having been only half a dozen instances since its organization—the consumption of time at the close of a Congress, which ought never to be unless there is involved some great principle warranting such action.

Mr. TELLER. Mr. President, I think the first and perhaps the most important question to discuss before the conferees are appointed, if they shall be appointed, is the character of the conferees. I touched slightly upon that Saturday in what I said, and I desire to say a little more on the subject. I think it is an important principle in the administration of public affairs and in the discharge of our duties here to adhere to some rule. I think nothing can be more pernicious and nothing more illogical than to appoint on a conference committee to bring the two Houses together those who are violently—I will not change that term—opposed to the amendments proposed by this body. The rule has been settled for many, many years in legislative bodies, not only in this country but in England, that on committees—and this is true when the system prevailed of appointing a special committee for each bill, or practically that, in the first instance—a majority should be composed of the friends of the bill. If in the course of the debate, in the conduct of affairs, it is found that there are objections to the measure and the majority entertain those objections, then when a committee is to be appointed, it is said by the writers on the subject that it is the duty of any man named on the committee who is opposed to the policy of the body so to declare and to decline.

Mr. President, that is the only way, in my judgment, in which we can rightly legislate. Take this case. In the first place the Senate determined that it would adopt, and did adopt, practically without dissent, although we know there were a number of Senators who were opposed to it, the amendment offered by the senior Senator from Ohio [Mr. FORAKER] allowing each one of the Territories to pass upon the question whether it would be united with the other, or whether it should be kept separate. I am not supposed to know who the Presiding Officer is about to appoint, except the custom has been so universal to appoint the chairman of the committee having the bill in charge that I can assume at least that the junior Senator from Indiana [Mr. BEVERIDGE] will be appointed on the committee. I think I could name probably the other majority conferee, and as I am now impressed that member is opposed to all propositions that have

been voted on in the Senate and carried as against him. He is in accord with the chairman of the committee, who is against those propositions and who is against the amendment offered by the Senator from Ohio [Mr. FORAKER], which was carried.

It seems to me to be utterly illogical and utterly unfair, if I may use that term here, to say that the conferees shall be Senators who are opposed to the latest expression of this body. Conferees are appointed not to carry out their views, nor to carry out the views of the minority, but to represent the views of the majority as expressed by its vote in this body.

I insist, Mr. President, that we who favored the last action of the Senate are entitled to have as conferees a majority who are in favor of those amendments. I shall expect under those circumstances, that undoubtedly the chairman of the Committee on Territories would be the minority member of the conferees. It seems to me the mover of the amendment for a separate vote in each Territory ought to be a member of the conference committee. If it is supposed that on a conference committee it is necessary that a majority shall be composed of the political party in power, such an arrangement will accomplish that purpose. I do not know that it would be proper to discuss that question at great length, although there are some authorities on the subject that I could read which might be useful. There are other points that I desire to discuss, but I think I will leave them for the present at least.

Mr. HALE. Mr. President——

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

Mr. TELLER. I yield to the Senator from Maine.

Mr. HALE. Before the Senator leaves that branch of the subject, does he not recognize as a fact, established by the votes upon different propositions during the discussion and pendency of the bill here, that the one distinctive vote of importance upon which there was a pronounced majority of the Senate was upon the proposition of a single State including Oklahoma and Indian Territory; and does not the Senator remember that the discussion and decision upon other matters fluctuated and varied? On the proposition of New Mexico the result might be called a set-off. One side prevailed at one stage and carried its proposition, but not by a pronounced majority showing a great voice of the body; and in an hour it was changed by the appearance or absence of members of the Senate. So does not the Senator recognize that upon that distinct proposition there is recorded no pronounced decided majority vote of the Senate? And there are other amendments where one side prevailed and then another side prevailed.

But it is not a case like that of the immigration bill, where an entire bill was substituted for the committee's bill and adopted by the Senate without regard to divers issues upon other propositions. The Senate made another bill and decided it upon one vote. Does not the Senator see a very grave distinction in this case? I most certainly do. I do not know what the Chair will do, but if I were in the chair I should see to it that every conferee appointed should represent that large majority in the Senate which decided that notwithstanding these other questions, where it was so close, the body was largely for a single State comprised of the two Territories. I think the conferees ought to represent that vote in the Senate.

Mr. TELLER. Mr. President, the theory of the Senator from Maine would be to ascertain the sense of the Senate by the views of Senators who did not vote. There is but one way to determine what is the sense of this body, and that is by its vote. You can not say that a Senator was absent, and if he had been here the Senate would have voted differently. That might be true, and it might not be true. You can not ascertain that. There is only one way in which this body can record its opinion, and that is by a vote. I stand by the vote.

Mr. FORAKER. Will the Senator from Colorado allow me to interrupt him?

Mr. TELLER. I yield to the Senator from Ohio.

Mr. FORAKER. I interrupt the Senator only to suggest that, according to the rule suggested by the Senator from Maine, there should be represented on the conference committee the majority by which the amendment providing for a separate vote in each Territory was adopted; and it was a large majority, so far as we could judge. There was no division, and no one could tell just what the vote was, but the vote was a very emphatic one in favor of the amendment, and I should think that amendment ought to be represented.

Mr. TELLER. I stated in the beginning that I thought the Senator from Ohio, or some Senator concurring in his views, was entitled to be on the conference committee.

Mr. FORAKER. For myself I do not want to be in the attitude of desiring to go upon the conference committee.

Mr. TELLER. I do not attempt to speak for the Senator from Ohio, as he will understand.

Mr. FORAKER. I so understood.

Mr. TELLER. I am sure everybody would admit that his appointment would be a very appropriate one in either case.

Mr. NELSON. Mr. President——

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

Mr. TELLER. Certainly.

Mr. NELSON. The universal practice in this body has not been such as the Senator from Colorado [Mr. TELLER] and the Senator from Maryland [Mr. GORMAN] have intimated. I call attention to one notable instance in the Fifty-fifth Congress. The Committee on the Judiciary reported what was commonly known as the "Torrey bankruptcy bill." Senators here will remember that when the bill came up for consideration I offered a substitute, which, after considerable debate, was adopted. The substitute I offered was entirely different from the bill reported by the committee. The Senate adopted it by a very decisive vote; I do not remember now the exact figures.

After the bill had passed with that substitute, which became the bill, I suggested to the chairman of the Judiciary Committee, Mr. Hoar, of Massachusetts, that I was fairly entitled to be on the committee of conference; that a majority of the Senate conferees ought to be of those who had favored the substitute. He protested that that could not be; that that could not possibly be taken away from him. I did not bring it up in the Senate. Finally, the Senator from Massachusetts, Mr. Hoar, and the Senator from Kentucky, Mr. Lindsay, were appointed as conferees, besides myself, and I was given to understand privately that it was a mere matter of grace to put me on the committee; that it was a mere matter of favor. As I say, I did not bring up the matter before the Senate. It was not debated here. I yielded to the judgment of the Senator from Massachusetts, and in that case two of the Senators, a majority of the conferees of the Senate, were utterly opposed to the bill as it passed this body.

Senators who were here will remember the fact. I do not recall any other particular instance, but that one is very vivid in my mind.

Mr. TELLER. I have not contended that this rule has been universally observed. If I may digress for a moment, I will say that in the last ten years in this body it seems to me very few rules have been observed in their spirit or in their letter. In very many instances they have been plainly ignored.

As I stated on Saturday, sometimes the character of the amendments is such that it is difficult, in appointing conferees, to select them so that the dominant features of the amendments are represented by the conferees. That would be true when there were a large number of amendments. In this case there are two or three features which stand out prominently, and there is no difficulty in knowing what the verdict of the Senate was; and it is potent in lawmaking, in amendments, in any transaction here when action is taken by a majority of one as if it were the vote of the entire Senate.

The attempt to minimize and destroy the effect of a vote of the Senate because all the Senators were not here or because some one would have voted for it if he had been here is not worthy of very much attention in this body. Take the vote on the amendment offered by the Senator from Georgia [Mr. BACON]. That was a decided vote. We all recollect what the amendment was. If the conferees who are appointed are hostile to that amendment and to that proceeding, as I assume they may be, the Senate will not be fairly represented. If the Senator says that there was another vote an hour later, I say, Mr. President, there was no vote in the Senate which undid what had been done so far as that expression was concerned.

Mr. MONEY. Will the Senator allow me?

Mr. TELLER. Wait a minute. If the next vote did not carry the amendment, subsequently it was carried. That is the principle for which I am contending, that the two Territories should be dissevered, so it can not be said that that was undone in an hour or that there was any change in the Senate. Now I will listen to the Senator from Mississippi.

Mr. MONEY. I desire to ask the Senator if it is not true that when conferees are appointed the members of the conference on the part of the Senate are under an obligation of honor to represent the Senate and not themselves, and to use every effort in sustaining the action of the Senate, however repugnant to their individual judgment what was done in the case may have been?

Mr. TELLER. That certainly is the rule, and it is recognized in all the authorities on this question. I have seen conference reports rejected because the members of the conference committee did not follow that rule. I have seen that done repeatedly

on the floor and so has the Presiding Officer and many other Senators here.

Mr. President, I am going to discuss for a few moments another proposition, and that is the one the Senator from Maryland discussed briefly. We are entitled to a free conference. I do not suppose I need spend time in talking to the Senate about the difference between a conference and a free conference. Those things are well understood. I am only going to call attention to the authorities on the question, and if I can do so a little later I am going to try to discuss the question whether we can have a free conference in this case. I am going to read an authority in this case which I did not intend to read. If a committee dealing with a bill should be selected in the way the authorities say it should be chosen, I am sure the conference committee ought to be selected in the same way.

> Those who take exceptions to some particulars in the bill are to be of the committee, but none who speak directly against the body of the bill; for he that would totally destroy will not amend it.

You may apply that case here. I hope I shall hurt nobody's feelings by talking plainly about this matter. If you put upon the conference two members of the Senate who have been zealously for months endeavoring to thwart the purpose the Senate expressed in its vote you can not expect in the nature of things that there will be a fair representation of the sentiment the Senate has recorded for itself.

Mr. LODGE. Mr. President——

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

Mr. TELLER. I yield to the Senator.

Mr. LODGE. I should like to ask the Senator if that is not done all the time on every bill? Bills go from the Senate with amendments to which the conferees on the part of the Senate are known to be hostile, and do we not rely—do we not in the necessity of things have to rely on the honor of the conferees that they will represent the Senate in the conference?—because it rests on the fact that it is impracticable to make up a conference which shall represent the views of the Senate on different amendments. It occurs on every appropriation bill that goes out of here. Sometimes there are very important amendments on those bills which the conferees opposed.

Mr. TELLER. I agree with that. I have said that was the case. To select a committee that would represent every interest in all the conflicting interests of this body is impossible.

Mr. LODGE. If the Senator will allow me, he referred to the Senator from California and the Senator from Tennessee as proper conferees. I do not say they are not, but both Senators voted for the McCumber amendment, which is a vote against Oklahoma and Indian Territory as one State, and the Senator from Maryland properly said the vote on that question represented the overwhelming opinion of the Senate. The Senator's doctrine would shut out both those Senators, because that on which the Senate was most decisive they voted against. To my mind, other things being equal, it would not shut them out at all. I know of no case, let me say, if the Senator will permit me, where other than the usual conferees have been appointed except where a bill has been substituted for that reported from the committee. That has been done. I know of no other case where an attempt has been made to change the conferees because some one, two, or more amendments were put in to which the conferees were hostile. I think we must rely on the honor and good faith of the conferees on the part of the Senate to represent the Senate and not themselves upon the conference committee. What I have in mind is being done at this moment on one of the appropriation bills.

Mr. TELLER. Mr. President, I have not suggested that either the Senator from Tennessee or the Senator from California should be on this conference committee. That we have had this matter under discussion before is well known to the older members of the Senate, who will recall what has been reported here by the Senator from Maryland, when Senator Edmunds took the lead in the first instance to instruct the conferees what they must do. The Senate instructs them in the first instance in the ordinary way by saying we will insist, and unless we do insist there will be no appointment of a conference committee. A conference committee being appointed, then it was attempted directly by the Senate to instruct them on certain points, upon which they were not to yield. An examination of the authorities and the precedents and the principle upon which conferences are held convinced those who moved it and were most anxious for fear that they would not be properly represented by the committee which had been appointed that they had no right to instruct the committee in that way. That was a case which may be a precedent to the Senator from Massachusetts, where the conferees were hostile to some of the amendments that had been made, just what I do not pretend to say.

Mr. LODGE. I do not want to interrupt the Senator, but——

Mr. TELLER. The Senator may interrupt me. I have only a few minutes anyway.

Mr. LODGE. I wanted to ask the Senator on that point, as to the practical effect. Does not the Senator know, as I think we all know, as a matter of fact, that no bill of statehood can pass the Senate at this stage of the session to which both sides do not assent, and does he not further know that no three Senators could be appointed as conferees who would think of doing otherwise than represent the views of the Senate?

Mr. TELLER. The last proposition I am not going to assent to. I am very confident that unless a very decided change occurs in the minds of certain Senators likely to go on the conference committee they are not likely to represent the Senate. I agree with the Senator from Massachusetts most thoroughly that there is not any probability of the bill passing except by a compromise. But, Mr. President, on Saturday this case went over with the understanding that there might be some compromise. If there has been any made it has not come to me in a way that I can recognize it, and I am not satisfied that my associates who have been standing with me in the passage of what we thought to be a fair bill for the admission of New Mexico and Arizona as States, or if there was a sentiment here that Arizona was not fit for it to admit New Mexico at least, have any encouragement that we will receive anything from this conference committee whatever.

Now, Mr. President, as has been said here a thousand times, legislation is a matter of compromise. I wish to say that in my experience practically all the great measures which have gone through this body since I have been here have gone through upon a compromise. Sometimes there is a compromise between members of this body, and oftener it is a compromise between members of this body than Members of the other House. Sometimes it is done by a compromise between the sentiment of the members of the other House and the sentiment as represented here in the Senate. I should be very glad myself for any proposition that would recognize the right of Oklahoma to be a State. I did not myself vote for the proposition to unite the two Territories of Oklahoma and the Indian Territory. That question is settled. Would any Senator go to the conference committee and attempt to retire from that provision or to change it? We could not do it because it is a House measure. It is very doubtful, in my mind, whether it is open to consideration by the conference committee. But if it were open a Senator would be derelict in his duty who went there and failed to recognize the sentiment of the Senate overwhelmingly expressed.

The PRESIDENT pro tempore. Will the Senator from Colorado yield to the Chair?

Mr. TELLER. Certainly; I yield to the Chair.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 815. An act to correct the military record of James Houselman;

H. R. 3535. An act to grant honorable discharge to William A. Treadwell;

H. R. 3916. An act for the relief of James S. Harber;

H. R. 15322. An act correcting the record of Nelson S. Bowdis; and

H. R. 17983. An act authorizing the President to reinstate Alexander G. Pendleton, jr., as a cadet in the United States Military Academy.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

H. R. 15021. An act for the relief of Gilbert Shaw; and

H. R. 18492. An act to authorize the Secretary of the Interior to cancel the trust patent issued to James Wahkiacus.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

H. R. 17353. An act to make Gloucester, Mass., a port to which merchandise may be imported without appraisement; and

H. R. 18688. An act authorizing the President to appoint S. J. Call surgeon in the Revenue-Cutter Service.

The following bills were severally read twice by their titles, and referred to the Committee on Naval Affairs:

H. R. 1476. An act to amend the naval record of John W. Thompson; and

H. R. 13944. An act for the relief of William H. Beall.

H. R. 1520. An act for the relief of the Mission of St. James, in the State of Wishington, was read twice by its title, and referred to the Committee on Claims.

H. R. 17330. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal

year ending June 30, 1906, and for other purposes, was read twice by its title, and referred to the Committee on Pensions.

H. R. 18754. An act to prohibit interstate transportation of insect pests and the use of the United States mails for that purpose was read twice by its title, and referred to the Committee on Interstate Commerce.

H. R. 18816. An act for the relief of the estate of James Mitchell, deceased, was read twice by its title, and referred to the Committee on Pensions.

The bill (H. R. 5392) to provide an American register for the steamer *Brooklyn* was read twice by its title.

Mr. DEPEW. I ask unanimous consent that the bill (H. R. 5392) to provide an American register for the steamer *Brooklyn* be substituted on the Calendar for the Senate bill on the same subject, which has been favorably reported from the Committee on Commerce.

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

IMPEACHMENT OF JUDGE CHARLES SWAYNE.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, to which the Senate sitting in the trial of the impeachment of Charles Swayne adjourned, the Senator from Connecticut will please take the chair.

Mr. PLATT of Connecticut assumed the chair.

The PRESIDING OFFICER (Mr. PLATT of Connecticut). The Senate is now sitting in the trial of the impeachment of Charles Swayne, judge of the United States in and for the northern district of Florida. The Sergeant-at-Arms will make proclamation.

The Sergeant-at-Arms made the usual proclamation.

The managers to conduct the impeachment on the part of the House of Representatives (with the exception of Messrs. PALMER, POWERS, PERKINS, and SMITH) appeared and were conducted to the seats assigned them.

The respondent, Judge Charles Swayne, accompanied by his counsel, Mr. Higgins and Mr. Thurston, entered the Chamber and took the seats assigned them.

The PRESIDING OFFICER. Before the reading of the Journal the Presiding Officer will announce that at the last session of the Senate in the trial of the impeachment the question of evidence was decided, namely, the proposal of the managers to introduce statements by Judge Swayne made before the committee of the House of Representatives, and it was decided that such statements were inadmissible. The vote by which it was decided will appear upon the reading of the Journal.

The Secretary will read the Journal of the last trial day.

The Secretary read the Journal of the Senate sitting in the trial of the impeachment of Charles Swayne Friday, February 17.

The entry in the Journal referred to by the Presiding Officer is as follows:

The Presiding Officer stated the question to be: "Are the statements made by Judge Swayne before the committee of the House of Representatives admissible as evidence?"

It was determined in the negative—yeas 29, nays 47.

On motion by Mr. FORAKER,

The yeas and nays being desired by one-fifth of the Senators present. Those who voted in the affirmative are,

Messrs. Allison, Bacon, Bailey, Bard, Bate, Berry, Blackburn, Carmack, Clay, Cockrell, Cullom, Daniel, Foster of Louisiana, Foster of Washington, Latimer, Long, McEnery, McLaurin, Mallory, Martin, Money, Morgan, Overman, Patterson, Simmons, Spooner, Stone, Taliaferro, and Teller.

Those who voted in the negative are,

Messrs. Alger, Allee, Ankeny, Ball, Beveridge, Burnham, Burrows, Clapp, Clark of Wyoming, Culberson, Depew, Dick, Dietrich, Dillingham, Dolliver, Dryden, Dubois, Elkins, Fairbanks, Foraker, Frye, Fulton, Gallinger, Gamble, Gibson, Gorman, Hale, Hansbrough, Heyburn, Hopkins, Kean, Kearns, Kittredge, Lodge, McComas, McCreary, McCumber, Millard, Nelson, Newlands, Perkins, Pettus, Quarles, Scott, Smoot, Stewart, and Wetmore.

So it was determined that the evidence was not admissible.

During the roll call Mr. MCCREARY stated that he was authorized by Mr. CLARK of Montana to say that if he had been present he would have voted "nay."

Mr. Manager OLMSTED. Mr. President, I desire to announce the unavoidable absence to-day of Managers PALMER, POWERS of Massachusetts, PERKINS, and SMITH of Kentucky. We shall proceed as best we may in their absence, and by the courtesy of the honorable counsel for the respondent we desire to call one witness out of order to ask him about two questions—a witness who desires to depart.

Robert L. Henry sworn and examined.

By Mr. Manager OLMSTED:

Question. You reside in Waco, Tex., I think.

Answer. I do.

Q. Are you familiar with the location of the boarding house of Mrs. Downs, a witness who testified here?

A. I am.

Q. And also with the location of the court-house in which the United States courts are held?

A. I am.

Q. Will you state about the distance from one of those buildings to the other?

A. The Federal court-house is on the corner of Franklin and Fourth streets. Mrs. Downs lives about four blocks away, on the corner of Columbus and Fifth. You go north one block from the Federal building, then west one block along Austin avenue, and then north about two blocks to Mrs. Downs's residence.

Q. That is about three or four blocks?

A. A little over three. She lives in the fourth block.

Q. What is the character of the pavement between the two buildings—the walk?

A. It is a concrete sidewalk.

Q. A good pavement?

A. A good pavement.

Q. State whether you know Judge Swayne, by sight at least.

A. Oh, yes; I know Judge Swayne by sight and am personally acquainted.

Q. You have seen him there at the time of holding court?

A. Yes, sir; I have seen Judge Swayne there in 1895 and 1896, I think it was. I have seen him holding court in Waco.

Q. At various times, when holding court there?

A. Various times, several times.

Q. State whether you have seen him going from one of those buildings to the other—going and returning.

A. I do not understand the question.

Q. State whether you have seen him going from the house of Mrs. Downs to the court-house or returning from the court-house to the house of Mrs. Downs.

A. I can answer the question in this way. My law office was in the same block as the Federal court building, and when court would take a recess or adjourn I have seen Judge Swayne emerge from the Federal building, walk up Fourth street toward his boarding house, and I have seen him coming from that direction about the time that court was to convene each day, when I have observed him. I do not pretend to say on what days, though, I saw him.

Q. I simply want to know, without taking up time, whether he rode or walked.

A. I have seen him walking; I have not seen him riding.

Mr. Manager OLMSTED. That is all.

No cross-examination.

Simeon Belden recalled.

Cross-examination by Mr. THURSTON—continued.

Question. Mr. Belden, did I understand you to say that your letter, or the letter of yourself and Judge Paquet, suggesting that Judge Swayne recuse himself on the trial you have referred to, was mailed to him about August 5, 1901?

Answer. Well, I think so, but I am not certain about the date.

Q. Is your memory on that date now better than it was when you were examined as a witness before the House committee?

A. I think it is about the same.

Q. You remember the occasion of your having been before the House committee as a witness in re the proposed impeachment proceedings against Judge Swayne?

A. Yes, sir.

Q. And you were sworn and examined as a witness on one or more occasions?

A. On one occasion.

Q. On that occasion, while you were a witness, did you not state in your testimony under oath as follows: "Upon the 19th day of October Judge Paquet and myself addressed a letter to Judge Swayne requesting him to recuse himself?"

A. I might have so stated and might have been in error. If I did so state, that is an error.

Q. You wrote the letter earlier than that date?

A. Earlier than that date.

Q. Not hearing from that letter, what steps did you take, if anything, to bring your case on for trial—that is, the Florida McGuire case?

A. None whatever.

Q. Did you know the rule of the United States district court with reference to how a case shall be placed upon the trial docket for trial at the forthcoming term of a court?

A. I do not know that I do recollect it.

Q. Did you ever familiarize yourself with rule 22 of the Rules of Practice of the United States Circuit and District Courts, Northern District of Florida, reading as follows:

TRIAL LIST.

22. Hereafter, on or before the first day of each and every term of court to which a jury may be summoned, notice shall be given to the clerk, by the parties or their counsel or attorneys, of their desire for a

trial in each cause then pending on the law side of this court at or during said term of court, and thereupon it shall be the duty of the clerk to make a trial docket of all such cases, and no others will be docketed or called by the court or tried at the term except by consent.

A. I recollect the rule perfectly well. I did not have charge of the case. That was in the hands of Judge Paquet. I was sick.

Q. Having in view that rule of the court, did not yourself and Judge Paquet on the 28th day of October, 1901, join in the following notice of the docketing of case for trial or the assignment for trial, omitting the heading——

Mr. Manager DE ARMOND. Mr. President, would it not be well to show the paper to the witness before reading the contents of it?

Mr. THURSTON. If the witness has personal recollection there is no reason why I should show him the paper, Mr. President. If he has not, I will submit it to him.

Mr. Manager DE ARMOND. I do not see how he can tell whether he has any personal knowledge of it or not without seeing it; and to read it and then show it to him would not have anything to do with the question whether or not it ought to be read, it would seem to me.

The PRESIDING OFFICER. The Presiding Officer thinks the paper should be presented to the witness.

Mr. THURSTON (to the witness). Did yourself and Judge Paquet notice that case for trial at the term to commence on the 5th day of November, 1901?

A. I could not answer that, because I was in Pensacola at that time. I was sick.

Q. (Handing paper to witness.) Will you please examine the notice for trial, which I now hand you, and say if that was filed by Judge Paquet and yourself as attorneys in the Florida McGuire case?

A. Do you refer to the paper I have?

Q. I do.

A. I do not recollect this. I recognize the handwriting of Judge Paquet.

Q. Is that his signature attached to that paper?

A. Yes, sir.

Q. Is it your signature also attached with his?

A. I do not think it is. I think Judge Paquet wrote that also.

Q. As your associate, did he have authority to sign your name together with his own as counsel in the matter of these proceedings?

A. He had not—not that I recollect.

Mr. THURSTON (handing paper to Mr. Manager OLMSTED). As a part of our cross-examination we offer this paper in evidence.

Mr. Manager DE ARMOND. I suppose, Mr. President, that the regular way would be to offer the paper when the gentlemen are introducing their own testimony; but we are not very particular about it.

Mr. THURSTON. No, Mr. President, that suggestion was made the other day. If I understand evidence, a paper which is a legitimate part of the res gestæ, of the transaction upon which the witness was examined in chief, may be offered when identified as a part of the cross-examination. We may never desire to present any case on our side, but we can not tell until we have the evidence on the other side in.

The PRESIDING OFFICER. The Presiding Officer thinks it can not be very important, and may be admitted as a part of the cross-examination.

Mr. Manager DE ARMOND. Mr. President, we do not want to be understood as conceding the proposition which the counsel for the respondent has just stated. The question of the admissibility of a paper is a question that will have to be determined when it is offered; and, of course, if a paper could be introduced as a matter of cross-examination, the question of its competency could not be considered, or there would have to be delay to consider the admissibility of something offered by the opposite side when we are offering our testimony. But as to this paper, and only as to this paper, we do not care.

The PRESIDING OFFICER. The Presiding Officer understands it is offered merely as a part of the cross-examination.

Mr. THURSTON. That is all.

The PRESIDING OFFICER. Whether it becomes admissible or pertinent in any other view of the case is a matter to be determined afterwards.

Mr. THURSTON. We will ask the Secretary to read this paper. With the permission of the Senate, we will ask to retain the original, as it is a part of the record of the court, but substitute in the RECORD a certified copy. I suppose there is no objection to that.

Mr. Manager DE ARMOND and Mr. Manager CLAYTON. There is no objection.

The PRESIDING OFFICER. The Secretary will read.

The Secretary read as follows:

[Law No. 72, in the United States circuit court for the northern district of Florida. Mrs. Florida McGuire *v.* Pensacola City Company et al.]

Hon. F. W. MARSH,
Clerk United States Circuit Court, Northern District of Florida.

DEAR SIR: Please enter the above cause on the trial or call docket for trial at the coming term of court.

LOUIS P. PAQUET,
SIMEON BELDEN,
Attorneys for Plaintiff.

PENSACOLA, FLA., *October 28, 1901.*

Mr. THURSTON. Read the indorsement on the back of the paper.

The Secretary read as follows:

Florida McGuire *v.* Pensacola City Company et al. Præcipe for docketing filed at ———, October 25, 1901. F. W. Marsh, Clerk.

Q. (By Mr. THURSTON.) Mr. Belden, it is your understanding, is it not, that under the rule I read, when this notice of trial was filed by Judge Paquet and yourself, you placed at your own solicitation that case upon the trial docket of the court for the term commencing November 5, 1901?

A. Undoubtedly.

Q. That was some months after you had written the letter you have spoken of to Judge Swayne?

A. I feel very certain that the letter was written in the month of August, and I think the 5th of August.

Q. And then it was by the direct action and request of your associate and yourself that this case stood for trial on the docket of the term of that court beginning November 5, 1901?

A. That motion—I take that to be true.

Q. When did Judge Paquet or yourself go to Pensacola to attend that term of court I have referred to?

A. Judge Paquet went there. He was there a day or two before the opening of the court. I was sick and did not reach there until the 8th of the month.

Q. And Judge Paquet had remained there until your arrival?

A. Yes, sir.

Q. And was personally present on the ground looking after the interests of his clients in that case?

A. I understood so, sir.

Q. When you reached Pensacola on the 8th did you have a consultation with your associate, Mr. Paquet, about the case?

A. Certainly.

Q. Talked over the situation of it upon the docket?

A. No; we had no consultation as to its status on the docket at all.

Q. As to the prospect of its trial?

A. We supposed that it would be tried.

Q. Were you informed by your associate after your arrival in Pensacola as to the fact that Judge Swayne on the opening morning of his court had taken up the matter of the request to recuse himself from the trial, and had made a statement to the effect that he had and held no interest in the real estate that you had referred to? Was that brought to your attention?

A. At the opening of the court?

Q. No; but was it brought to your attention that Judge Swayne had made such a statement on the opening day of the court?

A. Well, I am trying to recollect whether I heard the statement or not, or whether it was on the 5th or later.

Q. Well, were you advised by your associate or others that a statement of that kind had been made from the bench by Judge Swayne?

A. Judge Paquet told me that he had seen Judge Swayne and requested a reply to the letter written in August. Whether he had told me that he had already replied to the letter before I reached Pensacola I do not remember.

Q. After you reached Pensacola were you in court when any reference was made to that matter from the bench by Judge Swayne?

A. Well, I am not certain about that.

Q. Well, as a matter of fact, Mr. Belden, you did know, did you not, that the matter had been up in the court and that Judge Swayne had made a statement from the bench and had declined to recuse himself?

A. Well, I have just stated that my mind is not clear on that—whether I heard it myself or whether Judge Paquet told me.

Q. But in one way or another you were advised that Judge Swayne had made a statement from the bench and had declined to recuse himself?

A. Oh, I was fully informed about that. Judge Swayne made two statements from the bench after I reached there.

Q. The 8th was Friday of the week, was it?

A. Yes, sir. That is the day I reached Pensacola.

Q. And you were in court that day?

A. Yes, I was, I think; about the middle of the day.

Q. Were you in court the next day?

A. I was in court the following day also, but I could not speak. I was paralyzed, and was a mere looker-on.

Q. Was that attack of paralysis of yours general paralysis or what is known as facial paralysis?

A. Facial paralysis and paralysis of the nerves of the right eye.

Q. Were yourself and associate on those two days keeping watch on the criminal docket and the trials in that court for the purpose of ascertaining when your case would probably come on?

A. I suppose Judge Paquet was; I paid no attention to it.

Q. And on Saturday afternoon the criminal docket was concluded?

A. Yes, sir.

Q. Then the judge took up the call of the civil docket, did he?

A. Yes, sir; immediately.

Q. And your case, having been noted for trial and placed on that docket by the action of your side, was called on the docket?

A. Yes. Our understanding was that when the civil docket was reached a special day would have been assigned for our case to which our witnesses could have been subpœnaed.

Q. Did you have any such understanding as that with the court?

A. None whatever.

Q. Then you took your chances that that would be done?

A. I did not think we were taking any chances.

Q. When your case was called for trial on Saturday evening an application was made, as I have understood from you, by Judge Paquet to postpone it until the following Thursday?

A. That is correct.

Q. Up to that time you had intended to go on with the trial of that case, had you?

A. As soon as a day was fixed we expected to have a day given us to which we could summon our witnesses.

Q. Then you at that time were ready, if you could secure the postponement, to go on to trial before Judge Swayne?

A. Certainly.

Q. And the only reason that you did not go to trial and dismissed your case was because you did not have time to get your witnesses; is that so?

A. Yes; that is so.

Q. That was your reason. Had yourself and associates sent any telegrams to Judge Pardee about that time or prior concerning the situation and your desire for another judge?

Q. I think Judge Paquet sent a telegram to Judge Pardee to Atlanta, Ga. I read it.

Q. State it as nearly as you can.

A. Well, I can not give the date.

Q. Well, the substance.

A. It was during the time that we were there at the term of the court.

Q. Give the substance of it as nearly as you can.

A. Well, I can give about my recollection of the reply. It was to go ahead and make up our record, and if we were not fairly dealt with take it up by writ of error to the United States circuit court of appeals.

Q. Was that telegram sent before or after your case was called for trial on Saturday evening?

A. That was before.

Q. That was sent, then, before you knew whether you would get your delay for trial?

A. Well, that telegram was sent for other reasons than the question of delay to get our witnesses before the court. Our belief was that we could not get a fair trial before Judge Sawyne owing to these transactions in reference to the Rivas tracts of land between Judge Swayne and Mr. Edgar, of New York.

Q. But you had decided to go on with the case before Judge Swayne?

A. We were prepared to go to trial after the telegram from Judge Pardee, of course, with the privilege of getting our witnesses there. We had no alternative left except to try it before Judge Swayne.

Q. You filed your notice placing this case on the trial docket on October 28. Judge Paquet was there before court commenced on the 5th, you arrived there on the 8th, and yet up to the afternoon of the 9th you had not taken any steps to subpœna witnesses. Is that true?

A. That is true. We had no day assigned to which the witnesses could be subpœnaed.

Q. Then your dismissal of that case was because you did not have time to get witnesses?

A. Unquestionably. If we had had the witnesses there we would have proceeded and would have tried it before Judge Swayne.

Q. On Saturday afternoon, when you asked for a postponement until the following Thursday, did not Judge Swayne state, in substance, from the bench that the court had no objection if the attorneys on both sides agreed to it?

A. I do not recollect very distinctly. I recollect, however, that Mr. Blount, the opposing counsel, insisted very strenuously on proceeding at once.

Q. Was not that after Judge Swayne had stated, in substance, from the bench that he was willing to grant the postponement if Mr. Blount did not object?

A. I do not recollect that. I recollect Judge Swayne said that he wanted to dispose of the case because he intended leaving Pensacola as soon as he was through with it.

Q. Mr. Blount, the attorney on the other side, did object to that postponement?

A. Yes; he objected to postponing it to Monday.

Q. Against his objection, Judge Swayne did let it go over until Monday morning?

A. He let it go over until Monday morning at 10 o'clock.

Q. And did he not do so upon a statement from the bench to the effect that on Monday morning the case would go on to trial unless you made a showing warranting a continuance or postponement?

A. Well, perhaps he made that statement.

Q. So that the case was open for you, if you had any good ground for a postponement, to have made a showing on Monday morning?

A. If we had not already made a showing we could have made the same showing on Monday at 10 o'clock.

Q. Well, you had made no showing of record, had you?

A. None. I do not think there was any showing of record there.

Q. You had filed no motion for discontinuance or postponement?

A. I think not.

Q. Supported it by no affidavits?

A. No affidavits were made that I recollect.

Q. Well, do you not know that the rules of the court require a written motion, supported by a written showing, to justify a continuance or postponement of a trial?

A. I am aware of that; yes, sir.

Q. Then, after you found the case was going on on Monday morning unless you could make a showing for continuance, you decided to dismiss it?

A. Yes, sir.

Q. And because of the fact that you did not have time to get your witnesses?

A. That is the reason.

Q. Where did your witnesses reside?

A. Well, a majority of them resided in the city of Pensacola.

Q. How many were there?

A. Some of them resided in the surrounding country some distance from there.

Q. How many of them were there altogether?

A. I do not know the exact number, but it was over forty.

Q. You testified before the House committee that there were between forty and fifty in your judgment?

A. I think that is correct.

Q. You afterwards tried that same case, after it was rebrought, in that same court?

A. Yes, sir.

Q. And there you had every opportunity to secure your witnesses, did you not?

A. We had all facilities on that trial.

Q. You got all the witnesses you wanted?

A. I think we did.

Q. I will ask you to examine this paper [handing paper to witness] and see if it is the præcipe for witnesses filed by you as the witnesses you desired subpœnaed for that trial of the case when it did come on?

A. I suppose this is the list. I did not make it out; neither did I sign it.

Q. Signed by your associate, Mr. Davis, for himself and yourself?

A. I think so.

Mr. THURSTON. Mr. President, it is not necessary to introduce this original paper in evidence, as it already constitutes a part of the record that the other side has put in. Possibly I may be mistaken; the whole record may not have gone in. I ask to have read the names of these witnesses and their residences as showing that all their witnesses, very few in number, resided immediately in and about the court-house at Pensacola.

The PRESIDING OFFICER. The Presiding Officer has some trouble about having these documents read by the Secretary. Counsel undoubtedly have a right to ask the witness on cross-examination, the witness having testified that there were forty

or fifty witnesses, how many witnesses were used when the case came to trial. But the Presiding Officer can not see how it is proper at this time to have this part of the record read. The cross-examination can proceed without the introduction of the paper.

Mr. THURSTON. Mr. President, we submit to the ruling. We will offer the paper in our own time, when that comes. [To the witness.] Did you file any other præcipe or ask for subpœnas for any other witnesses on that trial of the Florida McGuire case?

A. I could not inform you. I do not recollect.

Q. Did you file præcipes or ask for the subpœna of any other witnesses than those named in this præcipe, twelve in number?

A. I am unable to tell you.

Q. Did you file præcipes or ask for the subpœna of any witness on that trial who did not reside immediately in the city of Pensacola?

A. I am not able to inform you. I did not attend to the summoning of the witnesses at all.

Q. Will you give me the name of any one witness who lived out of Pensacola whom you wanted on that trial?

A. I could not.

Q. What was the difficulty about your having subpœnas go out on Saturday night and summoning the witnesses in the town to be there on Monday morning?

A. I thought it rather impossible, it was so late in the evening; in fact, night.

Q. You had time to get out a summons in a lawsuit and to serve the judge that night, did you not?

A. Oh, plenty of time; yes, sir.

Q. You had plenty of time for that, but not enough time to summon witnesses living in the town?

A. Not forty or fifty witnesses.

Q. How about the twelve?

A. The twelve? There were a great many more than that.

Q. Who were they?

A. I could not name them. There were a great many in the court-house, and a good many we did not use.

Q. This is the list you summoned. Did you not use all of these witnesses?

A. I could not state. I understand that the Senate has the record in the Florida McGuire case, and it will show.

Q. Can you tell me any one witness whom you wanted who is not included in this list?

A. I could not.

Q. Did not Mr. Marsh, clerk of the court, on that Saturday afternoon state in your presence and to your associates that he would keep his office open and that the marshal would be ready as long as you desired that evening for the purpose of getting out subpœnas and having your witnesses subpœnaed?

A. I am very positive he made me no such offer. No such offer was ever made in my hearing.

Q. Did you make any attempt to summon any witnesses that night?

A. Not that night.

Q. How soon after you got out of court that Saturday afternoon did you decide to dismiss the case Monday?

A. We went immediately into consultation.

Q. Who went into consultation?

A. Myself and Judge Paquet.

Q. Where?

A. I think it was at the Park Hotel, where I stopped in Pensacola.

Q. And your consultation ended in what decision?

A. We decided to discontinue the suit.

Q. For the reason that you could not get your witnesses?

A. Could not get our evidence there.

Q. What else did you decide to do at that consultation?

A. At that consultation I think we concluded to bring the suit that we did against Judge Swayne.

Q. What for?

A. To eject him from block 91, I think it is, in Pensacola.

Q. Had you examined the records to see how the title to that property, plot 91, stood of record?

A. I did not.

Q. Did you have it done?

A. I did not, because I knew the title from my examination from the original grant through De Rivas even to the present time.

Q. In whom did that plat show the title?

The WITNESS. Which?

Q. In whom did the plat show the title at that time?

The WITNESS. Which plat do you speak of?

Q. You were telling about the original plat. I mean the one that you spoke of.

The WITNESS. I said the original grant from Spain.

Q. Oh, the original grant. Had you made any examination of the official records of that county to show how the title of block 91 stood of that date?

A. I did not.

Q. Did you have it done?

A. I did not have it done. I suppose, perhaps, Judge Paquet did. I did not have it done.

Q. Did Judge Paquet tell you that he had?

A. He did not.

Q. Did anyone tell you?

A. No person.

Q. Did anyone tell you before you brought that suit as to the showing of the record on the question of the title to block 91?

A. No person that I recollect.

Q. Then you, as an attorney of that court, combining with your associates, began this suit against Judge Swayne without ever having examined the record to know how the title of block 91 stood of record?

A. Certainly we brought the suit, but knowing that Mr. Charles Edgar, who was a defendant in the suit, claimed title.

Q. You knew Mr. Edgar claimed title?

A. Yes, sir.

Q. You also knew that Judge Swayne from the bench had disclaimed title, did you not?

A. Not at the time. Speaking for myself, I never heard him disclaim that until, I think, the 11th of the month——

Q. Have you not said——

Mr. Manager CLAYTON. I insist that the witness give the whole answer.

Mr. THURSTON. I beg pardon. I may break in before the answer is all given, but I will try not to.

The PRESIDING OFFICER. The Secretary will repeat the answer.

A. Not at the time.

The PRESIDING OFFICER. The witness said something about the 11th.

Mr. Manager CLAYTON. The witness said that he did hear it on the 11th, and the Secretary failed to hear all of the answer.

The WITNESS. I will repeat the answer. I was not aware at the time of the statement of Judge Swayne——

Q. (By Mr. THURSTON.) Have you not testified this morning——

Mr. Manager OLMSTED. The witness has not yet finished the answer.

Mr. THURSTON. All right.

A. In reference to this purchase until the 11th of the month, when he referred to it at some length from the bench.

Q. (By Mr. THURSTON.) Have you not already testified this morning, in answer to my questions, that after you reached Pensacola on the 8th you were advised by Judge Paquet, your associate, that Judge Swayne had made such a statement from the bench, in refusing to recuse himself?

A. In answer to the previous question, I have stated what I heard myself, and I understood the question by you to be as to whether I had heard the statement from the bench by Judge Swayne.

Mr. THURSTON. No.

A. But I now state that Judge Paquet said that Judge Swayne had decided to retain jurisdiction there, to try the case, but he said nothing to me about the declaration as to the purchase.

Mr. MALLORY. I should like to have the question and answer repeated by the Reporter.

The Reporter read as follows:

Q. (By Mr. THURSTON.) Have you not already testified this morning, in answer to my questions, that after you reached Pensacola on the 8th you were advised by Judge Paquet, your associate, that Judge Swayne had made such a statement from the bench, in refusing to recuse himself?

A. In answer to the previous question I have stated what I heard myself, and I understood the question by you to be as to whether I had heard the statement from the bench by Judge Swayne.

Mr. THURSTON. No.

A. But I now state that Judge Paquet said that Judge Swayne had decided to retain jurisdiction there, to try the case, but he said nothing to me about the declaration as to the purchase.

Q. (By Mr. THURSTON.) Did you make any inquiry from Judge Paquet or anybody else as to whether or not Judge Swayne had any title or right or interest in block 91 before you brought that suit?

A. Judge Paquet told me that he had ascertained positively that this transaction had taken place.

Q. What transaction?

A. Between Mr. Edgar and Judge Swayne.

Q. What did he tell you it was?

A. A sale of the lot.

Q. From whom?

A. From Charles Edgar, of New York.

Q. To whom?

A. To the Judge, or his son.

Q. That is what Judge Paquet told you?

A. Yes, sir.

Q. Did he tell you that the Judge had made any statement about it?

A. He told me nothing.

Q. Do you mean to be understood as saying that your associate in consulting with you about bringing a suit against the Judge kept you in ignorance as to what the real facts were concerning the title and as to Judge Swayne's statement about it from the bench?

A. I can not say that he kept me in ignorance of anything. I can simply say that when I reached Pensacola on the 8th of the month he said nothing to me about Judge Swayne stating anything in reference to the purchase.

Q. For yourself personally, I understand you to state as a fact that you made no inquiry whatever through any source as to whether or not Judge Swayne had title or claimed right or interest in that block?

A. I did not. I was not able.

Q. You signed the præcipe in the suit against him?

A. I signed it, but I never have read it to this day.

Q. How long after you got out of court Saturday night was it before you had that paper ready to file—agreed upon the suit?

A. I was not present when it was prepared.

Q. Where was it prepared?

A. I could not tell you.

Q. I understand you on your direct examination to state that it was hurried up and served that night so as to get it in time for the rule day of the following month?

A. Yes, sir.

Q. That was the only reason for the hurry?

A. I stated another reason.

Q. What was that?

A. We wanted to have service upon Charles Swayne before he left the State.

Q. He had adjourned court until Monday morning?

A. Yes, sir.

Q. You expected him to be there?

A. Well, of course; certainly.

Q. Then why was that any reason for serving it late on Saturday night?

A. We intended to discontinue our suit, and he evidently would have left right away.

Q. He could not have got out of town without being served, could he?

A. Well, he might.

Q. That was the evening of the 9th of November?

A. Yes, sir.

Q. There were twenty-one more days in November? Is that right?

A. Yes, sir.

Q. Then whatever the first Monday in November might have been, there were at least twenty-one or two or three days between that night and the next rule day?

A. My understanding of the practice of the courts of Florida is that it requires that papers shall be served at least fifteen days before the next return day.

Q. On that statement, you had at least six days in which to serve it?

A. Certainly, if the judge had remained in town.

Q. As a matter of fact, Mr. Belden, you know, do you not, and so testified before the House committee, that the rule is ten days instead of fifteen?

A. Perhaps I am mistaken in that.

Q. Do you say that Judge Swayne had announced in your hearing that he expected to leave Pensacola as soon as he concluded that term of the court?

A. Yes, sir; on Saturday evening, the 9th.

Q. Do you not know that as a matter of fact Judge Swayne remained in Pensacola from the 1st of November till the early summer of 1902, and that he was not out of the State at any time during that period?

A. I am not aware of that fact.

Q. Do you not know that he was living there in a house furnished with his own furniture—keeping house at that time?

A. I am not aware of that.

Q. Were you present when Mr. Davis was employed as an attorney in your case?

A. Yes, sir.

Q. Where was it?

A. I think it was at the Park Hotel. It might have been in some other place.

Q. How long after court adjourned that evening, the 9th of November?

A. After we had concluded to discontinue the case, Judge Paquet having to leave for New Orleans, we requested Mr. Davis to go into the case with us.

Q. Had Davis been with you in the court room that afternoon?

A. I do not recollect whether he had or not.

Q. Had he not been sitting with you in court while the question of postponing the case was discussed?

A. He might have been there. I do not call it to mind.

Q. Had he not been consulting with you about it, making suggestions to you in open court?

A. I have no recollection of anything of the kind. I do not think so.

Q. When you employed Mr. Davis, you employed him both in the Florida McGuire case and the case you expected to bring against Judge Swayne?

A. No, sir.

Q. In which one?

A. He was never employed in the Florida McGuire case which was discontinued.

Q. He made the motion to discontinue it.

A. As a favor, as I have already stated, to Judge Paquet and myself. I could not. I could not address the court, and Judge Paquet was absent.

Q. Did he not enter his name of record as attorney in the case?

A. Not that I am aware of.

Q. Were you in court Monday morning when the case was dismissed?

A. Yes, sir; I was there.

Q. Was a written motion to dismiss filed?

A. Yes; a written motion.

Q. Was it not signed by yourself and Mr. Davis as attorneys for the plaintiff?

A. Mr. Davis signed it; yes, sir.

Q. And you knew it?

A. That he signed it? He signed it in my room; but it was as an accommodation to us simply. He was never employed.

Q. Mr. Davis was your accommodation lawyer?

A. Yes, sir; our accommodation lawyer, if you so term it.

Q. He was counsel, however, with you in the Florida McGuire case after it was recommenced.

A. After we brought the suit again in the Florida McGuire case he was counsel. Judge Paquet having left the case—no longer the attorney—I suggested to my clients that it would be better to have a local attorney there, and Mr. Davis was employed.

Q. Where did Judge Paquet and Davis go after they left the hotel that evening?

A. I could not tell that.

Q. Do you know if they went to Pryor's store to get up the papers?

A. I do not.

Q. You know who George W. Pryor is?

A. Certainly.

Q. One of your clients?

A. One of our clients in that case. I do not know where they prepared it. I heard them say it was prepared in the office of Mr. Jerry Sullivan, in Pensacola.

Q. Had you had any consultation with Mr. Davis before the bringing of that suit against Judge Swayne as to where the title in block 91 was?

A. I do not think I had.

Q. Was block 91 in the occupation of anybody?

A. I could not tell that.

Q. Did you not state on your examination before the committee of the House that so far as you knew it was vacant?

A. Well, I did. I heard that it was a vacant lot, and it is based on what I heard, not on what I know.

Q. Judge Swayne was not in possession of it?

A. I think he was constructively or we would not have brought the suit. Mr. Edgar claimed to have possession, and he being the successor to Mr. Edgar we thought he had possession.

Q. Then you thought Judge Swayne was the constructive owner and constructive possessor of the block?

A. Not the constructive owner. We believed from the evidence we had that he was the real owner.

Q. Did you ever follow up the bringing of that suit by filing a plea?

A. No, sir. We simply filed it, and the case was dropped, for the evident reason that had we proceeded we would have gone to jail again.

Q. In that case against Judge Swayne in the circuit court of Escambia County, did he afterwards come in with a sworn plea?

A. I do not know. I know nothing of it.

Q. Did he not in that case enter a sworn plea that he never was in possession of the block, never had or claimed any title, right, or interest in it.

Mr. Manager DE ARMOND. We think probably the plea itself would be the better evidence. Counsel is asking the witness about a particular plea.

Mr. THURSTON. I am asking the witness if the respondent in this case did not file a plea. If the witness does not know——

Mr. Manager DE ARMOND. And we are making the point upon that. Some things that Judge Swayne did swear to which we offered to introduce were excluded upon his objection, and we do not care to have his sworn statements proved in this way.

The PRESIDING OFFICER. The Presiding Officer understands the witness to say he does not know.

Mr. THURSTON. Then I can not pursue it any further. [To the witness.] When was notice served upon you—when was the citation served upon you, giving you notice of contempt proceedings against Mr. Paquet, Mr. Davis, and yourself?

A. I do not recollect any citation, but the charges and the rule were served on me late in the evening of the 11th of the month.

Q. I do not know myself what to call it, whether a citation or not, but a copy of the accusation against you and the rule to show cause were served on that Monday or Tuesday evening?

A. Monday.

Q. Monday evening, the 11th?

A. Yes; that is right; Monday evening, the 11th.

Q. You appeared in court the next morning?

A. The next morning at 10 o'clock.

Q. With Mr. Davis?

A. With Mr. Davis.

Q. Did you have an attorney?

A. We had not.

Q. Who acted on the other side as attorney?

A. The side of the prosecution you refer to?

Q. I say the other side from yours.

A. The other side from ours, Mr. W. A. Blount and William Fisher.

Q. Did either of them make a statement to the court?

A. I do not recollect whether they did or not. I think the case was argued—a short argument after the evidence was taken.

Q. Was the information, if I may call it so, filed against you by Mr. Blount read?

A. I do not recollect; likely it was.

Q. You knew, of course, what it was?

A. Oh, I had read it, of course.

Q. You filed an answer to it?

A. Yes, sir.

Q. Not under oath?

A. No; it was not under an oath. I do not think that the rule for contempt was sworn to, either.

Q. Did Mr. Blount call any witnesses?

A. Yes, sir.

Q. They were sworn and examined?

A. Sworn and examined.

Q. Did either you or Mr. Davis cross-examine them?

A. I know I did not. I could not. Perhaps Mr. Davis did.

Q. Did either of you interpose any objection to any of the testimony that was taken?

A. I do not think we did.

Q. When Mr. Blount closed his testimony, did either you or Mr. Davis call any witnesses?

A. I do not think we did.

Q. Did you offer to do so?

A. I do not think we even offered to do so.

Q. Or ask to do so?

A. I do not think we were asked to do so, either.

Q. But did you ask the privilege of doing so?

A. No, sir.

Q. Did you offer yourself as a witness in your own behalf?

A. I did not.

Q. Did Mr. Davis?

A. He did not.

Q. Then, Mr. Belden, these facts of what you did outside of that court and as to your motives and the honesty of your purpose in doing them were never brought to the attention of Judge Swayne on the hearing of the proceeding for contempt, were they?

A. Never. Under no circumstances would I have gone to him.

Q. And having the privilege of calling witnesses, of testifying in your own behalf, you preferred to let that case rest before him upon the showing made by the other side, and declined to interpose any testimony against it? I am asking you for the fact.

A. I am going to state it. We brought that suit against Judge Swayne—that is, Charles Swayne—the same as we had brought it against the humblest citizen, believing that Judge Swayne was amply as able to defend the case as any other litigant; and it could not, under any circumstances, operate as an injury to him. We felt that the law justified us. We felt that our professional duty to our clients required the suit. We felt that it was to the interest of Judge Swayne himself to clear up the question as to the purchase of the land then in litigation before him. There was nothing done by the attorneys intended in any manner to injure Judge Swayne. In defending ourselves under the rules for contempt it was one of those cases in which the rule itself, coupled with the knowledge that Judge Swayne had of the facts, showed evidently that he himself must have been aware that there was no ground for contempt, and that the record then being tried, with the return or answer we had made to the rule, justified our discharge instantly.

Q. Well, Mr. Belden, you have volunteered all that statement, entirely irresponsive to my question, and I have not objected to it. I should like to have my question repeated now and have it answered. I am asking for facts, and you may volunteer all the reasons you wish. I have no desire to hinder you.

The PRESIDING OFFICER. The Reporter will read the last question.

The Reporter read as follows:

Q. And having the privilege of calling witnesses, of testifying in your own behalf, you preferred to let that case rest before him upon the showing made by the other side, and declined to interpose any testimony against it? I am asking you for the fact.

Q. (By Mr. THURSTON.) Is that a true statement?

A. Now, let me hear my answer.

The Reporter read as follows:

A. I am going to state it. We brought that suit against Judge Swayne—that is, Charles Swayne—the same as we had brought it against the humblest citizen, believing that Judge Swayne was amply as able to defend the case as any other litigant; and it could not, under any circumstances, operate as an injury to him. We felt that the law justified us. We thought that our professional duty to our clients required the suit. We felt that it was to the interest of Judge Swayne himself to clear up the question as to the purchase of the land then in litigation before him. There was nothing done by the attorneys intended in any manner to injure Judge Swayne. In defending ourselves under the rules for contempt, it was one of those cases in which the rule itself, coupled with the knowledge that Judge Swayne had of the facts, showed evidently that he himself must have been aware that there was no ground for contempt, and that the record then being tried, with the return or answer we had made to the rule, justified our discharge instantly.

Q. (By Mr. THURSTON.) I will, in substance, repeat my question, and I should like to have the witness make an answer to my question, now that he has made his voluntary statement. (To the witness.) Then it is true, is it not, Mr. Belden, that having an opportunity when called before Judge Swayne to produce witnesses, to show all the outside facts that you have testified to here, to testify yourself, to show that you had no malice or animosity, and did not intend to violate your duty as an attorney—it is still true, is it not, that both Mr. Davis and yourself sat dumb and mute and made no answer except an unsworn one in writing?

Mr. Manager DE ARMOND. I believe I will interpose an objection to that question as being an argument. The gentleman understands how to ask questions, and later on it will be time to make an argument.

Mr. THURSTON. I just heard one from the witness, and I did not know but that I could follow it.

Mr. Manager DE ARMOND. The answer to the question was no more argumentative than the question to which it was an answer. I think myself this is a cross-examination.

Mr. THURSTON. I think it is a cross-examination, Mr. President.

The PRESIDING OFFICER. Does the manager insist upon his objection?

Mr. Manager DE ARMOND. No, sir; I do not care to insist upon it, but it seems to me a very bad way to put arguments as questions.

The PRESIDING OFFICER. The Presiding Officer thinks the question might have been made shorter and more direct. The witness will answer.

Mr. THURSTON. I will withdraw that question. I will ask it shorter and more direct. [To the witness.] Then it is true, is it not, that having just the same chance you had here, you did not take the witness stand in your own behalf; you did not call any witnesses?

A. We did not deem it necessary.

Q. (By Mr. THURSTON.) And Judge Swayne, in deciding your case, did not have before him any of these outside facts relating to your outside actions and motives to which you have testified here, did he?

A. I do not know whether he had or not.

Q. Neither you nor Davis presented them to him, did you?

A. I did not.

Q. Did Davis?

A. I do not know whether he did or not.

Q. I mean in court, when you were there?

A. In court, no, sir; there was no discussion whatever of the facts.

Q. Where was Judge Paquet, your associate, during those contempt proceedings?

A. Well, he was in New Orleans; so I understood.

Q. During that contempt hearing was reference made in any way to the identification of the original newspaper article that was published on Sunday morning following the bringing of your suit against the judge?

A. I read the article complained of by Judge Swayne on Sunday morning.

Q. Was the original manuscript of that article presented there in court on the trial of the contempt proceeding?

A. I do not know whether it was the original or not. They had a paper there that purported to be the report that appeared in the newspaper.

Q. And was or was not testimony introduced there to show that that was the paper sent from Pryor's store to the newspaper office for publication?

A. There was evidence, and that was most of the evidence introduced in the case.

Q. Were you shown that paper in court at that time by Mr. W. A. Blount?

A. Yes, sir.

Q. Did he ask you as to whether or not it was in your handwriting? Look at it now. [Handing paper.]

A. (Examining paper.) Yes, sir.

Q. What did you tell him?

A. I told him it was not.

Q. Did he ask you if it was in Judge Paquet's handwriting?

A. I do not recollect whether he did or not. Perhaps he did.

Q. And did you not answer him that you thought it was in Judge Paquet's handwriting?

A. Perhaps I did.

Q. Look at it now, Mr. Belden.

The WITNESS (examining). This is not my handwriting, and it does not resemble it in any way.

Q. Is that Judge Paquet's handwriting?

A. I can not say that it is.

Q. What is your best judgment?

A. My best judgment is that it is not.

Q. This contempt proceeding was brought jointly against you, Davis, and Paquet, was it not?

A. Yes, sir.

Q. At the time you have spoken of it was only tried as to Davis and yourself?

A. Yes, sir.

Q. Further proceedings were thereafter had in that case against your associate, Mr. Paquet, were they not?

A. Other proceedings were had later on.

Q. And those resulted in his making and filing a written apology, did they not?

Mr. Manager DE ARMOND. Mr. President, we are about to object to that. There is a better way of proving that, if it is true, and then it has nothing to do with the case, anyhow. There is no proceeding against Judge Swayne here regarding what he did or did not do with respect to Judge Paquet, and even if it is important to ask what he did or did not, or why he did or did not do it, there is a better way of showing it.

Mr. THURSTON. I offered it as a part of the res gestæ.

The PRESIDING OFFICER. The Presiding Officer does not see how that is a part of the cross-examination of this witness upon anything he said.

Mr. THURSTON. That, perhaps, is true.

The PRESIDING OFFICER. It may become admissible when counsel for the respondent take up the case. The Presiding Officer does not see how it is cross-examination.

Q. (By Mr. THURSTON.) Did you not testify before the committee of the House, during the time you testified there and which has been referred to, in answer to the following question:

Don't you know at the time of the bringing of the suit neither Judge Swayne nor his wife claimed any interest?

Did you not answer?

Well, we had an understanding from the reports of the agent and Mr. Edgar that the Judge had purchased the land, and when we learned that suit was pending in the county judge's court against Edgar that revealed the fact that the sale had been made to Mrs. Lydia C. Swayne.

Did you swear to that?

A. Yes, sir; that is correct.

Q. Did you know those facts before you brought that suit?

A. I did not.

Q. I mean, did you know at the time you brought the suit what you have sworn to here that you knew?

A. At the time I brought the suit we knew nothing about the suit to recover the commission.

Q. You had not heard of that at that time?

A. At the time we brought the suit we had not heard of that.

Q. Had you heard any reports from the agent for the land that Judge Swayne had bought?

A. Not myself personally. Judge Paquet told me he had had a conference with them.

Q. What did he say they said?

A. That they had sold it.

Q. To whom?

A. Judge Swayne.

Q. Who did he say told him that?

A. I do not recollect.

Q. Was it Mr. Hooten, who testified here the other day—the agent who had the transaction?

A. Well, I do not recollect.

Q. Did you prepare and sign and file a paper in the circuit court of the United States for the northern district of Florida on or about March 17, 1902, in the case rebrought of Florida McGuire in ejectment for the tract of land involved in the old suit? Did you file any paper?

A. I could not tell. Let me see; I will tell you.

Q. (Handing paper to witness.) I ask you to examine that. State if yourself and associate attorneys prepared and filed that paper.

A. (Examining.) Yes, sir; we filed that petition.

Mr. THURSTON. In view of the ruling of the Presiding Officer, I will ask to have this paper identified, and we will offer it when it comes our turn.

Mr. Manager DE ARMOND. Of course we will then see if there is any objection to it.

[The paper was marked "Respondent's Exhibit No. 2."]

Q. (By Mr. THURSTON.) I believe you have already stated that you made no effort to prosecute the case you brought in the circuit court of Escambia County against Judge Swayne?

A. None whatever. We were afraid of contempt proceedings again.

Q. Was that the same reason why you did not join him or his wife in the suit when you brought it in favor of Florida McGuire against the other defendants?

A. Well, that was the reason at the time. I left Pensacola and have not paid attention to it since.

Q. And you mean to be understood, do you, Judge Belden, that you failed to take any steps to prosecute the case you brought against Judge Swayne because you were afraid of further contempt proceedings? Is that true?

A. That is true, sir.

Mr. THURSTON. That is all.

Reexamined by Mr. Manager DE ARMOND:

Q. You have been asked about not introducing any testimony on the contempt proceeding. I will ask you whether the testimony offered upon the other side was directed to anything except the fact of the bringing of the suit against Judge Swayne, the suing out of process and service of it, and the matters in relation to this article published in the newspaper?

A. That was all.

Q. I ask whether there was any denial upon your part or any effort at evasion about the matter whether you had brought suit and had had service upon Judge Swayne?

A. None whatever; on the contrary, we acknowledged the bringing of the suit, and that we had a right so to do.

Q. Then there was nothing to offer in the way of testimony upon that matter?

A. Nothing whatever, I should think, on either side.

Q. Now, then, as to the matter of that newspaper article. I understood you to say that you knew nothing whatever about it, and that you so stated during the hearing of these contempt proceedings?

A. Yes, sir.

Q. And that Mr. Davis made a similar statement concerning himself?

A. I heard it; yes, sir.

Q. In the court during the contempt proceedings?

A. Yes, sir.

Q. I will ask you whether there was anything else offered in testimony by those supporting the complaint against you than these two matters?

A. Nothing whatever.

Q. Then I will ask you whether there was anything upon which testimony could have borne in the matter brought out against you?

Mr. THURSTON. We object to that, Mr. President.

The PRESIDING OFFICER. In that form the question is hardly admissible.

Mr. Manager DE ARMOND. Very well.

The PRESIDING OFFICER. The witness might be asked if

he supposed there was anything which was important which was overlooked.

Mr. Manager DE ARMOND. I will put the question in that way. Was it your understanding or belief that there was any point made in the testimony against you to be met by testimony for you?

A. That was my belief, and I think it to be a fact.

Q. That there was not?

A. None. I would state that, in so far as that publication is concerned—which perhaps I have stated heretofore—I knew nothing of the publication either directly or indirectly, and I first heard of it when I bought a paper the following morning and read it.

Q. Was there any testimony offered about Judge Swayne's statements or Judge Swayne's connection with this transaction showing knowledge upon your part of anything?

A. None whatever. Mr. Blount came to me and had me read the paper that has been submitted here. I told him it was not my writing; that I knew nothing of it.

Q. That was the Mr. Blount who was prosecuting this proceeding?

A. Yes, sir.

Q. And the paper referred to is that which it is alleged had appeared in the newspaper?

A. That was the manuscript of the newspaper article.

Q. State whether or not there was any testimony whatever offered tending to show that in the bringing of the suit, or in anything else that you or Mr. Davis or Judge Paquet had done, there was any contempt of court or any improper treatment of the Judge, or anything out of the line of the proper duty of an attorney.

A. Not the slightest.

Q. You were asked when you were upon the stand before some question about whether or not in this whole Florida McGuire case, or in this proceeding about this land, there had not been an effort made to get other judges off the bench. I wish you would explain to the court, if you please, what there was in the way of objection to other judges.

A. I have no knowledge of any application for a recusation of any Federal judge until Judge Swayne——

Q. What was there about the objections to State judges on former proceedings concerning this matter?

A. I was asked in reference to some proceedings that Judge Maxwell, of the circuit court, had——

Q. That is the State circuit court?

A. The State circuit court, yes, sir; and also before Judge McClellan.

Q. Now, what were the points of objection to those judges?

A. I do not think in limine there was any objection at all. The objection was that they were disqualified by reason of relationship to the plaintiffs in the case, but this objection was not urged until long after the case was decided, when they first discovered that they were disqualified.

Q. State whether or not these questions are in the Florida McGuire case as it is in court now.

A. I would state that I understand the Senate has the record in the McGuire case, and it is all fully set forth there. It is necessary, however, to state further that proceedings were taken in 1900, I think, in the circuit court at Jacksonville, the circuit judge here recusing himself, and the circuit judge at that time being the son of Judge Maxwell, who rendered the judgment.

Q. Is that the circuit judge of the State court?

A. The State circuit judge—that is, the son succeeded the father.

Q. You stated that the objection was to the relationship of these judges to some of the parties plaintiff?

A. Yes, sir. The revised statutes of the State of Florida, in reference to disqualification, disqualify a judge from presiding in a case if he is related either by consanguinity or affinity; and both of these judges were related to their respective brothers-in-law.

Q. Were the parties plaintiff in those proceedings, Florida McGuire, or those associated with her, or those who were in the other proceedings—the proceedings with which you were connected—defendants?

A. Yes, sir.

Q. Well, I do not understand. Were those who are plaintiffs in the present Florida McGuire suit the plaintiffs in that suit, or were those who are now defendants in the Florida McGuire suit the plaintiffs in the old State suits?

A. Yes, sir. I understand you now. The plaintiffs in the present Florida McGuire case are plaintiffs in a suit that they never have been parties to in any litigation heretofore. They were not defendants in that suit before Judge McClellan, and have had nothing to do with any of the litigation that has been carried on here.

Q. How about those upon the other side in the Florida McGuire case? Were they plaintiffs in those proceedings in the State courts?

A. Please state that again?

Q. I ask you about those on the other side of the Florida McGuire case. Were they the plaintiffs in the proceedings in the State court where these judges were disqualified by reason of relationship?

A. Yes, sir; they were plaintiffs.

Q. How did these plaintiffs get such possession as they may have had of this tract—I mean those who are defendants now, and were plaintiffs then?

A. They got possession in the proceedings through the judgment rendered by Judge McClellan.

Q. Was that an injunction proceeding?

A. It was an injunction proceeding, and the heirs and those holding under them were ejected by this process of injunction. One of them was sent to jail for contempt—the eldest heir to the tract.

Q. If I understand you, then, such possession as the defendants in the Florida McGuire case may have they acquired by the novel process of injunction?

A. That is correct?

Q. You stated, I believe, that you went to Florida in 1884?

A. Yes, sir.

Q. To look into this case? Just state about that. You went over there to look into this matter in 1884; you went to Florida?

A. I went to Florida in 1884.

Q. About how long were you there?

A. I remained a year.

Q. Looking into this matter?

A. My business was to look after the title to this same property. Of course, I was not occupied a whole year in the case. It was the year that Mr. Blaine was a candidate for President, and I canvassed most of the State for him. I did so at his request, as I was personally acquainted with him.

Q. The case of Florida McGuire was instituted again in the court and tried before Judge Swayne?

A. Yes, sir.

Q. Was there an effort made at that time to get the Judge to recuse himself?

A. Yes, sir.

Q. A petition filed for that purpose?

A. A petition was filed for that purpose.

Q. State to the court the reception and disposition of that petition.

A. The petition was prepared by Mr. Wilkinson, who was temporarily in this case; that is to say, in the Florida McGuire case. Mr. Wilkinson met me in Pensacola, and we drew the petition up. He presented the petition to Judge Swayne, who ordered it to be filed. A very short time after that, perhaps an hour, he called the petition up, declined to recuse himself, and refused to allow us to introduce any evidence to show the purchase of the property. We had petitioned that privilege in our petition.

Q. You had asked to be permitted to make a showing as to the judge's interest and disqualification?

A. Yes, sir. He denied us that right.

Q. He allowed you to file it?

A. He allowed us to file it, but would not allow us to make proof.

Q. He allowed you to file your petition, but did not allow you to sustain your allegations of it by proof or to offer proof for that purpose?

A. That is correct. I think it was a day or two days after, however, that the judge had filed an ex parte statement in his own behalf.

Q. Then, the only evidence taken was that which the judge took after he had disposed of the matter, apparently to sustain the disposition that he had made?

A. Yes.

Q. What was done with you when you were sent off in charge of the marshal, or deputy marshal, after the sentence had been pronounced against you in the contempt proceedings?

A. Well, I was in the custody of Mr. McGourin, United States marshal, who turned me over to a United States deputy marshal, who turned me over to Mr. Smith, the sheriff of the county.

Q. What was done with you?

A. I was locked up in the jail.

Q. What part of the jail—in a cell or not?

Mr. THURSTON. Wait a moment. We interpose the same objection that we made the other day. Nothing that possibly happened in and about that jail or the manner or method of

the confinement of the witness could be chargeable to Judge Swayne.

Mr. Manager DE ARMOND. Mr. President, when the matter was up before what we were trying to show was the general condition of the jail and the general way in which the prisoners were handled or cared for there. Now I am asking simply a narrative. There was a sentence pronounced against this gentleman and Mr. Davis, and I am asking what was done in the carrying out of that sentence. I suppose, if the sentence had not been carried out at all, it would be competent for the respondent to show it, and I think it is certainly competent for us to show whether it was carried out and how it was carried out. I do not mean in the way of going into the details or description about the jail, but what was done with these men.

The PRESIDING OFFICER. Anything more than that they were imprisoned for a certain length of time?

Mr. Manager DE ARMOND. Well, I desire to show where they were put, where they were changed to—without going into the matter of details—and how long they were kept there.

Mr. HIGGINS. It has all been testified to.

Mr. Manager DE ARMOND. No; it has just been objected to.

The PRESIDING OFFICER (to the witness). Answer the question.

The WITNESS. We were taken into the jail and into that portion of it where the general prisoners were. There were a great many of them in the jail, which threw me directly into contact with them. Shortly after that——

Q. State whether you were locked up in a cell or were not.

A. We were locked up; yes, sir.

Q. In a cell?

A. Yes.

Q. About how long did you remain in the cell?

A. Well, not very long. The citizens of the town there called upon the sheriff and requested that he give us better accommodations than we had there. The weather was at the time very cold and I was paralyzed and could not have stood it where I was first put.

Q. How long did you remain there? Did you remain after the expiration of your sentence?

A. Yes, sir. The whole country was covered with ice and my eye was in a condition that I could not go into the atmosphere. I remained there two days with the sheriff after my time was up.

Q. About what is the value of this property at issue in the Florida McGuire case, roughly stated?

A. Well, it is a very hard and difficult thing to fix the value of property.

Q. I mean a general estimate of it.

A. With the title settled to it, I suppose it is worth over a million.

Mr. Manager DE ARMOND. I believe, Mr. President, that is all.

Reexamined by Mr. THURSTON:

Q. When you filed your petition in the rebrought Florida McGuire case in 1902 Judge Swayne in deciding it filed a written statement in the case, did he not?

A. I do not know; I could not tell you that.

Q. Did you not say that he had made a written statement?

A. No, sir; I do not think so. If I did, I made a mistake.

Q. Did not that case go from that court up to the circuit court of appeals?

A. Yes, sir.

Q. You examined the record?

A. I examined. The record was complete.

Q. You prosecuted the appeal?

A. Yes.

Q. And did not Judge Swayne's written statement go up as a part of the record in that appeal case?

A. It might. I have not noticed it.

Q. That case was affirmed by the circuit court of appeals, was it not?

A. Yes, sir; it was affirmed in a few lines, but without any reference whatever to the question as to Judge Swayne presented in that petition. It omitted entirely to pass upon that question.

Q. It was affirmed by the three judges of the circuit court of appeals of your circuit?

A. I think so; yes, sir.

Q. And as far as that circuit court of appeals is concerned, they found no error in the record?

A. Perhaps they stated it that way. I do not recollect the exact phraseology of their judgment or decree.

Q. One question I wish to ask you, Mr. Belden, as to your former testimony that I overlooked before. While a witness before the House committee at the time we have referred to, did you not state, in speaking as to the rumors that Judge Swayne had purchased block 91, as follows:

The rumors were so definite and of such form as to leave no doubt in the minds of counsel of the purchase. So the 19th day of October Judge Paquet and myself addressed a letter to Judge Swayne requesting him to recuse himself for the reason I have just stated, being a party at interest; to recuse himself and notify Judge Pardee, so he could assign a disinterested judge at the November term.

Did you not further state:

The November term I was sick—had an attack of facial paralysis—but our clients telegraphed me to come over, though I could not appear before the court. Later on, the 9th or 11th, he replied to our communication, in which he declined to recuse himself, and went on to state he had not purchased the land, that a relative of his had purchased the block of ground in question, and that he had got hold of the deed and returned the deed to the vendor of the deed. The vendor of the deed was C. H. Edgar, a party defendant in the suit in question, and he being a party defendant, made Judge Swayne a party defendant to him, as we supposed. He stated that the deed had been sent on to this relative at Guyencourt, and he returned it, as he had no interest whatever.

Did you not further say:

And we also learned that a suit had been brought by Watson & Co. *v.* Edgar for commissions due them by Edgar.

And did you not further say:

Now, upon that we brought suit against Judge Charles Swayne. The first thing we did in the morning, before any business was transacted, was to discontinue the suit.

Did you not make that statement before the House committee?

Mr. Manager OLMSTED. Is that a question?

Mr. Manager DE ARMOND. I suggest that if counsel for the respondent wish to examine the witness fairly, they ought hardly to read as much as a page from different parts of a book and ask for an answer "yes" or "no." I do not suppose anybody could keep connected in his mind all those several questions, and answer them "yes" or "no."

The PRESIDING OFFICER. If the witness states that he can not answer so long a question, it can be divided.

A. The first and second questions I think I can answer. Perhaps the third I will ask to have restated. The statement as to the 19th of October being the date of the letter to Judge Swayne is an error. It was written in August; I think August 5. In regard to the second question about bringing the suit, it is an error in stating that we had before us the judgment, or rather the suit of Watson & Co. *v.* Charles Edgar. We had the other information I referred to, but not that. Now, as to the third question you asked me about——

Q. (By Mr. THURSTON). Did you not further state, referring to what you have just stated:

Now, upon that we brought suit against Judge Charles Swayne?

A. Yes, sir; but I desire to state, in connection with that, that the suit against Charles Edgar by Watson & Co. was a suit to recover their commission for the sale of the property, and that that suit was pending before the circuit court of the United States at the fall term, and was evidently known to Judge Swayne.

Q. You informed yourself about that suit, did you?

A. We finally found out about it accidentally.

Q. That suit was one of the foundation facts upon which you thought you were justified in suing Charles Swayne for the title of this property?

A. Well, certainly.

Q. Is it not a fact that that suit was brought against Edgar to recover fees claimed to have been earned, and that Edgar was a nonresident, and the only jurisdiction they got in the case was to attach block 91 as Edgar's property?

A. I know nothing of those facts.

Mr. THURSTON. That is all.

Mr. McLAURIN. Mr. President, I desire to propound a question.

The PRESIDING OFFICER. The Senator from Mississippi propounds a question, which will be read by the Secretary.

The Secretary read as follows:

Q. Was any evidence offered in the contempt proceedings by the prosecutors of the rule upon you for contempt tending to show that you or Mr. Davis had anything to do with the writing of the newspaper article?

A. Not one word.

Mr. BACON. I desire to propound a question to the witness.

The PRESIDING OFFICER. The Senator from Georgia propounds a question, which will be read by the Secretary.

The Secretary read as follows:

Q. Did you, in bringing the suit against Judge Swayne in the State court, design and intend thereby to compel him to recuse himself on the trial of the case then pending in the Federal court?

A. Of course not; no lawyer in the United States who has any sense would have taken that course.

Reexamined by Mr. Manager DE ARMOND:

Q. Was Watson a defendant in the Florida McGuire case?

A. Yes, sir.

Q. Was there a case of Larvalette tried before Judge Swayne sometime before these transactions, in which the same matter necessarily would be gone over as to the ownership and the claims of title to this land, including block 91?

A. The same; yes, sir.

Q. The claim of Larvalette was practically the same as that of McGuire?

A. They are brother and sister.

Q. They claimed through the same source of title?

A. Yes, sir; the same source.

Q. And Judge Swayne, before this transaction with relation to the purchase of block 91, had tried that case?

A. He had tried that case.

The PRESIDING OFFICER. Is that all?

Mr. Manager DE ARMOND. Yes, sir.

Mr. NELSON. I desire to propound a question.

The PRESIDING OFFICER. The Senator from Minnesota propounds a question, which will be read.

The Secretary read as follows:

Q. How long before you wrote Judge Swayne to recuse himself was the suit of Florida McGuire commenced in his court?

A. The January previous.

The PRESIDING OFFICER. Are there any further witnesses on behalf of the managers?

Mr. Manager DE ARMOND. Yes, sir; have Mr. Murphy called.

Michael Murphy sworn and examined.

By Mr. Manager DE ARMOND:

Question. Where do you reside?

Answer. Pensacola, Fla.

Q. What office did you hold in Pensacola or in Escambia County in November, 1901?

A. Deputy sheriff, sir.

Q. State whether or not you were in charge of the jail when General Belden and Mr. Davis were brought there by the United States marshal or deputy marshal.

A. Yes, sir; I was in charge of the jail.

Q. Was there a commitment brought with them?

A. To the best of my knowledge, yes, sir.

Q. State what you did with them.

A. I——

Mr. THURSTON. One moment. We object to this. We did not insist very hard on our right to this objection while Mr. Belden was testifying, but it is certain that what took place in that jail, its condition, the way the prisoners slept, the way they were fed, the way they were treated, could not be used to prejudice the court against Judge Swayne unless they first laid the foundation for it by showing that he was responsible for it or directed it.

The PRESIDING OFFICER. That was the opinion of the Presiding Officer on a former day, but the questions which were asked Mr. Belden were allowed on the ground that they were a narrative of what occurred. The Presiding Officer does not think that evidence showing that the condition of the jail was an improper one is admissible unless it be shown that it was known to Judge Swayne and that that was part of his motive in committing them there.

Mr. Manager DE ARMOND. I was not going to ask the witness about the general condition of the jail. I was going to ask questions practically the same as those asked General Belden; about what was done with them.

The PRESIDING OFFICER. What is the purpose of the questions?

Mr. Manager DE ARMOND. To show the punishment they endured.

The PRESIDING OFFICER. Unless there is something unusual in the character of the jail, which was known to Judge Swayne, the Presiding Officer thinks the evidence is inadmissible.

Mr. Manager DE ARMOND. Of course, we could show it was the jail to which Federal prisoners were ordinarily sent. It is only upon that point we wish to examine the witness. If the court excludes it, of course I will not take further time.

The PRESIDING OFFICER. The Presiding Officer thinks it is inadmissible.

Mr. Manager DE ARMOND. I will have Mr. Davis recalled. We have another witness in regard to the same matter, but I will not call him. You are excused, Mr. Murphy.

Elza T. Davis recalled.

Examined by Mr. Manager DE ARMOND:

Question. State to the court whether in the hearing of the contempt proceedings against you in Judge Swayne's court your attention was called by the judge to a paper purporting to be the original manuscript copy of what had been published in a newspaper in Pensacola.

Answer. Yes, sir; he held the paper up in his hand, and he called me to the bench. He says, "Mr. Davis, will you swear that you did not write this paper?" I replied to him, "I solemnly do," and laid the paper down upon the bench like that [indicating].

Q. That was during the hearing?

A. Yes, sir.

Q. State whether or not there was any testimony in that hearing, offered by Mr. Blount or those looking after the prosecution, upon any point except as to the bringing of the suit in the State court and the service of process and as to that article which is said to have appeared in the newspaper.

A. None that I remember.

Q. Was there any testimony offered to show or tending to show anything about what you and Mr. Belden, or either of you, knew about any declaration made by the Judge respecting his interest or the interest of any member of his family in the property?

A. None at all.

Q. Was there any testimony offered showing or tending to show anything done by you gentlemen with the intention of obstructing process or interfering with the work of the court or bringing reproach upon Judge Swayne?

A. Nothing whatever.

Q. The testimony related to those two points?

A. Yes, sir.

Q. Did it relate to anything else whatever?

A. Nothing whatever.

Q. And the testimony you offered was to show that Mr. Blount and Mr. Fisher were attorneys and parties in the Florida McGuire case?

A. Yes, sir.

Q. Is this the same Mr. Fisher who was appointed receiver when possession was obtained by those who are now the defendants in the injunction proceeding?

A. The same one.

Q. State whether or not Mr. Fisher gave a bond as receiver or whether he operated without it.

Mr. THURSTON. We certainly object to that question. It is entirely irrelevant and immaterial.

The PRESIDING OFFICER. What was the question?

Mr. Manager DE ARMOND. Whether Mr. Fisher gave a bond as receiver in the proceedings in which, by injunction, those who are now defendants in the Florida McGuire case obtained possession of the property in dispute.

Mr. THURSTON. Counsel is asking now about Fisher, an attorney, who was associated with Mr. Blount, in presenting before the court the contempt case against Mr. Davis and Mr. Belden. He is offering to show in some way—I do not know how—that Fisher at some other time and in some other place has done something that would reflect upon him. I can not conceive of any other purpose; I do not think that can be done. It has no relevancy to this case. There is no charge of any kind made here against Mr. Fisher. He is not a witness in the case. The propriety of the proceedings in that matter before the court has not been questioned. How can he be attacked collaterally here in his absence? This ought not to be a general attack. It ought to be confined to those who are before the court.

Mr. Manager DE ARMOND. Mr. President, it has been shown that Mr. Fisher and Mr. Blount were parties defendant and attorneys for other parties in the Florida McGuire case. It has also been shown, brought out originally by the cross-examination of the gentlemen on the other side when General Belden was upon the stand, that Mr. Fisher was appointed receiver when those who are now defendants in the Florida McGuire case were plaintiffs in the State court and by means of an injunction obtained possession of the property in dispute. All I am asking this witness, and that to which counsel objects, is whether William Fisher gave a bond as receiver in that proceeding. That is the matter submitted to the court.

The PRESIDING OFFICER. The Presiding Officer does not see how it is material.

Mr. Manager DE ARMOND. Very well. I will not pursue it any further. The object was to show the relation and connection of Mr. Fisher and Mr. Blount to these proceedings. [To counsel for respondent.] Cross-examine, gentlemen.

No cross-examination.

The PRESIDING OFFICER. Are there any more witnesses on behalf of the managers?

Mr. Manager DE ARMOND. I suppose it is proper to introduce in evidence the statutes of the State, and I wish to introduce in evidence sections 967 to 970 on the subject of the dis-

qualification of judges, and sections 1511, 1512, and 1513 of the Florida Revised Statutes (1892) upon the subject of ejectment I will ask the Secretary to read them.

The PRESIDING OFFICER. Does the manager desire to have the sections read?

Mr. Manager DE ARMOND. Yes, sir. It will take but little time.

The Secretary read as follows:

ARTICLE I.

DISQUALIFICATION OF JUDGES.

967. *What are disqualifications.*—No judge of any court shall sit or preside in any cause to which he is a party or in which he is interested, or in which he would be excluded from being a juror by reason of interest, consanguinity or affinity to either of the parties, nor shall he entertain any motion in the cause other than to have the same tried by a qualified tribunal.

968. *What are not disqualifications.*—No judge shall be disqualified from sitting in the trial of any suit in which any county or municipal corporation is a party, by reason that such judge is a resident or taxpayer within such county or municipal corporation.

969. *Retirement of disqualified judge.*—The judge so disqualified shall retire of his own motion and without waiting for an application to that effect.

970. *Effect of the action.*—Any and all judgments, decrees, and orders, except an order for the trial of the cause as hereinbefore provided, made by a judge so disqualified shall be of no force or validity, and shall be null and void.

EJECTMENT.

1511. *Common-law action abolished.*—In actions of ejectment it shall not be necessary to have any fictitious parties to the suit, but the party plaintiff may bring his suit directly against the party in possession or the one claiming adversely.

1512. *Summons.*—The ordinary writ of summons may be issued in all suits in ejectment in this State, and in no case shall it be necessary to serve a copy of the declaration in such suits upon the defendant therein.

1513. *Pleadings*—1. *Declaration.*—The declaration shall only contain a plain statement of the cause of action to entitle the plaintiff to recover the land in controversy, together with mesne profits. It may be in the following form, to wit:

"In the circuit court of Florida, ——— circuit, ——— county, to wit:

"A B, by his attorney, sues C D in an action of ejectment: Because the defendant is in possession of a certain tract or parcel of land situate, lying, and being in said county, known and described as follows, to wit [here describe the land], containing about ——— acres, to which said plaintiff claims title; and the defendant has received the profits of said land since the — day of ———, A. D. ———, of the yearly value of ——— dollars, and refuses to deliver possession of said land to the said plaintiff or to pay him the profits thereof."

2. *Plea.*—The plea of "not guilty" shall put in issue the title of said land in controversy. Such plea shall be held to admit the possession of the defendant, or, in case of an adverse claimant, the adverse claim of the defendant. Should the defendant wish to deny possession it shall be done by special plea.

Mr. Manager OLMSTED. Mr. President, that is our case.

The PRESIDING OFFICER. Are counsel for respondent ready to proceed?

Mr. HIGGINS. Yes, sir. Shall I proceed? I suppose I will go on until the hour of adjournment, at 5 o'clock.

The PRESIDING OFFICER. Perhaps the Senate will sit longer than 5. The Presiding Officer can not determine that.

Mr. HIGGINS. Mr. President, leaving out of the reckoning——

The PRESIDING OFFICER. If the counsel will pause for a moment, how much time will counsel probably occupy in his opening argument?

Mr. HIGGINS. I have some matters reduced to writing, but I can not confine myself to them entirely. I can not tell whether I will take one hour or two or three hours.

The PRESIDING OFFICER. But the counsel thinks at least an hour?

Mr. HIGGINS. Oh, at least an hour.

The PRESIDING OFFICER. Very well.

Mr. HIGGINS. Mr. President, leaving out of the reckoning the trial of Judge Humphries, which occurred in his absence and under the anomalous conditions of the civil war, it is seventy-five years since a Federal judge was impeached for alleged misconduct in the discharge of his official duty.

During that long period "the sword of the Constitution," as it has well been called, has not been unsheathed.

On behalf of the respondent we rest in confidence that in the present instance it has been unsheathed most improvidently.

I say this in view of the evidence laid before the court by the learned managers, and in view of the further evidence it will be our duty to submit on behalf of the respondent.

As to the contempt cases, we think it already appears that flagrant contempts were committed by Davis and Belden in the one case and by O'Neal in the other.

That Judge Swayne had jurisdiction within the terms and limitations of the act of 1831, section 725, Revised Statutes.

That the sentence he imposed was both moderate and just and without any evidence of malice, but simply in the discharge of a duty which he could not escape.

The other three charges it is difficult properly to characterize and maintain the moderation of language due to this court.

We deem them not impeachable high crimes and misdemeanors within the meaning of the Constitution of the United States, and on the facts and law without merit.

But whatever may be the proper view to take of the merits of these articles and of the evidence in support of them, there can be no uncertainty as to the importance of this case in other respects.

The respondent, because of the judgment he pronounced in criminal charges against three men, is by a prosecution of their instigation himself brought from the judgment seat of his own court and placed at the dock of yours.

If convicted it drives him from office. It ends his judicial career. It shuts him off from his retiring pension. It disqualifies him from other offices of honor. It destroys his life.

To accomplish this this court has been convened. The vast interests of a mighty nation in the closing hours of the short session of Congress are held up while the diminutive issues of this contention are thrashed out as in a law court.

But behind both respondent and court stand another body of men, whose interest in this impeachment and its outcome raise it to an importance and dignity worthy of the character of this august tribunal.

It is the Federal judiciary—the coordinate branch of the Government, the keystone of the Federal arch; at once the most powerful and the most helpless.

Shall their weapon of defense, on which rests their independence and their freedom of deliberation from force, be stricken down, and that from a quarter where they are individually helpless, except in the justice of their cause and the lofty character of their judges?

Shall they be stricken down by the Legislature through the process of impeachment?

Through them you touch the acutest interest of the American people.

You assail the balance of the Constitution. You touch its nerve center and tenderest point.

Here this cause rises to its highest dignity, to its supreme importance, and challenges the anxious attention of intelligent and thoughtful American citizens of whatever walk in life.

I shall first ask the attention of the court to the articles in the reverse order in which they have been presented, and that is to the contempt cases, and, following the course taken by the learned manager who opened the case on the other side, I shall ask the attention of the court in the first instance to the Davis and Belden case. It is to be said of it, as of the O'Neal case, that the question before the court is not whether O'Neal in the one case and Davis and Belden in the other were rightly adjudged guilty of contempt and sentenced to punishment, but it is whether Judge Swayne's conduct in rendering said judgments was both so lacking in jurisdiction and so malicious that he is amenable to impeachment therefor.

DAVIS AND BELDEN.

These four articles, 8, 9, 10, and 11, I will endeavor to treat together, as it has already been made apparent by the evidence that they relate to but one transaction, known and described as the Davis-Belden contempt case.

I will treat the question from two standpoints. First, that the adjudication of contempt against these two attorneys was within the terms of section 725 of the Revised Statutes and a just one. That the sentence, although exceeding the law, was not imposed through malice, and hence no impeachable offense has been made out by the House managers. Second, that whether or no the allegations and proofs bring the case within the true intent and meaning of section 725 of the Revised Statutes of the United States it was within the jurisdiction of the respondent, sitting as a judge in this cause, to try and determine that very question, and a wrongful determination thereof was a judicial act for which he is not impeachable, unless he be so held from a corrupt or malicious intent, which intent is wholly lacking in this cause, and can not be presumed from the fact that in imposing sentence he, through ignorance of the statute and its provisions, exceeded the law.

STATEMENT OF FACTS.

Before I ask the Secretary to read the motion and answer in this case I beg to submit certain preliminary observations.

First. There was no difficulty in these lawyers raising and having adjudicated their claim that the judge should decline to sit in the case, or as they seem to term it in the southern circuit of this country, to "recuse" himself, a phrase, I believe, drawn from the civil law.

All they had to do, and what they should have done, was to present to the court a petition or affidavit alleging their facts and praying or moving that he recuse himself.

If he should refuse their prayer or motion, they would then

have their case upon the record, and could have their question reviewed upon a writ of error.

Everything then would have been done decently and in order.

More than that, Mr. President, they were not only parties to the case who were interested in the question as to whether the judge should recuse himself or not because of his self-interest. That affected the defendants as acutely as it affected the plaintiffs, and whether the defendants did or did not want him to sit was a question in which they were concerned as much and as well as the plaintiffs, and they were entitled to be heard upon that question. And yet by the course taken by these gentlemen they gave the defendants to that suit no opportunity to be heard upon it, for they began it by the improper—I do not accuse them of any gross impropriety—but the improper way of bringing the subject to the attention of the court.

The great principle, Mr. President, is, as every lawyer knows, that the court does not move; it is moved; and a letter to a judge on the bench is no way to bring a question before him that is not ex parte, but which itself concerns both sides. So they ought to have taken this case by presenting their petition as they did when they renewed their suit. It ought to have been done so in the first instance, and in such case the defendants to the suit would have been before the court when the matter was determined, and the judge would have delivered his judgment, and that could be taken up on error, as has been done in the subsequent litigation between the same parties.

All this is made perfectly apparent and incontrovertible by the course they actually took when they renewed the suit at the next term.

Now, next, and I submit to the court most important, it is not open to dispute in this case that Judge Swayne never had any property in, title to, or ownership of block 91. The learned managers have closed their case without offering a scintilla of evidence of any title in him to that land.

Not only that, Mr. President, but up to the testimony of Mr. Belden in this cause here there has been nothing in the record which showed that either Davis or Belden claimed that he had any interest in it.

Now, when I approach that phase of the matter I must at the outset interpose another preliminary observation, which goes without saying in this discussion and this adjudication, and that is that the case the Senate is trying is the one that was before Judge Swayne, the one that was made by these two lawyers there. What was the record that they made before him? They came in with their answer. In their answer they never claimed that the judge had any such title to the property. All they asserted was that Mrs. Swayne owned it, and when ruled to show cause why they should not be punished for contempt, all they alleged in justification was that the judge had said that there was in existence an uncanceled deed to her and nothing to him.

It was left, Mr. President, for the learned manager [Mr. Manager PALMER], whose absence I regret, for I want to say nothing behind his back, and I will not, that I would not say to his face—it was left for him to make the groundless and unjustifiable, and with all respect to this court, I submit the inexcusable insinuation that the judge had bought the property for himself, but took the title in Mrs. Swayne's name so that it could be concealed, and that in the face of the fact that in the very statement of these defendants in their answer as justifying their suit against him it is stated that he had alleged there was outstanding an uncanceled deed to her, the purchase to be paid for, as the answer says, by Mrs. Swayne out of her private fortune received in inheritance from her father.

I therefore start out, Mr. President, with my feet firm on the foundation of rock in this case that there never was, and is not, any title to Judge Swayne to that land, and there never was for a moment any title nor any reason why anybody thought there was any title in him.

It is equally clear, as a matter of law, that there was no title in Mrs. Swayne. What ground do they allege that would make title in her? A deed to her uncanceled.

Why, Mr. President, does not every tyro know—does it even come up to the measure of hornbook law—that it takes delivery to make a deed? It is not its writing; it is not its signing; it is not its sealing; it is not its being witnessed; it is not its being acknowledged. None of those make a deed. A deed is made by delivery, and only by delivery.

Now, where is it claimed or set up in this case by any evidence that Mrs. Swayne had any deed delivered to her, and what was the justification of these lawyers who complained? We think it was not fair that they were charged with being ignorant, but what justification was there for them in saying that there was title in Mrs. Swayne because there was an uncanceled deed to her, without there being any allegation that it ever was delivered to her?

Now, the learned managers have produced their own witnesses. They have made their own case. They had Mr. Hooten here. He conducted the transaction. They stand on his evidence, and we do, too—that it was but a negotiation, only a negotiation, no more than a negotiation. It never was a completed purchase. Money was not paid, no deed was received, and, lo and behold! it all went off, because it is conceded upon both sides that there was a defect in the title. No wise man certainly buys a defective title.

The universal rule, subject to possible exceptions in peculiar particular cases, is that when purchase is negotiated the first thing is to submit the title to the counsel for the purchaser that he might satisfy himself in that regard. Until that is done it is all cautionary. There was no written agreement in this case. All that went on was correspondence between Watson & Co. on the one side, and Edgar, in New York, on the other; and, lo and behold, it turned up that Edgar refused to warrant the title by a warranty deed because of the fact that it was involved in this Spanish grant, indifferently called Rivas, Cheveaux, and Caro.

Now, that fact was brought to the attention of Judge Swayne, and I will ask the Secretary to read this correspondence.

The PRESIDING OFFICER. Without objection, the Secretary will read.

The Secretary read as follows:

"We have deed to block 91, New City, from Mr. Edgar, but he refuses to give a warranty deed to this block; he merely gives quitclaim deed. We have received a letter from him, in which he writes he is unwilling to give anything but a bargain and sale deed, as he is afraid of the old ——— Caro claim on this, which seems to be his objection. We have recently made an abstract of title of this property, and it seems to us we would just as soon have one deed as the other, but we lay the matter before you so as to have you perfectly satisfied. In case the deed is not satisfactory to you, of course, we will have to drop this deed or wait until you come home. Thanking you for an immediate reply.

"Yours, truly, THOMAS C. WATSON & Co."

I received a reply from him, letter dated July 22, 1901:

"GENTLEMEN: You may omit block 91 and send papers for the others along, and oblige,

"Yours, truly, CHARLES SWAYNE."

Mr. HIGGINS. So, Mr. President, the court will see that never even a deed ever got to Judge Swayne or to Mrs. Swayne. It was halted at Pensacola in the custody of Watson & Co.

Now, other deeds, it seems from the evidence—a mortgage and notes accompanying it—were sent to the Judge and returned by him, and in the lapse of time—for this was the 1st of July or early in July of that year—between that and November, when the case came up, the Judge had gotten a little mixed with regard to it, and in the statement that he placed upon the record and the one he made from the bench he said the deed had been sent to him and returned. Though that was not the fact, but as a part of the record I will ask the Secretary to read the statement put by the Judge upon the record.

The Secretary read as follows:

At the time of the presentation of the said motion by the said W. A. Blount, in open court, on November 11, 1901, the said Simeon Belden and the said E. T. Davis were present in the said court, and before making said order the said judge made and directed to be spread upon the minutes the following declaration concerning his connection with the land in the Cheveaux tract, mentioned in said motion, to wit:

"On Tuesday, November 5, 1901, at the time of the presentation of the said motion by plaintiffs, that the court recuse himself, he had then stated, and now states, that he never agreed to accept, nor ever accepted, any deed to any portion of the said Cheveaux tract; that, as he stated, a member of his family, to wit, his wife, had, with money inherited by her from her father's estate, negotiated for the purchase of some city lots in Pensacola; that certain deeds in connection therewith had been sent to her in Delaware, one of them proving to be a quitclaim deed, and upon investigation and inquiry it was found that the property in this deed was a portion of the property in litigation in the suit of Florida McGuire *v.* Pensacola City Company et al., and that thereupon, and by his advice, the said deed was returned to the proposed grantors with the statement that no further negotiations whatever could be conducted by them in relation to this property, and they thereupon refused to purchase, either at the present time or in the future, any portion of the said tract."

Mr. HIGGINS. Now, Mr. President, it does appear that no deed was delivered to Mrs. Swayne, and therefore that she never got title. No money was paid by her, and the land never was hers. An uncanceled deed outstanding is less than the baseless fabric of a dream as the foundation of title upon which to predicate a suit against her. There was not even the pretense of a suit against her husband.

Now, further, Edgar never claimed that he had sold the property to Mrs. Swayne. He resisted Watson & Co.'s suit for commissions, and the suit was abandoned, and the land was afterwards, we will show, sold. I think it has already appeared in evidence that they sold it afterwards to other parties, to wit, the Pensacola Development and Investment Company.

The very reason why the Judge refused to let Mrs. Swayne buy block 91 was that it was included in the Caro grant, involved in its disputed titles, and in this very litigation in which he was asked to recuse himself, but weeks before he received the letter from Belden and Paquet. Further, there was nothing in the record of the suit of Florida McGuire *v.* Pensacola City Company to disclose the fact that block 91 was a part of the land in dispute therein.

The declaration in the suit described the land in the following words, which I will ask the Secretary to read:

The Secretary read as follows:

The said defendants are in possession of a certain tract or parcel of land, situate, lying, and being in the county of Escambia, State of Florida, known and described as follows:

A certain parcel of land known as the "Gabriel Rivas" tract, containing about two hundred (262½) sixty-two and one-half acres, more or less, in the eastern portion of the city of Pensacola, Escambia County, State of Florida, mostly in section eight south, range twenty-nine west, forming a lot of three hundred (300) superficial arpents, according to a figurative plan of the survey from the mouth of the rivulet, as the extreme east of this population according to the plan thereof, and is bound northerly and westerly by vacant lands. Southerly it confines with the Bay of Pensacola and easterly with the rivulet of the Texar, its most westerly limit being north of the compass with a declination of seven degrees and fifty minutes to the northeast, as shown by the original Spanish grant to Gabriel Rivas, the 10th day of November, 1806, and registered in book seven, folio sixteen, number 1793, said property being as aforesaid situate in the county of Escambia, State of Florida, to which said plaintiffs claim title, and the defendants have received the profits of the said lands since the, to wit:

Mr. HIGGINS. I beg pardon of the court for taking its time.

Mr. BACON. Mr. President, with the permission of the counsel, as the hour has arrived at which, under the order the Senate sitting as a court of impeachment will adjourn, it has been suggested that possibly it might be to the convenience and in accordance with the wish of counsel for the respondent to proceed at this time. If so, I would make a motion to that effect. But before doing so I would ask that the court or the Presiding Officer ascertain whether it is in accordance with the wish of the counsel for the respondent thus to proceed.

The PRESIDING OFFICER. The order is that the Senate sitting as a court shall commence its session at 2 o'clock and continue till 5.

Mr. BACON. "Unless otherwise ordered."

The PRESIDING OFFICER. "Unless otherwise ordered." We are not limited to 5 o'clock if we wish to continue longer.

Mr. BACON. I was suggesting that we might otherwise order at this time, if agreeable to the counsel. That was the suggestion which I made.

The PRESIDING OFFICER. The Presiding Officer wishes to suggest one other thing, that after to-day there are only ten working days remaining of the session.

Mr. HIGGINS. I recognize, Mr. President, the public duties of the members of this court, and I will impose no convenience of mine in the way. I am willing to go on for some time, if it is not fatiguing to the members of the court.

Mr. TELLER. Let the Senator from Georgia ask for unanimous consent to proceed until 6 o'clock.

Mr. BACON. Mr. President, I will suggest to the Chair that he take the order of the Senate, either by unanimous consent or by a vote. It can be done by unanimous consent, I presume.

The PRESIDING OFFICER. If there be no objection, counsel will proceed until an order for an adjournment or some other order in the premises is made.

Mr. TELLER. Inasmuch as we have a standing order, it seems to me that we ought to change it. I ask the unanimous consent of the Senate that the order shall be changed from 5 o'clock to 6 o'clock.

The PRESIDING OFFICER. For each day?

Mr. TELLER. For to-day only.

The PRESIDING OFFICER. The Senator from Colorado asks unanimous consent that the order for the day be changed so that the Senate sitting as a court shall continue in session until 6 o'clock. Is there objection?

Mr. PETTUS. Mr. President, if I am allowed, the Senate made an order fixing the hour for general business and for this business. I am very much inclined to think, Mr. President, and I make the suggestion, that we are bound by that order, and we are not to trespass on it.

The PRESIDING OFFICER. The order is that we commence at 2 o'clock with the impeachment trial and continue until 5 o'clock, unless otherwise ordered. The Presiding Officer supposes that it is in the power of the Senate sitting in the impeachment trial to otherwise order.

Mr. CULLOM. Were the words "unless otherwise ordered," expressed by the Presiding Officer of the court, agreed to in the Senate or in the court of impeachment?

The PRESIDING OFFICER. They are in the order.

Mr. CULLOM. The order made by the court of impeachment?

Mr. PETTUS. Made by the Senate.

Mr. CULLOM. If made by the Senate——

The PRESIDING OFFICER. The recollection of the Presiding Officer is that the order was passed while the Senate was sitting in the impeachment trial. The Senator from Georgia [Mr. BACON] will know.

Mr. FAIRBANKS. I had the honor of presenting that order. It was an order passed by the Senate sitting as a court of impeachment.

The PRESIDING OFFICER. That was the impression of the Presiding Officer. The Senator from Colorado asks unanimous consent that the order be modified to-day so that the Senate sitting in the trial of the impeachment shall continue in session until 6 o'clock. Is there objection?

Mr. PETTUS. There is objection. Unanimous consent will not be given.

The PRESIDING OFFICER. The Senator from Alabama objects.

Mr. TELLER. I move that the session of the Senate sitting in the impeachment trial be continued until 6 o'clock to-day.

The PRESIDING OFFICER. The Senator from Colorado moves that the Senate sitting in the impeachment trial continue in session this day until 6 o'clock. Is the Senate ready for the question? The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The counsel will proceed.

Mr. HIGGINS. Mr. President, I must ask the pardon of the Senate for having read the description of the land in the declaration in the case of Florida McGuire against the Pensacola City Company. But it was necessary to make it perfectly clear to the court that that description contained no evidence or notice to anybody outside that it contained within its limits block 91. So there was nothing from the suit itself to let Judge Swayne know that that land was involved in block 91 at the time the negotiations were conducted between him and Watson & Co.

The first actual notice either Judge Swayne or his agents, Watson & Co., had of block 91 being in the McGuire litigation over the Rivas grant was when Edgar sent them the quitclaim deed and refused to give a warranty deed because of the disputed title aforesaid.

I do not leave out of account that Hooten testified that Judge Swayne said to him at the time he was negotiating for it that this was involved in the suit over the Caro grant, and that it would disqualify him in this court. I mention it now only to dismiss it as a matter of no account. It did not create any title in Judge Swayne; it created no title in Mrs. Swayne; but if it were a fact, it is contrary to the respondent's recollection, and it only showed that there was evidence to him earlier of its being involved in it.

As I have already said, Mr. President, this court must consider this case as it was presented, contested, and adjudicated before Judge Swayne in the circuit court in and for the northern district of Florida. That brings me, therefore, to the consideration of the charges against Belden and Davis, their denials and admissions as contained in the pleadings upon which they were tried; and although this has been read more than once to the Senate, I will now ask the Secretary to again read Mr. Blount's motion upon which the rule to show cause was founded.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

And now comes W. A. Blount, an attorney and counselor at law of this court, and practicing therein, and as amicus curiæ, and moves the court to cite Simeon Belden, Louis Paquet, and E. T. Davis, attorneys and counselors of this court, to show cause before this court, at a day and hour to be fixed by the court, why they shall not be punished for contempt of the court, in causing and procuring, as attorneys of the circuit court of Escambia County, Fla., a summons in ejectment, wherein Florida McGuire is plaintiff and the Hon. Charles Swayne is defendant, to be issued from said court and served upon the judge of this court, to recover the possession of block 91 in the Cheveaux tract, in the city of Pensacola, Fla., a tract of land involved in a controversy in ejectment then depending in this court in a case wherein the said Florida McGuire was plaintiff and the Pensacola City Company et al. were defenadants, upon the grounds:

1. That the said suit in ejectment against the judge of this court was instituted after a petition to this judge to recuse himself in the said case of Mrs. Florida McGuire *v.* Pensacola City Company et al. had been submitted to the court on November 5, 1901, and denied, and after the said judge had stated in open court and in the presence of the said counsel, Simeon Belden and Louis Paquet, that an allegation of the said petition that he or some member of his family were interested in or owned property in said tract was untrue, and had stated that he had refused to permit a member of his family to buy land in said tract, because the said suit of Florida McGuire, involving the title to the said tract, was in litigation before him, the said judge.

2. That after the said declaration of the said judge the said counsel were aware that neither the said judge nor any member of his family were the owners of or interested in any part of the said tract and had no reason whatever to believe that he or they were so interested, and

knew, or could easily have known, that the said block was not in the possession or control of anyone, but was entirely unoccupied.

3. That the said suit against the said judge was instituted on Saturday night, the 9th instant, after 6 o'clock, and after the court had overruled the motion of the said attorney to postpone the trial of the case of Florida McGuire *v.* Pensacola City Company et al. for a week or more, and after the said judge had announced to the said counsel that he would call the case for trial on Monday, November 11, 1901, and would then try the case, unless counsel for plaintiff made a showing why he should not so try, and the said counsel had announced that they would make such showing.

4. That the said E. T. Davis was, before the instituting of the said suit against the said judge, cognizant of all the facts herein set forth.

W. A. BLOUNT,
An Attorney of this Court.

NOVEMBER 11, 1901.

Mr. HIGGINS. Mr. President, I will now ask the Secretary to read the answer of Belden and Davis.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

Before the Hon. Charles Swayne, judge circuit court United States, northern district of Florida. In re matter of contempt proceedings against Simeon Belden, Louis Paquet, and E. T. Davis.

And now comes Simeon Belden and E. T. Davis, and for reasons why they should not be punished by contempt, showeth:

First. That the grounds upon which the said contempt is based, to wit, summons in ejectment issued from the circuit court of Escambia County, Fla., wherein Florida McGuire was plaintiff, and the Hon. Charles Swayne was defendant, that said proceedings is in the jurisdiction of the circuit court of Escambia County, Fla., and that this court is without jurisdiction thereof.

Second. That the petition to recuse referred to in said motion they had nothing to do with before this court, nor were they present on the 5th day of November when submitted, as stated in said motion, nor present when any statement made by the judge concerning his connection with any of the property, except the statement made by said judge on November 11, after court convened and after the motion to discontinue the case of Florida McGuire *v.* Pensacola City Company et al., was made.

Third. To the second paragraph showeth: As above stated, they heard no declaration made by the judge referred to in said paragraph, and as for reasons to believe that he, Judge Swayne, or some member of his family was interested in block 91, Rivas tract of land, named in said summons, we simply refer to the declaration made by Hon. Charles Swayne on November 11, 1901, when said motion was made by the Hon. W. A. Blount, and that after hearing said declaration, believe that there is in existence a deed to Mr. Charles Swayne, uncanceled, and that they have no knowledge of its repudiation, and as the negotiation for the property named in said deed was one made by Mrs. Charles Swayne in her individual right, that no act of the said Hon. Charles Swayne would repudiate or render null and void any transaction made by Mrs. Charles Swayne with her own money or property.

Fourth. That E. T. Davis for himself showeth: That this court had no jurisdiction over him in said matter of Florida McGuire *v.* Pensacola City Company et al. until he requested the court to mark his name as attorney for plaintiff on the morning of November 11, when he presented the motion to discontinue the aforesaid suit.

SIMEON BELDEN.
E. T. DAVIS.

Mr. HIGGINS. Mr. President, I now beg the attention of the court for a moment while I compare the allegations of this motion and the answer. The preamble of the motion itself is important in its allegations. Mr. Blount's motion was to cite Davis and Belden to show cause why they should not be punished for contempt as attorneys of the circuit court of Escambia County in bringing suit against the judge to recover land in litigation before him in this court or in the United States court, to which the answer of Belden is:

First. That said proceedings are in the jurisdiction of the circuit court of Escambia County, Fla., and that this court was without jurisdiction therein.

So that their claim of defense to the rule was that the bringing of the suit in the State court was an act which, as an act of contempt, could only be within the jurisdiction of the State court, out of which the processes issued, and was not within the jurisdiction of the United States court whose judge had been sued.

The first paragraph of the motion was in three branches:

(1) That said suit was brought after [November 5] a petition to recuse was submitted and denied.

(2) After the Judge in open court and in the presence of Belden and Paquet had denied any title in himself or family.

(3) And had stated he had refused to permit a member of his family to take title because the land was involved in the McGuire suit before him.

Now, note the answer of Belden and Davis to those allegations:

First. That said proceedings are in the jurisdiction of the circuit court of Escambia County, Fla., and that this court was without jurisdiction therein.

Second (to article 1). That the petition to recuse before this court they had nothing to do with. That they were not present November 5, when submitted, nor when the Judge made any statement, except on November 11, after motion to discontinue F. McGuire suit was made.

I asked the witness Davis the question on cross-examination whether he at the time he brought the suit did not know that Judge Swayne had declared from the bench that he had no title in this land, that no member of his family had, and that he had refused to let any member of his family take title in it because of this suit. I asked him if he did not know that the Judge so stated, and I asked him "Why in your answer did you not say so at that time?" to which he replied, "I thought I did say so."

Mr. Manager OLMSTED. And he did.

Mr. HIGGINS. But he did not. Here is the answer. There is not one word of that. What he says is that the petition to recuse before this court they had nothing to do with; that they were not present on November 5, when submitted, nor when Judge Swayne made any statement, except on November 11, after the motion to discontiue the F. McGuire suit was made.

Why, Mr. President, whether they were present or not, Judge Paquet was present. He was their associate counsel; he was the one who was there representing their clients, their principals, and knowledge to him was knowledge to his clients and notice to his associate counsel. Then was their day in court to come in before Judge Swayne and say, "Why, if your honor please, we did not know you said that. We were not here and did not hear you. If that is what you said, then we take it back. We brought this suit against you in ignorance of the fact, and so we will withdraw that litigation and purge ourselves of this contempt."

Why, Mr. President, that case would never have gone to any punishment for contempt; and it did not in the case of Paquet when he came in and made just such an acknowledgment—made an acknowledgment that he had acted in contempt. But those gentlemen in such a case as that would absolutely have been able to purge themselves from any intent. Instead of that, they rest content with the statement that they were not present in court and did not hear the judge in what he said. They never alleged that they had not otherwise heard and did not know what he had said from the bench.

Now, as to the second article.

Second. After the declaration of the Judge, (1) the counsel were aware that neither he nor his family were owners of lot 91; (2) had no reason to believe he or they were so interested; (3) knew, or easily could have known, that said lot was unoccupied and in the possession and control of no one.

Their answer to that, Mr. President, is this:

They heard no declaration made by the judge.

And as to believing that Judge Swayne or some member of his family was interested in block 91, Rivas tract of land named in said summons, we simply refer to the declaration of the judge on November 11, and after hearing such declaration we believe there is an uncanceled deed to Mrs. Swayne, one made to Mrs. Swayne in her individual right, and that no act of Hon. Charles Swayne could render null and void any transaction made by Mrs. Charles Swayne with her own money or property.

Not one word, Mr. President, that they had heard that the judge disclaimed having any interest in it himself or of any member of his family having an interest in it. On the contrary, here is an evasive answer; they do not purge themselves of the contempt, but reiterate it.

The third allegation of the motion was:

Third. That suit against the judge was instituted on Saturday night, after motion to postpone for a week or more had been overruled, and case set for Monday.

The answer to that is nothing. There is no answer at all.

The fourth touches Davis alone:

Fourth. That before the suit against the judge, Davis was cognizant of all the facts.

He does not deny this in his answer, but says that this court had no jurisdiction over him until he marked his name on the record on Monday to move to discontinue.

In the face of that record, made by them when they had their day in court, how can they come before this court and undertake to ask it to believe that they had stated that they did not know of the judge having made any such statement from the bench, and did not know that Mrs. Swayne had no title or interest in the property. Indeed, up to this time Mr. Belden claims that she does have such interest, and they have carried the case up to the Supreme Court of the United States with the contention that she does have such interest.

Now, Mr. President, the question before this court is not merely whether Davis and Belden acted in a contemptuous way toward Judge Swayne and the circuit court of the United States for the northern district of Florida, but it is whether or not their act of contempt brought them within the jurisdiction of that court under the terms of the act of Congress passed in 1831, and now known as "section 725 of the Revised Statutes." Our proposition is that the bringing of the action of ejectment against Judge Swayne and the publication of the newspaper article on the following morning together constituted such misbehavior on the part of Belden and Davis as attorneys and counselors of the court as to constitute contempt within the terms of section 725 of the Revised Statutes of the United States.

I shall not at this stage of these proceedings go at large into the authorities upon the subject of jurisdiction under the act of

Congress of 1831. It so happens in this case that the question has already been decided, and, I respectfully submit, concluded for all concerned. After the judgment of Judge Swayne, which included imprisonment as well as fine, Davis and Belden at once sued out writs of habeas corpus before Judge Pardee, who made the same returnable before Circuit Judges McCormick and Shelby, as well as himself, who all heard the argument and concurred in the opinion. I will ask the Secretary to read the opinion.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

Pardee, circuit judge.

Section 725 of the Revised Statutes of the United States reads as follows:

"The said courts shall have power to impose and administer all necessary oaths, and to punish, by fine or imprisonment, at the discretion of the court, contempts of their authority: *Provided*, That such power to punish contempts shall not be construed to extend to any cases except the misbehavior of any person in their presence, or so near thereto as to obstruct the administration of justice, the misbehavior of any of the officers of said courts in their official transactions, and the disobedience or resistence by any such officer, or by any party, juror, witness, or other person, to any lawful writ, process, order, rule, decree, or command of the said courts."

The relator is an attorney and counselor of the United States circuit court for the northern district of Florida, and as such one of the officers of the court within the intent and meaning of the above statute. As such officer he was and is charged with conduct in and out of court which, if accompanied with malicious intent or had the effect to embarrass and obstruct the administration of justice, was such misbehavior as amounted to contempt of court. To hear and decide whether the relator was guilty of such contempt, and if found guilty to punish him for such conduct, was clearly within the jurisdiction of the court, and the court having exercised such jurisdiction and found the relator guilty of contempt, its finding against the relator can not be reviewed on habeas corpus. (In re Swan, 150 U. S., 637.)

In United States *v.* Pridgeon (153 U. S., 48, 62) the court says:

"Under a writ of habeas corpus the inquiry is addressed not to errors, but to the question whether the proceedings and the judgment rendered therein are, for any reason, nullities, and unless it is affirmatively shown that the judgment or sentence under which the petitioner is confined is void, he is not entitled to his discharge."

Mr. HIGGINS. I call the attention, Mr. President, of the court to the breadth of this decision. It not merely held that the judgment of Judge Swayne could not be reviewed, because the question whether Davis and Belden had been guilty of contempt was within the jurisdiction of his court, but it went further. After repeating the language of the statute, it says:

The relator is an attorney and counselor of the United States circuit court for the northern district of Florida, and as such one of the officers of the court within the intent and meaning of the above statute. As such officer he was and is charged with conduct in and out of court which, if accompanied with malicious intent or had the effect to embarrass and obstruct the administration of justice, was such misbehavior as amounted to contempt of court.

That amounted to a decision that Judge Swayne had jurisdiction which could not be revised on habeas corpus, but that a case had been made which, if true, brought it within the terms of the act of 1831, or section 725 of the Revised Statutes.

This ruling, invoked by Davis and Belden themselves, settled the law of the case for them, for Judge Swayne and the circuit court for the northern district of Florida, and for all its people, namely, that if they were guilty of the acts charged then it was such misbehavior as constituted contempt of court under section 725 of the Revised Statutes.

I submit that—

1. The suit against Swayne was misbehavior of the most gross description and character in their official transactions as attorneys of his court, in the case of the same plaintiff against the Pensacola City Company et al.

2. It was at the same time misbehavior within the terms of the statute in that it constituted disobedience and resistance by them as attorneys in the suit against the Pensacola Company to the lawful decree and order of the court; and,

3. It was, under the decisions, misbehavior so near the court as to obstruct the administration of justice.

It is clear to a demonstration that their object in bringing the suit was to effect the action of the Judge on the two points upon which he had during the week decided against them, namely:

(*a*) To force him not to sit in the case, or, in other words, to recuse himself; and,

(*b*) To force him to postpone the trial on Monday, the 11th.

This is made clear by another act of contempt to the same end, and, if possible, more flagrant and outrageous, in their newspaper publication on Sunday morning, which I will ask the Secretary to read.

The Secretary read as follows:

JUDGE SWAYNE SUMMONED AS PARTY TO THE SUIT IN CASE OF FLORIDA M'GUIRE *v.* PENSACOLA COMPANY ET AL.

A decided new move was made in the now celebrated case of Mrs. Florida McGuire, who is the owner by inheritance and claims the possession of what is known as the "Rivas tract," in the eastern portion of the city, near Bayou Texas, by the filing of a præcipe for summons, through her attorneys, ex-Attorney-General Simeon Belden, Judge Louis P. Paquet, of New Orleans, and E. T. Davis, of this city, in the circuit court of Escambia County, in an ejectment proceedings for possession of block 91, as per map of T. C. Watson, which is part of the property which is claimed by Mrs. Florida McGuire, and which is alleged that Judge Swayne purchased from a real estate agent in this city during the summer months, and which is a part of the property now in litigation before him.

The summons was placed in the hands of Sheriff Smith late last night for service.

Filed November 12, 1901.

Mr. HIGGINS. Mr. President, the original has already been produced before the court and will be put in evidence by us in Mr. Paquet's handwriting. It starts with the flaring headline:

Judge Swayne summoned as party to the suit in case of Florida McGuire *v.* Pensacola Company et al.

It goes on:

A decided new move was made in the now celebrated case of Mrs. Florida McGuire, etc.

The learned managers say that the suit against the Judge had nothing to do with the suit before the Judge; but this publication is not only scandalous, it is telltale. This shows their purpose. This uncovers and discloses the scheme. This tells the whole story.

A decided new move was made in the now celebrated case of Mrs. Florida McGuire, who is the owner by inheritance and claims the possession of what is known as the "Rivas tract," in the eastern portion of the city, near Bayou Texas, by the filing of a præcipe for summons, through her attorneys, ex-Attorney-General Simeon Belden, Judge Louis P. Paquet, of New Orleans, and E. T. Davis, of this city.

They were the ones who did it. No doubt about that they knew. No scurrying for cover for them at that time as to what they intended. No endeavor to get from under the responsibility of their acts. It throws it out upon the camera for all to read and to the scandal of the court.

In an ejectment proceeding for possession of block 91 * * * which is part of the property claimed by Mrs. Florida McGuire * * * and which is alleged that Judge Swayne purchased from a real-estate agent in the summer months * * * and which is a part of the property now in litigation before him, * * * the summons was placed in the hands of Sheriff Smith late last night for service.

This is the story of the new movement in the suit before Judge Swayne:

Judge Swayne summoned as party to the suit in case.

It was false that Judge Swayne purchased block 91, as now is perfectly obvious to every member of this court, as I have already shown at the outset of my remarks. But the judge had so solemnly declared from the bench in what amounted to a judgment that he would not recuse himself, one which they could have reduced to a judgment of record had they taken the proper course by presenting their petition and having his judgment put upon the record, so that it would be carried up. But it had all the moral force of that, and here comes this statement in the paper that the statement was a lie and that he was a liar. That is what that statement amounted to.

It was a new move—the suit against the Judge—a decided new move in the now celebrated Pensacola City case.

It was a new move in that case by these three attorneys in all the glory of their titles of attorney-general and judge.

And that new move—namely, the suit leveled at the Judge—hot on the heel of his refusing their motion to postpone the trial, and brought that night, so as to make sure of the writ being served before the time set for trial on Monday morning—this new move was now driven home by this publication.

(1) The court had on Monday, November 5, made its decision and entered its judgment refusing the application to the Judge to recuse himself.

Therein and thereby it had judicially made a lawful order or decree.

Upon Saturday, the 9th, it made another judicial and lawful order in the cause, when it refused to postpone the trial, but ordered that it should be set for trial on Monday, the 11th, at 10 a. m., except for good cause to be then shown.

The suit and the publication were two blows, but making one movement, directed at the Judge for his judicial judgments adverse to the clients of these attorneys.

The suit laid ground for the article; the article gave point to the suit; the suit haled the Judge into another court to punish him for what he had done in his own, and the news article haled him before the bar of public opinion, and, if well founded, gibbeted him as a judicial outlaw.

(2) But if the suit was not brought and the article published to deter him from sitting in the case and trying it on Monday, for what object were both acts done?

Men are held to intend the natural consequences of their acts. Certainly the suit was not brought with any idea of recover-

ing thereby from Judge Swayne block 91, for they knew he did not own it or have any possession of it.

Neither was it brought against him because there was any title in Mrs. Swayne, for if there had been title in Mrs. Swayne she was the party to sue and he was not, except as it might have been proper or necessary to join him with her as a party codefendant.

(3) Again, if, as they since claim, when they brought the suit against the judge, they had already determined to discontinue the main suit aginst the Pensacola City Company et al. on Monday morning, and then bring another suit on the same cause of action—that is, on the Rivas claim, on the old Spanish grant—why did they not wait to join the judge or his wife in this renewed suit (there were about thirty defendants) instead of suing him as an individual and sole defendant that night in another suit in the State court?

(4) But why this haste?

The judge had just announced he would try their case on Monday.

There was no cause to fear he would leave town and escape their process.

They rush from the United States court room to the corner grocery, they hatch out the product of their conspiracy, order the writ, and make sure to have it served that night.

Mr. Belden says here that he did not have an idea of not discontinuing that suit upon Monday morning. Why, then, was this a new move in the Florida McGuire case? "Oh, but I never wrote that article." Mr. Belden thinks it was very ill-advised. Davis says, "I did not write it." No, gentlemen, you did not write it, but neither of you say you did not know about it.

Mr. Manager DE ARMOND. They both swore they did not know about it.

Mr. HIGGINS. Not as I remember the testimony.

Mr. Manager DE ARMOND. It is there.

Mr. HIGGINS. I ask the learned manager in his time to point it out to me. He will have his time.

Mr. Manager DE ARMOND. We will point it out.

Mr. HIGGINS. But whether they did or not, the case charged in the answer of the respondent here against these parties is that here was an unlawful combination. The case that was charged against them before Judge Swayne in the contempt case was that it was an unlawful combination, and here is the evidence that proves it. They can not repudiate in law or in fact the utterance and the confession of their coconspirator. If that was their point, I again ask why did they not put it in their answer? Why did they not make that case before the judge and before the court when he was called upon to act upon it?

Mr. Manager OLMSTED. If the learned counsel will permit a suggestion, it is probably because there was no such charge in the information.

Mr. HIGGINS. The rule upon them was to show cause why they should not be punished for contempt for bringing the suit. The article is their confession as to why they brought the suit, and that it was leveled at the judge to affect his action in the case is shown by "the new move" in the Florida McGuire case against the Pensacola City Company. It will not do to roll all this over on Paquet and say, "We had nothing to do with it."

Now, with such flagrant disrespect and contempt shown the court, and I ask this court in all solemnity, what was the judge to do? Is a court justified in lying supine under such contempt? Could it ignore this open and double blow at its commands, and its dignity aggravated into a public scandal, and yet retain the respect of the community? Was it not bound, in sheer self-defense, to take the action it did?

I beg to read to the members of this court the words that have come down from the lips of one of those among the great men of our American republic. The first important suit and litigation akin to the one now before this court was the case of Yates against Lanning, in which Chief Justice Kent, in 5 Johns, gave utterance to words I will read. In that case, I will say to the court, Chancellor Lanning imprisoned for contempt a clerk for signing the name of another solicitor to a bill or other paper in a chancery cause, which was contrary to good order and propriety. For that the chancellor adjudged him guilty of contempt. Mr. Ambrose Spencer, who many years afterwards was one of the managers of the impeachment against Judge Peck, and who was one of the associate judges of the superior court of which Kent was at the time chief justice, discharged Yates upon habeas corpus. Chancellor Lanning instantly reimprisoned him. Spencer again discharged him, and the third time Lanning imprisoned him, and then Yates brought suit against Chancellor Lanning for a penalty of a thousand dollars under the statute which provides that penalty if a writ of habeas corpus be resisted; and that was the case which was before the court when Chief Justice Kent made this utterance:

> Judicial exercise of power is imposed upon the courts. They must decide and act according to their judgment, and therefore the law will protect them. The chancellor, in the case of the plaintiff, was bound in duty to imprison and reimprison him, if he considered his conduct as amounting to a contempt of his court. The obligations of his office left him no volition. He was as much bound to punish a contempt committed in his court, as he was bound in any other case to exercise his power.

In all confidence, I ask of this court, what member of it, sitting where Judge Swayne did, would not have cited, heard, and punished these attorneys as he did?

This conduct was misbehavior on the part of Davis and Belden as officers of theUnited States court in their official transactions, under the terms of the act of 1831, because of the insult and gross disrespect thereby shown the court.

I have shown it had made two orders, which, as officers of the court, they were in duty bound to respect.

Both rulings were in refusing applications made by them; but though adverse decisions they were none the less entitled to their respect.

An attorney is an officer of the court. Judge Pardee so held in this case:

> The relator is an attorney and counselor of the circuit court for the northern district of Florida, and as such one of the officers of the court. (Ex parte Davis, 112 Fed., 139.)

And as such officer his duties have been best defined in Bradley *v.* Fisher (13 Wall., 355):

> But, on the other hand, the obligation which attorneys impliedly assume, if they do not by express declaration take upon themselves, when they are admitted to the bar is not merely to be obedient to the Constitution and laws, but to maintain at all times the respect due the courts of justice and judicial officers. This obligation is not discharged by merely observing the rules of courteous demeanor in open court, but it includes abstaining out of court from all insulting language and offensive conduct toward the judges personally for their judicial acts.

There is a statement by the highest court in the land to these lawyers as to what was their obligation to the court. "This obligation is not discharged by merely observing the rules of courteous demeanor in open court, but it includes abstaining outside of court from all insulting language and offensive conduct toward the judges personally for their official acts."

You have had the evidence here this afternoon from General Belden that it was because of these judgments that they brought the suit.

Mr. SPOONER. If it will not at all incommode the counsel, I should like to inquire, through the Presiding Officer, what time the answer of Mr. Paquet in the contempt proceedings was filed?

Mr. HIGGINS. I will state that I am instructed that it is a part of the record of the proceedings in the court, but I think the paper that was filed of record in the court was one that Judge Paquet prepared when he came in some time afterwards. In the interval he had sued out a writ of prohibition from the circuit court of appeals, but it had been adjudged against him, and when that was done he came into court in Pensacola and made his apology and was discharged. Now, afterwards he was examined as a witness before the investigating committee, and there his testimony appears. Unfortunately for us in this case, as the Senate is aware, we have been unable to obtain his attendance because of the return of his physician that he is too ill. I will state to the court that I have verified on my own inquiry that he is suffering from pneumonia and complications, and therefore can not attend. I hope that is an answer to the Senator's inquiry.

Now, we submit that the conduct of Davis and Belden was contempt under section 725, Revised Statutes, in that it was "misbehavior so near the court as to obstruct the administration of justice." Of course, I am now assuming as established for the purpose of this argument that the object in bringing this suit was because of the judgments that the judge had given, refusing to recuse himself on the one hand and refusing to postpone the trial of the case on the Monday morning, and they brought this action hurriedly and hastily in the meantime with the end and purpose stated in the article published in the Pensacola newspaper.

Now, it was held in the case in re Brule (71 Fed., 943) that—

> Bribing a person who is known to be a material witness in a pending cause to hide himself and remain away from the court, thereby preventing his testifying in such case, is a contempt of court, whether such person has been subpœnaed or not, and though punishable by indictment, under Revised Statutes, section 5399, is also punishable under Revised Statutes, section 725, as a contempt committed by misbehavior "so near" to the court "as to obstruct the administration of justice," though the act is done at the residence of the witness, at some distance from the court-house, in the town where the court sits.

In that case Judge Hawley, sitting in the district court of

Nevada, after reviewing the cases bearing on the point from the Supreme Court of the United States and the Federal Reporter, goes on to say:

Now, from the reasoning of these cases it is made perfectly clear that the misbehavior of which Brule is guilty, if it had occurred anywhere within the building where court is held, would have been "clearly a contempt, punishable as provided in section 725 of the Revised Statutes, by fine or imprisonment, at the discretion of the court, and without indictment." Why? Because, under such circumstances, it would have been misbehavior of a person in the presence of the court. But the statute says that the misbehavior of a person "so near thereto as to obstruct the administration of justice" may be likewise punished as a contempt of court. If it is a contempt to bribe a witness in front of the court-house door is it not a contempt to attempt to do the same thing on the street opposite the court building or four blocks away? Is not the result the same? Is not the motive of the accused the same? What difference does it make whether the attempt was made on the ground owned by the United States or at the residence of the witness in the same town four blocks, or about one-quarter of a mile, away from the court building? In one case the misbehavior would be construed to be in the presence of the court, and in the other "so near thereto as to obstruct the administration of justice," and the statute, in clear language, is made to apply to both cases.

It is too near the hour of adjournment, Mr. President, for me to read or have read the important decision, as we conceive it, of the supreme court of the State of Ohio in Myers *v.* The State, in 46 Ohio, 473, where that court upheld proceedings for contempt under the statute of the State of Ohio, which was a reenactment of the Federal statute in the same terms, where there was a libel printed in Cincinnati upon the court siting in Columbus, and the court say:

The publication came within section 5639, Revised Statutes, which reads: "A court, or judge at chambers, may punish summarily a person guilty of misbehavior in the presence of or so near the court or judge as to obstruct the administration of justice." It is true that the article was not written, nor was it circulated by, the respondent in the presence of the court. Indeed, it was written in the city of Cincinnati, though dated at Columbus. But the publication was in the court room, as well as elsewhere. It was intended to have effect, and did have effect, in the court-house at Columbus, and the writer was just as much responsible for that effect as though he had in the court room itself, and while the trial was progressing, circulated and read aloud the article, or uttered the libelous words verbally. The acts were thus done, if not in the very presence of the court, at least so near thereto as to obstruct its business.

Therefore we say under these authorities that the action of these two lawyers in bringing the suit and making this insulting and scandalous publication was in the same terms violating the statute by obstructing the administration of justice near the court.

I think now it has reached the hour when I will end for the time being.

Mr. FORAKER. I move that the Senate sitting as a court for the trial of the impeachment adjourn until 2 o'clock to-morrow.

The motion was agreed to; and (at 6 o'clock p. m.) the Senate sitting as a court adjourned until to-morrow, Tuesday, February 21, at 2 o'clock p. m.

The managers on the part of the House, the respondent, and his counsel retired from the Chamber.

The PRESIDENT pro tempore resumed the chair.

Mr. SPOONER. I move that the Senate adjourn.

Mr. CULLOM. I hope the Senator will not insist on that motion. I want to have an executive session for a few minutes.

Mr. SPOONER. Very well.

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

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 6 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 21, 1905, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 20, 1905.

SURVEYOR OF CUSTOMS.

Fenton W. Gibson, of Louisiana, to be surveyor of customs for the port of New Orleans, in the State of Louisiana. (Reappointment.)

PROMOTIONS IN THE CORPS OF ENGINEERS.

Lieut. Col. Thomas H. Handbury, Corps of Engineers, to be colonel, with rank from February 16, 1905, vice Heap, retired from active service.

Maj. Dan C. Kingman, Corps of Engineers, to be lieutenant-colonel, with rank from February 16, 1905, vice Handbury, promoted.

Capt. Francis R. Shunk, Corps of Engineers, to be major, with rank from February 16, 1905, vice Kingman, promoted.

First Lieut. Horton W. Stickle, Corps of Engineers, to be captain, with rank from February 16, 1905, vice Shunk, promoted.

Second Lieut. Richard C. Moore, Corps of Engineers, to be first lieutenant, with rank from February 16, 1905, vice Stickle, promoted.

DEPUTY AUDITOR FOR NAVY DEPARTMENT.

Byron J. Price, of Wisconsin, to be Deputy Auditor for the Navy Department, to succeed Robert S. Cowie, resigned.

POSTMASTERS.

ALABAMA.

J. W. Clayton to be postmaster at Ensley, in the county of Jefferson and State of Alabama, in place of Thomas B. Lawler, resigned.

James L. Davis to be postmaster at Lafayette, in the county of Chambers and State of Alabama, in place of William B. Nichols, jr. Incumbent's commission expired January 16, 1905.

CALIFORNIA.

Frank H. Bangham to be postmaster at Susanville, in the county of Lassen and State of California, in place of Frank H. Bangham. Incumbent's commission expires March 2, 1905.

COLORADO.

Ira L. Herron to be postmaster at Longmont, in the county of Boulder and State of Colorado, in place of Orange W. Richardson, deceased.

IDAHO.

Joseph R. Collins to be postmaster at Moscow, in the county of Latah and State of Idaho, in place of Robert H. Barton, removed.

ILLINOIS.

William M. Goudy to be postmaster at Fairfield, in the county of Wayne and State of Illinois, in place of William M. Goudy. Incumbent's commission expired March 22, 1902.

A. H. McTaggart to be postmaster at Pana, in the county of Christian and State of Illinois, in place of Gabriel C. Butts. Incumbent's commission expired March 16, 1902.

Thomas J. Wimmer to be postmaster at Cerro Gordo, in the county of Piatt and State of Illinois, in place of Thomas J. Wimmer. Incumbent's commission expired December 20, 1904.

INDIANA.

Albert E. Martz to be postmaster at Arcadia, in the county of Hamilton and State of Indiana, in place of Albert E. Martz. Incumbent's commission expires March 2, 1905.

INDIAN TERRITORY.

George S. Gray to be postmaster at Coalgate, in District Twenty-three, Indian Territory, in place of Frank L. McInnis, removed.

KANSAS.

Pearl E. Frayer to be postmaster at Ness City, in the county of Ness and State of Kansas, in place of Pearl E. Frayer. Incumbent's commission expired February 11, 1905.

LOUISIANA.

D. S. Edwards to be postmaster at Opelousas, in the parish of St. Landry and State of Louisiana, in place of Louis Desmarais, jr. Incumbent's commission expires March 1, 1905.

Lavinia Insley to be postmaster at Delhi, in the parish of Richland and State of Louisiana. Office became Presidential January 1, 1905.

MASSACHUSETTS.

Charles W. Bemis to be postmaster at Foxboro, in the county of Norfolk and State of Massachusetts, in place of Charles W. Bemis. Incumbent's commission expires March 1, 1905.

Horace I. Pinkham to be postmaster at Haverhill, in the county of Essex and State of Massachusetts, in place of Horace I. Pinkham. Incumbent's commission expires February 22, 1905.

MICHIGAN.

Robert C. Faucett to be postmaster at Laurium, in the county of Houghton and State of Michigan, in place of Mathias Sailer. Incumbent's commission expires March 1, 1905.

Ebenezer A. Litchfield to be postmaster at Elsie, in the county of Clinton and State of Michigan, in place of Berton M. Wooley, resigned.

Charles H. Stevens to be postmaster at Perry, in the county of Shiawassee and State of Michigan, in place of Charles H. Stevens. Incumbent's commission expires March 1, 1905.

MINNESOTA.

Charles M. Nelson to be postmaster at Elbow Lake, in the county of Grant and State of Minnesota, in place of Lars J. Hauge. Incumbent's commission expired January 31, 1905.

David J. Price to be postmaster at Lake Crystal, in the county of Blue Earth and State of Minnesota, in place of David J. Price. Incumbent's commission expired December 20, 1904.

MISSISSIPPI.

Harvey E. Fitts to be postmaster at Aberdeen, in the county of Monroe and State of Mississippi, in place of Harvey E. Fitts. Incumbent's commission expires March 1, 1905.

MISSOURI.

Alexander T. Boothe to be postmaster at Pierce City, in the county of Lawrence and State of Missouri, in place of Alexander T. Boothe. Incumbent's commission expires March 2, 1905.

Clark Brown to be postmaster at Union, in the county of Franklin and State of Missouri. Office became Presidential January 1, 1905.

E. S. Brown to be postmaster at Edina, in the county of Knox and State of Missouri, in place of Robert F. Schofield. Incumbent's commission expires March 2, 1905.

John H. Fisher to be postmaster at Sullivan, in the county of Franklin and State of Missouri. Office became Presidential January 1, 1905.

Sebastian Netscher to be postmaster at Pacific, in the county of Franklin and State of Missouri. Office became Presidential January 1, 1905.

Philip A. Thompson to be postmaster at Craig, in the county of Holt and State of Missouri, in place of Charles M. Ward. Incumbent's commission expired January 31, 1905.

NEVADA.

Amelia E. Roth to be postmaster at Virginia City, in the county of Storey and State of Nevada, in place of Amelia E. Roth. Incumbent's commission expires March 1, 1905.

NEW JERSEY.

Harry Bacharach to be postmaster at Atlantic City, in the county of Atlantic and State of New Jersey, in place of Harry Bacharach. Incumbent's commission expires March 1, 1905.

Palmer H. Charlock to be postmaster at Elizabeth, in the county of Union and State of New Jersey, in place of Palmer H. Charlock. Incumbent's commission expired January 29, 1905.

Samuel L. Gillin to be postmaster at Belmar, in the county of Monmouth and State of New Jersey, in place of William S. Jackson, resigned.

NEW YORK.

Watson J. Matteson to be postmaster at Marcellus, in the county of Onondaga and State of New York, in place of Watson J. Matteson. Incumbent's commission expires March 2, 1905.

Ambrose C. Montross to be postmaster at Larchmont, in the county of Westchester and State of New York, in place of Ambrose C. Montross. Incumbent's commission expires March 2, 1905.

NORTH CAROLINA.

Charles M. Hoover to be postmaster at Thomasville, in the county of Davidson and State of North Carolina, in place of Charles M. Hoover. Incumbent's commission expired February 7, 1905.

OHIO.

William L. Maddox to be postmaster at Ripley, in the county of Brown and State of Ohio, in place of Jennie L. Gardner. Incumbent's commission expired December 12, 1903.

William H. Ray to be postmaster at Carrollton, in the county of Carroll and State of Ohio, in place of John H. Tripp, resigned.

OKLAHOMA.

Burton S. Barnes to be postmaster at Ponca, in the county of Kay and Territory of Oklahoma, in place of Burton S. Barnes. Incumbent's commission expired February 11, 1905.

PENNSYLVANIA.

Lehman E. Gantt to be postmaster at Newport, in the county of Perry and State of Pennsylvania, in place of Lehman E. Gantt. Incumbent's commission expires March 1, 1905.

Alexander B. Grosh to be postmaster at New Bloomfield, in the county of Perry and State of Pennsylvania, in place of Alexander B. Grosh. Incumbent's commission expires March 1, 1905.

Edwin S. Holcomb to be postmaster at Westfield, in the county of Tioga and State of Pennsylvania, in place of Edwin S. Holcomb. Incumbent's commission expires March 1, 1905.

David I. Stadden to be postmaster at Glen Campbell, in the county of Indiana and State of Pennsylvania. Office became Presidential January 1, 1905.

Edward Weir to be postmaster at Malvern, in the county of Chester and State of Pennsylvania, in place of George R. Walton. Incumbent's commission expired February 8, 1905.

TENNESSEE.

William L. Green to be postmaster at Spring Hill, in the county of Maury and State of Tennessee. Office became Presidential January 1, 1905.

TEXAS.

Thomas H. Danforth to be postmaster at Goliad, in the county of Goliad and State of Texas, in place of Thomas H. Danforth. Incumbent's commission expires March 2, 1905.

Thomas J. Epperson to be postmaster at Livingston, in the county of Polk and State of Texas. Office became Presidential January 1, 1905.

John N. Johnson to be postmaster at Rockwall, in the county of Rockwall and State of Texas, in place of Aron B. Gardenhire. Incumbent's commission expires March 2, 1905.

William S. Strain to be postmaster at Lancaster, in the county of Dallas and State of Texas, in place of William S. Strain. Incumbent's commission expires March 2, 1905.

VIRGINIA.

Howard P. Dodge to be postmaster at Manassas, in the county of Prince William and State of Virginia, in place of Howard P. Dodge. Incumbent's commission expires February 22, 1905.

John C. Davis to be postmaster at Leavenworth, in the county of Chelan and State of Washington. Office became Presidential January 1, 1905.

WASHINGTON.

Jesse J. Flanigan to be postmaster at Salem, in the county of Harrison and State of West Virginia, in place of Jesse J. Flanigan. Incumbent's commission expires February 22, 1905.

James W. Hughes to be postmaster at Huntington, in the county of Cabell and State of West Virginia, in place of James W. Hughes. Incumbent's commission expires March 2, 1905.

WISCONSIN.

George B. Parkhill to be postmaster at Thorp, in the county of Clark and State of Wisconsin, in place of William R. McCutcheon, removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 20, 1905.

POSTMASTERS.

ILLINOIS.

A. H. McTaggart to be postmaster at Pana, in the county of Christian and State of Illinois.

MARYLAND.

George E. Mullin to be postmaster at Brookville, in the county of Franklin and State of Maryland.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 20, 1905.*

The House met at 12 o'clock m.

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

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

ISAAC F. CLAYTON.

The SPEAKER laid before the House the bill (H. R. 15305) granting a pension to Isaac F. Clayton, with Senate amendment; which was read.

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

The motion was agreed to.

TO AMEND THE HOMESTEAD LAWS AS TO CERTAIN UNAPPROPRIATED AND UNRESERVED LANDS.

Mr. MARTIN. Mr. Speaker, I am directed by the Committee on the Public Lands to move the suspension of the rules and pass the following resolution:

The Clerk read as follows:

Resolved, That for the remainder of this session the bill (H. R. 18464) to amend the homestead laws as to certain unappropriated and unreserved lands in South Dakota and the bill (H. R. 18787) to amend the homestead laws as to certain unappropriated and unreserved lands in Colorado shall be in order for consideration in the House as in Committee of the Whole at any time: *Provided*, That this order shall not interfere with appropriation or revenue bills, House bills returned with Senate amendments, and conference reports.

Mr. MADDOX. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Georgia [Mr. MADDOX] demands a second.

Mr. NEEDHAM. As a member of the Committee on Public Lands I filed a minority report on one of those bills.

The SPEAKER. The gentleman from California, being on the committee and having filed a minority report, will be recognized to demand a second.

Mr. MADDOX. I did not know there was a minority report.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from South Dakota asks that a second be considered as ordered. Is there objection?

Mr. MADDOX. Mr. Speaker, I object.

The SPEAKER. The gentleman from California and the gentleman from South Dakota will take their places as tellers.

The House divided; and tellers reported—ayes 111, noes 11.

So a second was ordered.

Mr. MADDOX. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MADDOX. I rise to make the point of order that there is no quorum present and voting.

The SPEAKER. The result has been declared.

Mr. MADDOX. How is that? Well, I had gotten up. How could I make the point of no quorum until I knew how many there were here.

The SPEAKER. The Chair will count. [After counting.] Two hundred and five Members are present—a quorum. The gentleman from South Dakota [Mr. MARTIN] is entitled to twenty minutes and the gentleman from California [Mr. NEEDHAM] to twenty minutes.

Mr. MARTIN. Mr. Speaker, the purpose of this resolution is to make a continuing special order, to be considered at times not to interfere with privileged matters, of two certain bills, one of them extending the homestead privilege as to certain lands in western South Dakota, the other as to certain lands in the eastern part of the State of Colorado. These lands are in what is known as the semiarid belt of the great plains district of the West. The purpose of this resolution is to give a thorough opportunity to discuss the merits of this legislation when it may be considered by the House. I will reserve the balance of my time.

Mr. NEEDHAM. I yield five minutes to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, I think it is due to the House to have an explanation of the scope and purpose of these two bills. For a good many years it has been my opinion, based on observation of land conditions and study of the various laws applicable to our public domain, that there was a very large area of the lands in the West that could not be used successfully under the existing homestead law, but it was valuable for grazing, and there should be some modification of the homestead law in order to settle up that region by a system of pastural homesteads. Last year we tried the experiment in northwestern Nebraska, by passing what is known as the Kinkaid law, under which the portion of that land described by that act was opened to settlement under a 640 acre homestead law. The present President of the United States, in his message to Congress, called attention to the necessity of some legislation by which these purely grazing lands might be utilized for homesteads by settlers.

The homestead law was modified, as I have said, in Nebraska about a year ago. About 5,000,000 acres have already been taken up under it, but no settlers have actually gone onto the land yet, or practically none. They have six months from the time of filing in which to make their occupation. Therefore we have had no sufficient test of the propriety or successful operation of that law as yet. I have therefore thought it unwise to attempt to include any other area under this sort of a law until we have had the benefit of the Nebraska experience. A general law could not be applied to such a question, but any such legislation should only be applied where the local conditions may demand it.

It is now proposed to open up the eastern part of Colorado under the same homestead method. That land has been open for forty years. There is more public land open to settlement in eastern Colorado to-day than there was five years ago, because a great many homesteads have been abandoned and gone back into the public domain. That land is perhaps as well fitted for this sort of a test as any land in the United States. It is probably the same kind of land in the main as the land opened under the Kinkaid law, except that it is not sand hills. It is arid, nonirrigable, and fit only for grazing, and I think it doubtful that any family could earn a living upon 640 acres of such land.

As to South Dakota, the conditions are somewhat different. Last year there were 585,000 acres taken by 3,600 homestead claimants west of the Missouri River under the 160-acre law. In North Dakota there were 9,600 quarter sections taken during the same period, amounting to about a million and a half of acres, under the quarter-section homestead law.

The land in South Dakota has been open to settlement about fourteen years. It was opened, however, under a provision that it had to be paid for, the money to go to the Indians. About four years ago, or a little more, we passed the free-homes law, applicable to this land, so that the land in South Dakota has been opened to free homesteads between four and five years, whilst the land in Nebraska covered by the Kinkaid law has been opened under the quarter-section law for about forty years. Therefore I have felt that it was premature to attempt to apply the Kinkaid law to South Dakota at this time in the face of the fact that nearly 600,000 acres of land were taken under existing law within the single year 1904.

I am not criticising the proposition made by our friends who are pressing these bills that there is a considerable area of this land that will finally have to be taken under some sort of an enlarged homestead law or never settled at all; but I have felt that the movement to press the adoption of the Kinkaid proposition in South Dakota now is premature. If the matter should go over to the next session of Congress we will in the meantime have had the experience of the first year's full operation of the law in Nebraska as a test and as something to follow in modifying the homestead law in South Dakota; but in view of the large number of people who are moving in there day by day and making claims it seems to me that the conditions are not ripe—that the situation is not such as to justify us in saying that that land is only fit for grazing land. It is only land that is fit alone for grazing land that should be included under a 640-acre law. Land is growing scarce, and enlarged homesteads for grazing purposes should only be provided where experience has shown that the lands are not suited to cultivation by irrigation or natural rainfall.

I wish to add to my remarks the minority report on the South Dakota bill.

VIEWS OF THE MINORITY.

The undersigned members of the Committee on the Public Lands do not concur in the report of the majority recommending the enactment of the proposed legislation at this time.

In the last session of the present Congress the Kinkaid Act was passed, applying to the arid portion of northwestern Nebraska. This bill was in the nature of an experiment. The land in Nebraska had been opened to settlers for forty years and had either not been filed upon by homesteaders or, where filings had been made, had been abandoned. This land was clearly of a class that could only be used for grazing purposes. It is entirely possible that there is a very large area of our public domain that will ultimately have to be disposed of by some sort of a pastoral homestead law, as it can not be cultivated by the aid of ordinary rainfall and is not susceptible to irrigation. In all probability a considerable portion of the land embraced in this proposed bill in South Dakota would come within this class.

Last year 3,600 homestead filings were made within that part of South Dakota, covering nearly 600,000 acres of land. Most of these filings, if the present bill had then been a law, would have taken 640 instead of 160 acres. This practical demonstration of the views of so many settlers would indicate that a very large portion of this land is still suitable to ordinary homestead entry. Ultimately some such law may probably be found necessary to apply to a considerable area in western South Dakota. We think the matter ought to be deferred for the present—first, until the working of the Kinkiad Act and its defects, if any, have been more fully shown by actual test; and, second, we think the proposed law should not be applied to so vast an area at a time when more than one-half million acres per annum are being filed upon under existing law. We attach to these views the reports of the Commissioner of the General Land Office and Secretary of the Interior, who have reported adversely to the proposed legislation.

We respectfully submit that there should be further delay before attempting to deal with the subject of pastoral homesteads in South Dakota.

JOHN F. LACEY.
J. C. NEEDHAM.
J. M. MILLER.

DEPARTMENT OF THE INTERIOR,
Washington, January 17, 1905.

SIR: In reply to your communication of the 13th instant, submitting to this Department for information and suggestions in connection therewith H. R. 15587, entitled "A bill to amend the homestead laws as to certain unappropriated and unreserved lands in South Dakota," I hand you herewith copy of my letter of even date to the chairman of the Committee on Public Buildings and Grounds of the Senate, reporting on S. 5800, of which House bill 15587 is an exact copy.

For the reasons set forth in said report, I have the honor to recommend that H. R. 15587 do not pass.

The apparent clerical error in line 3 on page 2 of S. 5800, referred to by the Commissioner of the General Land Office in the inclosed copy of his leter of the 11th instant, will be found in H. R. 15587, in line 5, page 2.

Very respectfully,
E. A. HITCHCOCK,
Secretary.

The CHAIRMAN OF THE COMMITTEE ON THE PUBLIC LANDS,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., January 11, 1905.

SIR: I have for report in duplicate Senate bill 5800, entitled "A bill to amend the homestead laws as to certain unappropriated and unreserved lands in South Dakota."

This bill proposes to authorize homestead entries of 640 acres on all unreserved and unappropriated lands situated west of the Missouri River in the State of South Dakota which are not susceptible of practicable irrigation.

The lands affected by this bill are included in the counties of Butte, Custer, Fall River, Lyman, Meade, Pennington, and Stanley, which embrace a total of 10,103,338 acres, of which 2,383,010 are classed by the returns of the surveyors as grazing lands; 4,294,502 as agricultural and grazing lands; 689,630 as partly hilly agricultural, grazing, and

timbered lands; 1,505,788 acres as part hilly and part prairie, mineral, agricultural, and timbered lands, and 833,621 acres as agricultural, grazing, mineral, and timbered, partly mountainous. These lands are bounded on the east by the Missouri River, and for a considerable distance on the south by the White River, and an examination of the official map of that State shows that there are a number of streams running thorugh the territory which it is proposed to make subject to entry under this bill, notably the Little Missouri, Grand, Moreau, and Cheyenne, with their tributaries. From the final commutation proofs already made for lands in this section, it is evident that much of these lands is used for grazing purposes.

In the judgment of this office this bill should not become a law for the following reasons: "It proposes to allow entry of all lands embraced in a large scope of country which are not irrigable, regardless of the fact that many of them may be susceptible of profitable cultivation without irrigation, while others may be valuable for timber. If this bill becomes a law, its operation should be limited to nonirrigable, arid lands, and in my judgment such entries should not be allowed even on lands of this class until after the lands have been inspected in the field and designated and set apart by your Department as being lands of that character and subjected to such entries.

The act of April 28 last, known as the "Kinkaid Act," which authorized entries of 640 acres in western Nebraska, is the first legislation of this character, and it has not been in force long enough to demonstrate the wisdom of its passage, and the facts which should encourage further legislation of this character are not yet apparent from the operations of that law. It would seem to be wise, therefore, to defer the enactement of other laws of this character until the wisdom of that act has been fully tested.

Another objection to the pending bill arises from the fact that it is local in its application. If legislation of this character is wise it should, in my opinion, be general in its nature and not limited to lands in particular localities, since laws of that kind lead to confusion, both in their administration and in the minds of intending settlers, and make it necessary for each homesteader to acquaint himself with the provisions of the particular act applicable only to particular localities. If it is wise that entries of nonirrigable, arid lands should embrace 640 acres there should be a general law enacted which would apply to all lands of that character regardless of their location.

If this bill is to become a law its first section should be amended by inserting the word "not" after the word "can," in line 3 on page 2, if it is a fact that that word does not appear in the bill as originally introduced. The context would seem to indicate that its omission from the copy of the bill submitted for my consideration was merely a clerical error. In my judgment that section should also be amended by inserting the words "one hundred and twenty days" in lieu of the words "sixty days," which appears in line 3 on page 1 of the bill, for the reason that it is not believed that sixty days would afford your Department sufficient time within which to make the field inspection necessary for the purpose of designating and excluding from the lands mentioned such portions thereof as may be irrigable.

In my judgment section 2 of the bill should be amended by adding, after the word "entry," in line 9 on page 2, the words "of lands within the territory affected by this act." This amendment is suggested because as the section now reads it would authorize additional entries of 440 acres or more by any person who has heretofore made a homestead entry of any public lands, regardless of where such lands were located. There is an apparent reason why an entryman who has acquired title to lands of a like character within the territory mentioned should be allowed to make an additional entry in order to put him on an equal footing with others who now enter 640 acres of such lands, but it is not seen why an entryman who has already had the full benefit of the homestead law and acquired title to 160 acres of good agricultural land outside of this district should be given any more right to enter lands within this district than he would have if he attempted to make entry of lands outside of it.

General provisions have already been made by the acts of March 2, 1889 (25 Stat., 32); December 29, 1894 (28 Stat., 599); June 5, 1900 (31 Stat., 267); May 22, 1902 (32 Stat., 203), and April 24, 1904 (33 Stat., 527), whereby persons who come within the provisions of those acts would be entitled to make second entries, and no reason is seen why such persons could not invoke the right given them by these statutes to make entry of the lands affected by this bill if it should become a law. In my opinion, section 4 of this bill should be amended by adding after the word "rebellion," in line 15 on page 3, the words "or during the war with Spain or the Philippine insurrection." It has hitherto been the legislative policy to extend to the soldiers named in this suggested amendment the same rights and privileges as those enjoyed by the soldiers of the war of the rebellion.

In conclusion I will say that after a careful consideration of the whole matter I do not think that this bill should become a law, and if any legislation of this character is to be enacted at this time it should be general in its provisions and authorize entries of this character to be made only after the lands subject thereto have been designated and classified by your Department.

Very respectfully, W. A. RICHARDS,
Commissioner.

The SECRETARY OF THE INTERIOR.

Mr. STEPHENS of Texas. Will the gentleman allow me to ask him a question?

Mr. LACEY. Yes.

Mr. STEPHENS of Texas. I desire to ask whether or not, in the opinion of the chairman of the Public Lands Committee, if this bill is passed the result will be——

The SPEAKER. The gentleman's five minutes have expired.

Mr. STEPHENS of Texas. I should like to ask the gentleman a question. I ask that the gentleman's time be extended five minutes.

Mr. LACEY. There are only twenty minutes on a side.

Mr. NEEDHAM. I yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, as has already been stated, this bill seeks to give settlers in the tract covered by the scope of the bill 640 acres each for a homestead, instead of 160 acres, as now provided by law, on the theory that a man can not live on this land and earn a living on 160 acres, but that he requires 640 acres in order to sustain life and make a living.

The facts as reported here by the minority show that last year there were 3,600 homestead entries made on this very land in this region. Three thousand six hundred men believed that they could each make a living on 160 acres, and that they did not require 640 acres apiece on which to sustain life after making a homestead entry.

Mr. BROOKS. Will the gentleman yield for a question?

Mr. UNDERWOOD. I can not, as I have but five minutes. I am sure the gentleman can get time later.

Mr. BROOKS. The gentleman is speaking about two tracts when he means one.

Mr. UNDERWOOD. I mean the land embraced in this bill.

Mr. BROOKS. There are two bills before the House under this resolution.

Mr. UNDERWOOD. I understand that.

Now, Mr. Speaker, the Agricultural Department has made great inroads into this arid country. Land that a few years ago was considered absolutely arid, hardly fit for grazing purposes, has been made fertile and rich land by the application of irrigation.

It is true that under the terms of this bill the Secretary of the Interior is allowed four months to set aside such lands as he believes can be used for irrigation purposes. And in the first place, four months is not enough time. But in addition to that, leaving out the lands that can be reclaimed, all irrigation dams and irrigation ditches, the Department of the Interior and the Department of Agriculture are making great effort in the aridland country, reconverting it into fit land for agricultural purposes by demonstrating where wells can be sunk and pumping the water to the surface, irrigating these arid lands and making them suitable for farming purposes.

Again, it has not been fully decided yet as to how far these lands can be developed, utilized, and made beneficial to settlers by planting forests, establishing it for forest purposes and agricultural purposes, so that this legislation ought not to be passed until these experiments are made and we have been able to determine how far, by the establishment of wells, by the planting of forests, and by the improved methods in agriculture, these arid lands can be developed into homestead lands and set apart for homestead settlement.

Let me read what a commission that was appointed by the President to report on this public-land question has reported on this question. They say:

The agricultural possibilities of the remaining public lands are as yet almost unknown. Lands which a generation or even a decade ago were supposed to be valueless are now producing large crops, either with or without irrigation. This has been brought about in part by the introduction of new grains and other plants and new methods of farming and in part by denser population and improved systems of transportation. It is obvious that the first essential for putting the remaining public lands to their best use is to ascertain what that best use is by a preliminary study and classification of them, and to determine their probable future development by agriculture.

Until it can be definitely ascertained that any given area of the public lands is and in all probability forever will remain unsuited to agricultural development, the title to that land should remain in the General Government, in trust for the future settler.

For example: The passage of the reclamation act (June 17, 1902) made certain the disposition to actual settlers of large areas of land which up to that time had been considered as valueless. Other areas, which are too high and barren to have notable value even for grazing, are now know to have importance in the future development of the country through their capacity to produce forest growth. The making of wells will give an added value to vast tracts of range lands for which the water supply is now scanty. In short, because of possible development, through irrigation, through the introduction of new plants and new methods of farming, through forest preservation, and grazing control, the remaining public lands have an importance hitherto but dimly foreseen.

In view of these facts it is of the first importance to save the remaining public domain for actual home builders to the utmost limit of future possibilities and not to mortgage the future by any disposition of the public lands under which home making will not keep step with disposal. To that end your Commission recommends (see p. 12) a method of range control under which present resources may be used to the full without endangering future settlement.

After the agricultural possibilities of the public lands have been ascertained with reasonable certainty, provision should be made for dividing them into areas sufficiently large to support a family, and no larger, and to permit settlement on such areas. It is obvious that any attempt to accomplish this end without a careful classification of the public lands must necessarily fail. Attempts of this kind are being made from time to time, and legislation of this character is now pending, modeled on the Nebraska 640-acre homestead law, which was passed as an experiment to meet a certain restricted local condition. This act (33 Stat., 547) permits the entry of 640-acre homesteads in the sand-hill region of that State. Whether in practice the operation of this law will result in putting any considerable number of settlers on the land is not yet determined.

Your Commission is of opinion, after careful consideration, that general provisions of this kind should not be extended until after thorough study of the public lands has been made in each particular case, because to do so controverts the fundamental principle of saving the public lands for the home maker. Each locality should be dealt with on its own merits. Even if it should ultimately appear that this law has worked beneficially in Nebraska it would by no means follow that such a law might be safely applied to other regions different in topography, soil, and climate. No arbitrary rule should be followed, but in each case the area of the homestead should be determined by the acreage

which may be necessary to support a family upon the land, either by agriculture, or by grazing if agriculture is impracticable. Until such acreage is determined for each locality, any new general law providing a method of obtaining title to the public lands would, in the opinion of your Commission, be decidedly unsafe.

Mr. NEEDHAM. I trust that the gentleman from South Dakota will now use some of his time.

Mr. MARTIN. Mr. Speaker, I yield five minutes to my colleague on the Committee on Public Lands the gentleman from Minnesota [Mr. LIND].

Mr. LIND. Mr. Speaker, it is rather difficult to undertake to discuss this question in five minutes. I will say, however, that in my judgment legislation of this character is demanded by the situation if we desire to break up the monopoly which the cattle syndicates now enjoy of the grazing lands in western South Dakota. There is about 7,000,000 acres, in round figures, of land subject to the operation of this bill. It is located west of the Missouri River, between that stream and the Black Hills. It is properly denominated "semiarid" land. In exceptional seasons crops can be raised in certain localities. In ordinary seasons crops can not be raised by cultivation. The streams run east and west. There are no streams that run during the entire summer season. Most of them become merely dry runs toward fall. Along these streams there are narrow strips of meadow. These meadows have been taken up by ranchmen; by occasional homestead settlers. Those that remained were taken by entry under the homestead law last year. That accounts in a measure for the large number of homestead entries.

Another reason why these homestead entries, in my judgment, were made is that under the law commutation of homesteads can be made on this tract at 50 cents an acre, which is not true elsewhere in the United States. So that under existing law a man can acquire title by residing eight months on the land and paying 50 cents an acre. By reason of the ease by which titles can thus be acquired many of the cattle syndicates employ their cowboys to take homesteads. I wish to say here that if the House does not see fit to pass this bill it is absolutely imperative that the commutation clause of the homestead law as applicable to this tract should be repealed, for if it is not all the land that is worth having will pass into the hands of the cattle syndicates.

Now, I know from personal observation and experience that it is a physical impossibility for a man to make a living on 160 acres of this land. It is the universal judgment among the farmers and ranchmen out there that it takes 10 acres to pasture one head of stock. Crops can not be raised. One hundred and sixty acres would not pasture to exceed sixteen head of cattle. Can you imagine it possible for a man to settle down on a tract of land with his family where all the income would be that derived from the pasturage of sixteen to twenty head of stock? He could not make a living. Consequently, and although this land has been open for settlement for nearly twenty years, there have been no permanent settlements; it is still a wild waste, occupied solely by the flocks and the herds of the cattle syndicates.

There are two classes interested in perpetuating the present condition—the cattle syndicates on the one side, and the beef trust on the other. If you want to break up that condition and subject this land to settlement, cultivation, and production, you must give the citizen a sufficient area of land to make a living under ordinary conditions.

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. LIND. I ask my colleague to yield me one minute more.

Mr. MARTIN. I yield the gentleman one minute more.

Mr. LIND. If a man be permitted to take 640 acres, I believe it possible for him to make a living under the provisions of this bill, and the bill is so carefully guarded that it can not possibly be made the means of obtaining title for speculative purposes. It requires absolute residence for five years, improvement to the amount of 30 cents per acre in each year during that period; no man can afford to take it for speculative purposes. The committee and the House made a mistake in passing the so-called "Kinkaid bill," in not requiring the improvement to be made in each year, because I conceive that unless it be carefully and diligently administered by the Interior Department, a homestead may be held for a time under that bill for speculative purposes that could not be possible under this bill. Now, in anything I have said I do not wish to be understood as being at all dogmatic. I may be in error, but I have simply endeavored faithfully to give the membership of the House my personal observations and my best judgment. [Applause.]

Mr. NEEDHAM. Mr. Speaker, I yield two minutes to the gentleman from Kansas [Mr. REEDER].

Mr. REEDER. Mr. Speaker, there are many reasons why this bill should not become a law, or any bill like it. One good reason is that important as this measure is it should not pass unless we have time to consider it; and while this is probably the shortest road that could be conceived toward the passage of this bill, yet it will not permit time for discussion. It was suggested by the gentleman from Minnesota [Mr. LIND] that this land could not be occupied in 160-acre tracts for homesteads. I want to say that a man at this time scarcely dare say what these lands will produce under the improved methods of culture and under the improved crops that may be brought about in the way of new grains and grasses. General Cass sent surveyors to survey some of the northern territory occupied by the constituents of my friends from Minnesota, or possibly a portion of Michigan, in the early days, that made report that it was not worth while to survey the lands, because man could not live there. Now it is conceded to be a great State. Further, if this bill becomes a law, the effect claimed for it by many of placing large sections of the public domain in the hands of speculators will be brought about, then we can not remedy the mistake. Is it right to take chances of making a mistake of this kind in the hurry of the closing hours of the session?

Mr. MARTIN. Mr. Speaker, will the gentleman yield?

Mr. REEDER. No, sir; I haven't time; on the other hand, if the measure is now defeated, and the action is proven to have been a mistake, we can easily remedy the matter. I think this is a matter worthy of consideration. There is little question that if this bill becomes a law, whatever land Uncle Sam parts with will get into the hands of the land grabbers.

It would seem a very unwise proceeding for this House to pass a bill without proper consideration, when the President of the United States, the chairman and the three ranking members on the Public Lands Committee, who considered it, agree that it should not become a law; when the Secretary of the Interior and the Commissioner of the General Land Office strongly advise against this class of legislation; when a special commission of three men, the heads of great bureaus, having been chosen by the President on account of their peculiar fitness, after spending a year and a half in examining the subject, have reported on such legislation in strong adverse terms.

The SPEAKER. The time of the gentleman has expired.

Mr. MARTIN. Mr. Speaker, I yield two minutes to my colleague from South Dakota [Mr. BURKE].

Mr. BURKE. Mr. Speaker, I wish to state that I live in South Dakota, in that section of the State which will be affected by one of these bills if it is enacted into law. I know something about the conditions in that locality, as I have lived there for nearly twenty-three years. I know that a settler can not maintain a living unless he has more than 160 acres of land, it being a grazing country adapted to stock raising; and with an opportunity to acquire 640 acres, as provided by this bill, I believe the country affected would rapidly settle and be developed by actual settlers only, who would engage in dairying and cattle raising on a small scale.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

Mr. BURKE. No; I will not. I have not the time. This bill provides that a settler may take 640 acres, that he must reside on the land for five years continuously, that he must improve it to the extent of 30 cents an acre each year, or $1.50 an acre before he can make final proof, while under existing law a man may take 160 acres and he may make a residence or alleged residence of eight months and acquire title by paying 50 cents an acre.

Notwithstanding this tract has been opened to settlement for more than fifteen years, less than 500,000 acres have been proved up, and it is a very easy matter, Mr. Speaker, for cattlemen to get to file claims as homesteaders and then include the land within a fence in order that they may have the use of it, and it is no violation of the law. After land has been entered as a homestead it may be fenced without violating any law. The homesteader, after having residence, can lease the same to a cattleman, and this law provides that there must be actual, bona fide settlement and residence for five years without the right of commutation; and I say, in the interests of the settlement and development of our State as against the cattle barons, this bill is a good measure, and I hope we will at least have an opportunity for its consideration by the House, which we will have if the rules are suspended and the resolution proposing to make it a special order is adopted.

Mr. NEEDHAM. Mr. Speaker, I yield two minutes to the gentleman from Kansas [Mr. MURDOCK].

Mr. MURDOCK. Mr. Speaker, nearly a hundred years ago in this country the great Kentuckian, Henry Clay, on his way home to Kentucky, paused at the summit of the Allegheny Mountains, stepped from his coach, and stood with his face toward the West in a listening attitude. Some one asked him for what he was listening. Wrapping his great Kentucky cloak about him,

he answered: "I am listening to the footsteps of the coming millions." Since that time in that great valley of the West we have developed four and a half million farms. We have developed them under the 160-acre unit. This movement here is an attempt to break that unit. In the country south of this identical part of South Dakota, in Beaver County, Okla., in the last three years 17,000 people have entered in, on the homestead unit of 160 acres.

You are robbing the future by this measure. There are many, many millions of landless people in this country and all over the world. There are 1,000,000 farms in Germany of less than 3 acres each. I say that this body should stop here and not break into the unit of 160 acres. My district, which lies south of this, the western half of it, produced last year 50,000,000 bushels of wheat and it can do it again. [Applause.]

Mr. MARTIN. Mr. Speaker, I yield two minutes to the gentleman from Colorado [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, I wish the House to bear in mind that there are two bills covered by this resolution, and that the defeat of the resolution would defeat the consideration of the Colorado bill, as well as the one which applies to South Dakota.

Mr. REEDER. Will the gentleman yield for a question?

Mr. BROOKS. No; I will not. In Colorado we also have been waiting for the tread of these millions of which the gentleman from Kansas has spoken. We have waited forty-five years and they have not come as fast as we could wish in certain parts of the State. Therefore we ask this legislation that they may come, and we feel sure that if we can get it they will come. In the area covered by the bill which this resolution covers, and which I hear called the "Colorado bill," there are to-day more than 500,000 acres more of unappropriated lands than there were five and a half years ago, and abandonments and cancellations have exceeded homestead and settlers' entries by more than 600,000 acres. During that same time over a million acres have been opened up from Indian reservations. The net result is therefore in the period of five and a half years there has been more than 1,500,000 acres of land in that eastern part of that State gone back to the Government through cancellations and abandonments. The area covered by the Colorado bill is not the same as that described by the gentleman from Kansas. Kansas, in the eastern portion of the State, of course, produces wheat. No one denies it. The eastern portion of Colorado produces very little in crops unless irrigated. When irrigated it is a most fertile country. The irrigable portion has already been appropriated, and the result is that the development of this State in its eastern half must stop and stop permanently unless the homestead unit is increased. If it is increased, we believe—and we have the best of reason for believing—that the area included in the bill will be settled very rapidly by a home-building class of settlers.

In the sixteen counties covered by this section the farm unit to-day, outside of the irrigated and highly cultivated belt, is 701 acres. The farmers themselves have determined how much land is necessary for their sustenance, and they have determined the question in favor of the provisions of this measure. The average rainfall in that country is between 10 and 15 inches. The actual average is about 13½ inches. That is very much less than it is in the districts described farther east. Such land can not be farmed as eastern land is farmed. It is fertile, and under proper conditions will support a large population, but it can not be developed with a quarter-section homestead. Further, I wish gentlemen to understand that as to this bill—the Colorado bill—there is no minority report from the Committee on Public Lands. Therefore the suggestion of the gentleman from Kansas does not apply to the Colorado measure, and the remarks of the chairman of that committee sufficiently show that this measure is not obnoxious in the view of the committee. As far as the Department of Agriculture is concerned, I have heard one of the experts of that Department, who is thoroughly familiar with the conditions, state that this measure is vital to the development of eastern Colorado; that it will open up this country, and nothing else will effectually do so. [Applause.]

Mr. NEEDHAM. Mr. Speaker, I yield three minutes to the gentleman from Kansas [Mr. MILLER].

Mr. MILLER. Mr. Speaker, I was somewhat surprised at the statement of the gentleman from Colorado when he said their people were listening to the tread of these coming millions. I had been under the impression that they had been providing for the deportation of the people they already had out there. [Applause.] The best argument against this bill that presents itself to my mind is the fact that we have not time now for a discussion of it. If we did there are not a dozen Members upon the floor of this House who would vote for it. When we passed the Kinkaid law it was with the distinct understanding on the part of the Committee on Public Lands that that law was to be used for experimental purposes, and if it worked well in Nebraska then it might be applied to other localities; but these gentlemen, seemingly with an utter disregard of the rights of those who voted for that legislation with that understanding, come here now and insist that we shall apply this not only to Dakota but also to Colorado, and in a year from now they will be here asking for its application to all the western territory. I want to say, so far as the people of my State are concerned, they do not believe in this legislation. We believe that this legislation will allow the gobbling up of that territory by the stockmen. If I believed with the gentleman from Minnesota or with the gentleman from South Dakota that the home seekers would get this land I would vote for it. I know the disposition of the people out there and how this will work out, enabling the ranchmen to secure large tracts, and I know these stockmen will have their herders and others under their control or in their employ enter upon this land and occupy it for a period of five years and then get titles to large tracts of land that will be exceedingly valuable in the years to come.

I remember in the early days when the western portion of my own State was a part of the great American desert, a territory that it was said at that time would never produce a bushel of wheat or a bushel of corn, and to-day 30 bushels of wheat are raised to the acre and 50 to 60 bushels of corn. The time will yet come when in South Dakota and in eastern Colorado that territory, under improved methods of farming, with the new kinds of seed that are adapted to that dry soil, will yield to the touch of the farmer and will be producing large crops. Then will be time enough to give that territory to the home seekers of this country who will be seeking homes in the West.

I say to the Members of this House that this is unwise legislation. The Secretary of the Interior has said it in his report. The Commissioner of the General Land Office has said it in his report; and the commission appointed by the President of the United States, consisting of Mr. Richards, Mr. Pinchot, and Mr. Newell, have stated it in their report. This is not the time to experiment with lands in South Dakota or eastern Colorado. When the Kincaid law shall have worked well in Nebraska it will be sufficient time to give this territory over to legislation of this character. [Applause.]

Mr. MARTIN. Mr. Speaker, I ask the gentleman from California [Mr. NEEDHAM] to conclude, as the only remaining remarks upon the affirmative of the proposition will be made by me in conclusion.

Mr. REEDER. Mr. Speaker, I would like to make one statement.

The SPEAKER. Does the gentleman from California [Mr. NEEDHAM] yield to the gentleman from Kansas [Mr. REEDER]?

Mr. NEEDHAM. I can not yield.

Mr. Speaker, this bill is in direct contradiction to all the official recommendations which have come from the various Departments. The Secretary of the Interior has reported against these measures. The special commission appointed by the President to investigate the land laws particularly objects to these measures, and so states in the report which it filed in Congress a few days ago. Mr. Speaker, we passed during the last session of Congress what is known as the "Kinkaid law," which was designed by the Committee on the Public Lands to be an experiment, and we have not yet received from the workings of that law sufficient information to enable Congress to go any further at this time.

In the western portion of the State of South Dakota, to which one of these bills is applicable, during the last year over 3,000 homesteaders have taken up homes under the 160-acre homestead unit. We have settled the West rapidly under the 160-acre unit. That law is one of the sacred laws of the country, and I do not believe that we ought in the closing days of this session to carelessly consider this great subject. If we frame these laws to go into effect and give 640 acres instead of 160 acres to each homesteader, we merely multiply by four the holdings in the State of South Dakota, and I believe that if this bill should become a law it would not be twenty years before the Representatives of South Dakota themselves would regret the legislation.

And I believe that the whole West has an interest in this case, and that we are not ready to legislate upon this question. It can be postponed without any harm to any interest in this country and can be taken up in the future. But if passed now we can never recover from the injury which it will do. [Applause.]

Mr. MARTIN. Mr. Speaker, the House, even in this brief discussion, has, I think, heard from those objecting to this rule or resolution about all that can be said against this legislation. The rule, if passed, however, will give the utmost opportunity to all Members on both sides of this House to have a full dis-

cussion of the measure. The rule that we are asking simply makes this matter a special order to be taken up at times when privileged matters are not under consideration. Then, as the Members of the House know, full discussion can be had.

I think that one or two points, however, that have been made ought to be touched upon, even in this hurried manner. It can not be truthfully said that this legislation is in the interest of or would operate for the benefit of anyone except the honest and permanent homesteader. It is an effort to make it possible for the settler of small means to implant himself in the semiarid range country of the West, commonly known as "the Great Plains," upon sufficient of the public lands that he may have a fair opportunity to gain a support for himself and his family.

Practically all the opposition——

Mr. MADDOX. Will the gentleman allow me to ask him a question?

Mr. MARTIN. One question.

Mr. MADDOX. My question is this: Do you mean to postpone the consideration of this question to some other time?

Mr. MARTIN. I mean to postpone the consideration of these bills until some other time, certainly.

Mr. MADDOX. What time?

Mr. MARTIN. Such time as they can be taken up under the special order, not to interfere with the appropriation bills and other privileged matters.

Mr. MADDOX. Well, then I am with you.

Mr. MARTIN. I think all of the Members of the House upon both sides, when they understand these bills, will be like the gentleman from Georgia—with us on this proposition.

Mr. MADDOX. What is it you say?

Mr. MARTIN. Nothing improper. I do not know what the gentleman understood me to say, but I said, in substance, that I think almost all of the Members on both sides of the House, when they understand the real question now up for consideration, will be as I understood the gentleman to declare himself to be—with us on this proposition.

Mr. MADDOX. Oh, that is it. I misunderstood the gentleman.

Mr. MARTIN. Now, I can not yield further.

Now, the gentleman from Kansas offers a suggestion that in a brief time all this range country will be wheat-producing country. The difficulty with that proposition, Mr. Speaker, is that between the one hundredth and one hundred and fifth meridian of longitude, while for many, many years that country has been open to homestead settlers, it has not been settled. The annual rainfall over that area is only from 10 to 17 inches, being less than 15 inches. And this statement of the gentleman from Kansas as to the growing of wheat, I undertake to say, has reference to the land east of the one hundredth meridian.

Mr. REEDER. Will the gentleman permit a question?

Mr. MARTIN. I can not yield, I am sorry to say.

Mr. REEDER. I am sorry, too.

Mr. MARTIN. These matters have been heard before the Committee on Public Lands. We have had hearings extending over a period of something like three weeks. Those hearings are published, and notwithstanding all that could be said against this legislation in those hearings the committee, with the exception of three members, have joined in an otherwise unanimous report on this legislation.

It must not be understood that the Interior Department and the President, as the gentleman from Kansas would have us assume, are against this legislation. The Interior Department have recognized the principle that larger homestead areas must be given in the country west of the one-hundredth parallel. There are still public lands in the United States amounting to 600,000,000 acres. The question is whether the enlarged homestead privilege ought to be extended gradually, as this bill proposes to do, or whether general legislation should be had covering the entire 600,000,000 acres at one time. Practically all of it is in the semiarid or arid west, and 10 per cent of it, or 60,000,000 acres, is all that is claimed by the Interior Department could ever be reclaimed by irrigation, and the remainder, 540,000,000 acres, must be utilized for the building up of homes under some proper legislation.

The Department simply suggests that if we are to legislate, we ought to legislate covering the whole of it. The difficulty with that proposition is this: This bill covers 10,000,000 acres and gives four months to the Interior Department to eliminate from the operation of the bill the land that can be subject to irrigation, either by public or private enterprise. That is the exact period asked for by the Department, if this bill should become a law. Now, if we were to legislate for 600,000,000 acres of land to be opended to settlement and should require the same thoroughness in the process of elimination of irrigable lands that we provide for in this bill covering 10,000,000 acres it would take exactly twenty years before the measure could be inaugurated in the thorough manner that we have provided here in regard to this particular portion of South Dakota.

This bill, I am sure, when its scope is explained, will be acceptable. It is supported by the members from South Dakota in the Senate and the House, who have an average residence of something like twenty-five years each in the State. I think it will be found to be the only possible provision by which this range country can be opened to permanent settlement by the honest homesteader.

We have two trunk lines of railroad which for twenty-five years have rested their termini on the Missouri River, but have gone no farther. South Dakota is the only State in the Union that has no railway connection between the eastern and western portions of the State. Until some legislation can be had which will give the home builder an opportunity to plant himself permanently throughout that area we can hardly hope for a change in these anomalous conditions. Our State legislature, now in session, has passed resolutions urging upon Congress the passage of this legislation at this time. It rises to the dignity of nothing less than a question of grave public policy in the administration of our affairs. [Loud applause.]

Mr. MADDOX. I withdraw the proposition that I made a while ago to the gentleman, so we can vote now and kill this bill right here.

The SPEAKER. The question is on suspending the rules and agreeing to the resolution.

The question being taken, the Speaker announced that the noes appeared to have it.

Mr. MARTIN. Division, Mr. Speaker.

The House divided; and there were—ayes 170, noes 57.

Accordingly, two-thirds voting in favor thereof, the rules were suspended and the resolution agreed to.

HARRIET E. PENROSE.

By unanimous consent, at the request of Mr. SULLOWAY, the Committee on Invalid Pensions were discharged from the further consideration of the bill (S. 202) granting a pension to Harriet E. Penrose, and the same was referred to the Committee on Pensions.

ALICE S. SHEPARD.

By unanimous consent, at the request of Mr. SULLOWAY, the Committee on Invalid Pensions were discharged from the further consideration of the bill (S. 6477) granting an increase of pension to Alice S. Shepard, and the same was referred to the Committee on Pensions.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 18467) making appropriations for the naval service for the fiscal year ending June 30, 1906, and for other purposes, with Mr. DALZELL in the chair.

The CHAIRMAN. The Clerk will report the pending paragraph.

The pending paragraph is as follows:

BUREAU OF CONSTRUCTION AND REPAIR.

Construction and repair of vessels: For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; steam steerers, pneumatic steerers, steam capstans, steam windlasses, and all other auxiliaries; labor in navy-yards and on foreign stations; purchase of machinery and tools for use in shops; carrying on work of experimental model tank; designing naval vessels; construction and repair of yard craft, lighters, and barges; wear, tear, and repair of vessels afloat; general care, increase, and protection of the Navy in the line of construction and repair; incidental expenses for vessels and navy-yards, inspectors' offices, and bureaus, such as advertising, foreign postage, telegrams, telephone service, photographing, books, professional magazines, plans, stationery, and instruments for drafting room, $7,800,000: *Provided*, That no part of this sum shall be applied to the repair of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 10 per cent of the estimated cost, appraised in like manner, of a new ship of the same size and like material.

Mr. FITZGERALD. Mr. Chairman, I had made a point of order against lines 17 and 18, of page 47, containing the words "construction and repair of yard craft, lighters, and barges."

The CHAIRMAN. Does the gentleman from Illinois [Mr. Foss] desire to be heard?

Mr. FOSS. Mr. Chairman, I desire the gentleman from New York to state what his point of order is against this provision.

Mr. FITZGERALD. Mr. Chairman, this is a clause that has never appeared in this bill before in this form. Heretofore it

has always authorized this Bureau to do this work at home stations of the United States.

The CHAIRMAN. The Chair can not hear the gentleman. Will the gentleman give the page and line.

Mr. FITZGERALD. Lines 17 and 18, page 47, beginning with the word "construction." This language is different from the language which has heretofore appeared in this bill. This changes it so that the power of the Bureau is enlarged.

Mr. FOSS. Mr. Chairman, as I understand it, the gentleman makes the point of order upon the absence of the words:

For use at home stations.

In the bill of last year, the provision was:

Construction and repair of yard craft, lighters, and barges, for use at home stations.

In our bill of last year we, for the first time, provided for the establishment of foreign navy-yards, at Guantanamo, and also at Subig Bay, in Olongapo. Now, the committee left out the words "for use at home stations,' in view of the fact that we had established these two yards outside of our continental limits. It seems to me this is not subject to the point of order, because Congress has already established these yards, and this is for the purpose of maintaining the Navy. It seems to me it is perfectly proper.

Mr. FITZGERALD. Is this merely to enable them to do this work at the yards recently established?

Mr. FOSS. Oh, yes; that is all.

Mr. FITZGERALD. Then I will withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

Machinery plant, navy-yard, Brooklyn, N. Y.: New and additional tools for copper, boiler, machine, and pattern shops and foundry, and for an additional portable tool house, and for a 30-foot locomotive crane, $40,000.

Mr. SHERMAN. Mr. Chairman, I desire to reserve a point of order against that section just read until I can ascertain from the chairman whether or not this is a new plant. No appropriation was in last year's bill for this plant. Seemingly it is for an absolutely new plant. If that be the fact, what is the necessity for a new plant?

Mr. FOSS. The chief of the Bureau, Admiral Rae, says that this is to give a new outfit of tools to the machinery plant at the Brooklyn Navy-Yard. He says that they are badly in need of them, and that it is extremely necessary that there should be an appropriation this year for that purpose.

Mr. SHERMAN. There is now a machinery plant there, and this is to entirely reequip it?

Mr. FOSS. Oh, no; not to entirely reequip it, but to give such a set of new tools as they may need.

Mr. SHERMAN. It says new pattern shops and foundry.

Mr. FOSS. Oh, no; a full equipment of these shops would probably cost two or three hundred thousand dollars, and perhaps a half a million.

Mr. SHERMAN. The gentleman bases the necessity of this appropriation upon the recommendation of Admiral Rae?

Mr. FOSS. Yes; Chief of the Bureau of Steam Engineering.

Mr. SHERMAN. And the gentleman from Illinois has implicit confidence in Admiral Rae?

Mr. FOSS. We do; we have had no reason to think otherwise.

Mr. SHERMAN. And any recommendation that comes from Admiral Rae in reference to his Bureau the gentleman from Illinois feels should be followed?

Mr. FOSS. I should say it was entitled to great weight. We do not always follow the recommendation of the chiefs of the bureaus, because we sometimes cut them down.

Mr. SHERMAN. But if it was some minor matter of detail in reference to his Bureau, the gentleman would consider that Admiral Rae was the best judge of the necessity?

Mr. FOSS. Yes.

Mr. SHERMAN. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

Pay of professors and others, Naval Academy: One professor as head of the department of physics, $3,000.

Mr. LIND. Mr. Chairman, I desire to offer an amendment, in line 3, on page 54. It is to strike out the word "three" and insert the word "four."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 54, line 3, strike out the word "three" and insert the word "four."

Mr. FOSS. Mr. Chairman, I reserve a point of order against that.

Mr. LIND. Mr. Chairman, I desire to state that when we reach the next paragraph I shall offer an amendment increasing the compensation of the professor of mathematics and also of the professor of chemistry to $3,500 each.

Mr. Chairman, I would like to ask the chairman of the committee a question. How many officers are assigned to duty as instructors in the Naval Academy? I do not ask for an accurate statement, but just general information.

Mr. FOSS. I should say that the most of the professors and instructors at the Naval Academy are officers.

Mr. LIND. Of what rank, generally speaking?

Mr. FOSS. Different ranks—lieutenants and commanders.

Mr. LIND. Any captains?

Mr. FOSS. I do not recollect that there are any.

Mr. LIND. Commanders receive, in round numbers, thirty-five hundred or four thousand dollars, do they not?

Mr. FOSS. Yes; in round numbers.

Mr. LIND. In addition to that they receive quarters and commutations?

Mr. FOSS. Where they do not have quarters furnished them they have commutation, but at the Naval Academy they have quarters.

Mr. LIND. Do these professors have quarters?

Mr. FOSS. Yes.

Mr. LIND. The bill does not so state. Now, Mr. Chairman, the general question that I want to discuss and call to the attention of the committee is the meagerness, the inadequacy of the salaries that Congress provides for our educators. I think it is a disgrace to the Government of the United States to expect that the head professor of so important a chair as that of physics in our Naval Acadamy should be awarded a salary of only $3,000 a year, and that the professors of mathematics and chemistry should receive only $2,500 a year.

I want to say, Mr. Chairman, that, in my judgment, the chair of physics at Annapolis, and likewise the chair of chemistry and mathematics, rank in importance with the highest civil positions in the country. Upon them devolves the duty of training and developing the young men that we send to the Academy into efficient officers and constructors into whose hands the country can safely intrust not only the expenditure of the millions of money that we vote for the construction of our Navy, but the conduct of naval vessels with their precious cargoes in the hour of need and danger.

We ought at Annapolis to have the best physicists, the best chemists, and the best mathematicians that honor and salary can command. We ought to be willing to pay as much as is paid for equal efficiency in private employ. I do not wish to imply by what I say that the professors now occupying these chairs are not competent; I assume that they are, and if they are they should receive compensation commensurate with the importance of their work.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LIND. Mr. Chairman, I ask unanimous consent to have five minutes more.

The CHAIRMAN. Without objection, the gentleman's time will be extended five minutes.

There was no objection.

Mr. LIND. Mr. Chairman, we ought to make these salaries sufficiently high so that men worthy of filling the positions can live at least decently. The salaries you provide are not sufficient to insure a competency under our present cost and standard of living. This criticism may be urged against many of our State institutions of learning as well as against the Naval Academy.

In our State university we pay full professors the meager sum of only $2,400 per annum. I say, and I say it deliberately, that if we persist in this course of discriminating against learning and scientific training we will not long retain the rank in the sciences and in the industrial arts that we enjoy to-day. I want to call the attention of this committee to the policy of Germany. That country in the domain of physics, chemistry, and I might say mathematics, although her precedence is not so distinguished in that as in the other two sciences, leads the world. The great discoveries, and especially chemical discoveries, in recent years have come from Germany. Let us see how they pay their men of science and learning. I sent over to the Library for a statement from the last Prussian statistical report on the salaries in institutions of learning. Unfortunately I have not had time to translate it, but I will print it.

[Paulsen. Die deutschen Universitäten. Berlin, 1902.]

Das Gehalt ist * * * vom Jahre 1897 normirt für den ordentlichen Professor auf 4,000 Mark Grundgehalt, steigend in 5 Stufen von 4 Jahren um je 400 Mark. Dazu kommt der Wohnungszuschuss von 540–900 Mark.

Im Studienjahr 1894–95 hatten von den ordentlichen Professoren der preussischen Universitäten 191 ein Honorareinkommen bis 1,000 Mark,

87 bis 2,000, 74 bis 4,000, 59 bis 6,000, 27 bis 8,000, 14 bis 10,000, 15 bis 15,000, 7 bis 20,000, 4 über 20,000.

Im Jahre 1896, vor der neuen Gehaltsregulierung, hatten in Preussen von 492 ordentlichen Professoren 96 ein Gehalt bis 4,000, 217 bis 5,800, 101 bis 6,700, der Rest von 78 darüber. Man sieht, ohne Hinzurechnung des Honorars, wäre das Amtseinkommen der Professoren verglichen mit dem, was im ärztlichen Beruf oder in der Beamtenlaufbahn, oder gar in den Stellungen, die industrielle oder kaufmännische Unternehmungen ihren juristisch oder technisch gebildeten Angestellten bieten, zu erreichen ist, geradezu dürftig gewesen, und auch mit Einrechnung des Honorars darf das Durchschnittseinkommen als mässig bezeichnet werden.

This extract shows that there were employed in the Prussian universities in 1897, 96 professors receiving 4,000 marks each; 217 receiving 5,800 marks each; 101 receiving 6,700 marks each; the rest, 78, larger sums. These are fixed salaries, but in addition to these regular salaries they receive "honorary incomes" contributed by fees and from other sources. These amount to 2,000 marks per annum for 57 professors; for 74, to 4,000 marks per annum; for 59, to 6,000 marks per annum; for 27, to 8,000 per annum; for 14, to 10,000 marks per annum; for 15, to 15,000 marks per annum; for 7, to 20,000 and for 4, over 20,000 marks per annum. These "honorary allowances" are in addition to the regular salaries, so that the minimum salary for a professor in a Prussian university or college is $1,000 and the highest, approximately, $10,000 per annum. Is it surprising that the highest technical efficiency comes from that country? It is worth a man's while to remain a teacher in Germany.

The salaries of educators in the United States are much below the salaries paid for similar attainments in private employment. The entire amount paid for salaries of teachers in our public schools and institutions of learning in the United States is $157,000,000 per annum, while for the Army and Navy we appropriate over two hundred millions. I say that a nation which pays 25 per cent more for army and navy is in a bad way. [Applause.] I doubt whether the House will adopt this amendment. It certainly ought to be adopted.

The CHAIRMAN. The time of the gentleman has expired. Does the gentleman from Illinois insist on his point of order?

Mr. DAYTON. Mr. Chairman, the gentleman from Illinois [Mr. Foss] is out of his seat at present. Necessarily, as his representative, I must insist on the point of order. It is a change of a salary, an increase of a salary.

The CHAIRMAN. Is this salary fixed by the general law?

Mr. DAYTON. The salary has been fixed for a number of years by general law.

Mr. LIND. Mr. Chairman, I spoke to the merits under unanimous consent. I desire to be heard on the point of order, if it is insisted upon, but with the gentleman's permission I would like two minutes more on the merits.

Mr. DAYTON. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended for two minutes.

The CHAIRMAN. The gentleman from West Virginia asks unanimous consent to extend the time of the gentleman from Minnesota for two minutes. Is there objection?

There was no objection.

Mr. LIND. Mr. Chairman, I wish to say that I think my record in this House is rather that of conservatism in the matter of appropriations. I believe in economy—in true economy. I will not make record here much longer, but before I retire from public life I want to record my protest against this unwarranted, unwise, unpatriotic, and demoralizing discrimination against scientific attainments and learning. It is reported in the daily press this morning that the Senate has reported an amendment to our post-office appropriation bill by which it is proposed to pay salaries of $2,500 and $2,800 to post-office inspectors. We pay $2,500 for a superintendent of street sweepers. Last year we provided for a purchasing agent for the Post-Office Department with a salary of $5,000 a year.

Mr. CROMER. Four thousand dollars a year.

Mr. LIND. I stand corrected. It is only $1,000 more than that appropriated for the gentleman occupying the chair of physics in the Naval Academy. Any sort of an assistant one-horse lawyer in any of the Departments, any sort of a political heeler holding down a political job, gets from $2,500 to $3,500 a year.

I do not say this in the spirit of partisan criticism of my Republican colleague.

Mr. STAFFORD. Will the gentleman permit a question?

Mr. LIND. If you can extend my time I will answer gladly; yes.

Mr. STAFFORD. My question is, Does the gentleman criticise the action of the Post-Office Committee in fixing the salary of the purchasing agent at $4,000 and claim that it is exorbitantly high?

Mr. LIND. I do not. I neither criticise nor commend. I refer to it for illustration. I may have voted for it; I do not recall. It may be necessary to pay $4,000 to get a competent man, but I tell you if it is necessary to pay $4,000 to get a competent man to buy ink, blacking, stencils, cardboard, mail bags, and such things, it is infinitely more necessary to pay $4,000 to secure the best talent and brains to train the young men in the academy in the fundamentals of physics and chemistry. These young men will expend wisely or unwisely these millions we are now voting. [Applause.]

You can not escape this responsibility. Almost every day we read about defects of construction in our war vessels. We read about changes required. I read about one this morning. How many of these mistakes are due to errors of computation, errors in chemistry, defective knowledge of physics? Are you surprised? Why should we be? We have fixed the standard of efficiency that we look for. If we pay professors for mediocrity, can we expect them to develop genius? Can we expect any but the highest talent to fit the young men properly for the important work they have to take over when they leave the Naval Academy?

I say to you that if we would hold the preeminence in the future that we enjoy to-day industrially we must make it worth while for our best and brightest men to devote their time and their talents to scientific work and attainments. [Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. LIND. Now on the point of order. These appropriations, Mr. Chairman, are like all other appropriations for salaries. I say frankly that I have not given it an exhaustive examination, but I feel very confident that these positions were not established by an act of Congress except in an appropriation bill as it appears here. If these positions have been provided for from year to year by appropriations it is competent for us to abolish, increase, or change or modify in any way we see fit so long as we are within the general object, the maintenance of the Naval Academy.

The CHAIRMAN. If the gentleman's proposition is to increase a salary relating to a salary fixed by general law it is subject to the point of order. On the other hand, it is equally subject to the point of order if the amount of salary named in the bill is identical with that named in the last appropriation bill.

Mr. LIND. Well, I apprehend it is identical with that.

The CHAIRMAN. The Chair did not understand the gentleman.

Mr. LIND. I apprehend it is identical with the salary in the last appropriation bill. I concede that.

The CHAIRMAN. In that event the point of order is equally well taken, as the Chair finds has been very often decided. The Chair will call the gentleman's attention to a statement in the Digest:

In the absence of a general law fixing a salary the amount appropriated in the last appropriation bill has sometimes been held to be the legal salary, although in violation of the general rule that the appropriation bill makes law only for the year.

That proposition has been frequently sustained. It was so declared by Mr. Blount, Chairman of the Committee of the Whole, in the Fiftieth Congress, and upon an appeal from the ruling the Chair was sustained. It was followed in the Fifty-seventh Congress, once in the first session and the beginning of the second session, Mr. GROSVENOR in the chair. It was held again at the last session of this Congress, where the point of order was made upon the legislative bill, Mr. BOUTELL of Illinois in the chair, and it has also been held at this session on the point of order made to increase the teachers' salaries, Mr. MANN of Illinois in the chair. The Chair therefore is compelled to follow precedents and sustain the point of order.

Mr. LIND. I want to ask the chairman of the Committee on Naval Affairs to withdraw the point of order so as to have the judgment of the House on this, to my mind, very important proposition. I limit the amendment to head professor in physics, in chemistry, and mathematics. The other professors are not so important. I think fit men can be secured for the salaries there.

Mr. FOSS. Mr. Chairman, I regret that I can not waive the point of order, in view of the fact that if the same argument that the gentleman has made is applicable to the head it will also be applicable to the assistant, and their pay ought to be graded in a systematic way. And I do not think that we could do it here in this short time, with the meager information which we have upon the question.

The Clerk read as follows:

One sword master, at $1,500; one assistant, at $1,200, and two assistants, at $1,000 each; one instructor in gymnastics, at $1,200; one assistant librarian, at $1,800; one assistant librarian, at $1,000; one secretary of the Naval Academy, at $1,800; two clerks to the Superintendent, at $1,200 each; one clerk to the Superintendent, at $1,000;

one clerk to the commandant of midshipmen, at $1,200; one writer to the commandant of midshipmen, at $720; one clerk to the paymaster, at $1,200; one clerk to the paymaster, at $1,000; one dentist, at $1,600; one baker, at $600; one mechanic in department of physics, at $730; one mechanic in the department of ordnance, at $951.52; one cook, at $325.50; one messenger to the Superintendent, at $600; one armorer, at $649.50; one chief gunner's mate, at $529.50; one quarter gunner, at $469.50; one coxswain, at $469.50; one seaman in the department of seamanship, at $397.50; one attendant in the department of navigation and one in the department of physics, at $300 each; ten attendants at recitation rooms, library, store, chapel, armory, gymnasium, and offices, at $300 each; one bandmaster, at $1,200; twenty-one first-class musicians, at $420 each; seven second-class musicians, at $360 each; services of organist at chapel, $300; one assistant instructor in gymnastics, $1,000; one clerk to the Superintendent, $900; one assistant baker, $540; one mechanic in department of physics, $720; one cook, $600; in all, $98,042.52.

Mr. SHERMAN. Mr. Chairman, I wish to raise the point of order against the provision in lines 24 and 25 on page 54 of the bill, namely, "one clerk to the Superintendent, at $1,000." This is creating a new office, if I read the bill aright, and it is therefore susceptible to a point of order.

Mr. FOSS. Mr. Chairman, I do not think it is subject to a point of order. I think we have the right in this bill to increase the number of clerks under any of the bureaus or under the Naval Academy. These three clerks that the gentleman refers to are the only new clerks provided for in this bill, I will say to him, and they are put in here for the reason that, as the gentleman probably knows, the number of students, or midshipmen, rather, at the Naval Academy, has practically been doubled during the last two years. The Superintendent, Captain Brownson, says he can not get along very well without some more clerical help in consequence of that fact.

Mr. SHERMAN. Mr. Chairman, on the gentleman's own statement this is providing a new officer. There has not before been a clerk to the Superintendent. Therefore it seems to be perfectly plain it is obnoxious to the rule.

Mr. FOSS. There are two clerks to the Superintendent just before this new item, at $1,200 each.

Mr. SHERMAN. This is an additional clerk?

Mr. FOSS. This is an additional clerk.

Mr. SHERMAN. Mr. Chairman, I insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SHERMAN. Mr. Chairman, I raise the point of order on the provision in lines 1 and 2 on the next page, namely, "one writer to the commandant to midshipmen, at $720;" and "one clerk to the paymaster, at $1,000," in lines 4 and 5. Both of those provisions are new.

The CHAIRMAN. Does the gentleman from Illinois [Mr. Foss] desire to be heard?

Mr. FOSS. I do not.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Pay of watchmen, mechanics, and others, Naval Academy: Captain of the watch, and weigher, at $2.50 per diem; seven watchmen, at $2 per diem each; foreman of steam heating works of the academy, at $5 per diem; labor at power house, for masons, carpenters, and other mechanics and laborers; and for care of buildings and grounds, wharves, and boats, $42,150.50; in all, $57,847.50.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word for the purpose of calling the attention of the gentleman to an obvious error.

Mr. DAYTON. Mr. Chairman, I hope the gentleman from New York [Mr. FITZGERALD] will pardon me for just a moment. If the Chairman will permit, I would like to suggest that this paragraph that has just been passed over, relating to three clerks, on which a point of order has been made, may be recurred to by unanimous consent. As I understand, these clerks can be provided for under the civil-service rule. The condition down at the academy is so acute that if the gentleman from New York [Mr. SHERMAN] insists on his point of order it seems to me, in justice to the committee and to the Naval Academy, the committee should have time to consider whether or not these clerks ought to be provided according to the rule of the civil service, which I understand is permissible, to increase the clerical force of the Government.

The CHAIRMAN. Does the gentleman from West Virginia [Mr. DAYTON] refer to the points of order that have already been ruled upon?

Mr. DAYTON. Yes; I ask that the provision may be recurred to if it is deemed necessary later on.

The CHAIRMAN. The gentleman from West Virginia [Mr. DAYTON] asks unanimous consent to recur to the paragraph which begins on page 54, covers page 55, and to line 7 on page 56.

Mr. DAYTON. In yielding to the information of the Chairman I withdraw that and will let it go.

Mr. FITZGERALD. Mr. Chairman, I desire to call the attention of the chairman of the committee to this paragraph. It is identical with the paragraph in the bill for the present year. The items are all the same, but the total is increased $7,857. The Department asks that the amount for care of buildings, grounds, wharves, and boats be increased the amount that the total is increased, but the committee apparently did not grant the increase asked, and through some error, I take it, the total has been increased. The amount in the bill for the present year is $50,000, and I wish to suggest to the gentleman that he offer an amendment to change the amount; or I will do it myself.

Mr. FOSS. Mr. Chairman, I am glad the gentleman called my attention to the matter.

Mr. FITZGERALD. It is evidently an oversight of the committee.

Mr. FOSS. I move to strike out, on page 56, line 14, and also in line 15, the words "forty-two thousand one hundred and fifty dollars and fifty cents" and insert "fifty thousand dollars."

Mr. FITZGERALD. I hope the gentleman will not offer that amendment. I call the gentleman's attention to the fact that the committee did not approve an increase; they left the whole sum as for the present year, but they increased the total of the appropriation, and it is the total appropriation that should be reduced to $50,000 and not the item increased.

Mr. FOSS. Well, so far as the appropriation is concerned, Captain Brownson, the commandant of the Naval Academy, informed the committee that that was necessary in view of the large amount of building operations which are going on there and the necessity for providing more watchmen to look after the institution. He says:

That question of increase comes in largely owing to the number of "building men," as they are called, the men who take care of the buildings. We are now occupying about half of the new quarters recently built. The other half will be occupied in a month or two months, possibly before then. In addition to the quarters which must be cared for by the attendants, you have all the extra recitation rooms that come from the increased number, and it has been simply impossible to keep those rooms in the condition they should be kept with the number of men we have had at our command. The whole amount asked is $7,874.50.

Mr. FITZGERALD. Was it the intention of the committee to give that increase of over $7,000 merely for the care of these buildings?

Mr. FOSS. Oh, no; the care of the buildings is carried by the appropriation just preceding. This, with the amount in the bill now, $42,000, goes to the care of the building. I shall move to increase that amount from $42,150.50 and make it $50,000. It does not increase the total.

Mr. FITZGERALD. I had hoped the gentleman would vote to decrease the total to correspond with the total of the other items. I shall not, however, antagonize his motion.

Mr. FOSS. I move to strike out, in lines 14 and 15, the words "forty-two thousand one hundred and fifty dollars and fifty cents" and insert "fifty thousand dollars." This does not increase the total of the appropriation of the whole paragraph, but it does allow the Superintendent of the Naval Academy to use a larger portion of it in the care of the buildings and grounds of the Naval Academy.

The Clerk read as follows:

Lines 14 and 15, strike out the words "forty-two thousand one hundred and fifty dollars and fifty cents" and insert "fifty thousand dollars."

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

The Clerk read as follows:

Contingent, Naval Academy: Purchase of books for the library (to be purchased in open market on the written order of the Superintendent), $2,500; stationery, blank books, models, maps, and text-books, for use of instructors, $2,500; expenses of the Board of Visitors of the Naval Academy, being mileage and $5 per diem for each member for expenses during actual attendance at the Academy, and for supplying necessary outfit for the Board house, and for clerk hire, carriages, and other incidental and necessary expenses of the Board, $3,000; purchase of chemicals, apparatus, and instruments in the department of physics and for repairs of the same, $2,000; purchase of gas and steam machinery, steam pipes and fittings, rent of buildings for the use of the Academy, freight, cartage, water, music, musical and astronomical instruments, uniforms for the bandsmen, telegraphing, feed and maintenance of teams, current expenses, and repairs of all kinds, and for incidental labor and expenses not applicable to any other appropriation, $60,000; stores in the departments of steam engineering, $1,000; materials for repairs in steam machinery, $1,500; for contingencies for the Superintendent of the academy, to be expended in his discretion, $1,000; apparatus for the instruction of midshipmen in the department of marine engineering and naval construction, $30,000; in all, $103,500.

In all, Naval Academy, $348,675.96.

Mr. FOSS. Mr. Chairman, in line 9, page 57, in the item for contingent, Naval Academy, after the word "purchase," I move to insert the words "binding and repair;" and then, in the following line, after the word "library," insert the words "and text-books for the use of instructors." So that it will read "Purchase, binding, and repair of books for the library, and text-books for the use of instructors." I offer that amendment.

The Clerk read as follows:

On page 57, line 9, after the word "purchase," insert "binding and repair;" and in line 10, after the word "library," insert "and text-books for the use of instructors."

The question was taken, and the amendments were agreed to.

Mr. FITZGERALD. I call the gentleman's attention to the fact that "text-books for the use of instructors," are already in the language of the paragraph in line 13.

Mr. FOSS. And I also move, in line 12, after the word "models," to insert the word "and;" and, in line 13, I move to strike out the words "and text-books for the use of instructors."

The Clerk read as follows:

In line 12, after the word "models," insert the word "and;" and in line 13 strike out the words "and text-books for the use of instructors."

The amendments were agreed to.

Mr. FOSS. Mr. Chairman, I desire by unanimous consent to recur to line 7, on page 56, and fix the total of that paragraph.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to return to page 56. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSS. I move to amend by striking out, in lines 6 and 7, the words "ninety-eight thousand forty-two dollars and fifty cents" and inserting in lieu thereof the words "ninety-five thousand three hundred and twenty-two dollars and fifty-two cents."

The Clerk read as follows:

Lines 6 and 7, page 56, change "ninety-eight thousand and forty-two dollars and fifty-two cents" so as to read "ninety-five thousand three hundred and twenty-two dollars and fifty-two cents."

The amendment was agreed to.

Mr. FOSS. I also ask that the totals on page 58, lines 13, 14, and 15 may be changed accordingly.

The CHAIRMAN. Without objection, the amendment will be considered as adopted.

Mr. MEYER of Louisiana. Mr. Chairman, I ask unanimous consent to recur to page 33 of this bill in order that I may offer an amendment.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to return to page 33 for the purpose of offering an amendment. Is there objection?

Mr. FITZGERALD. I ask that the amendment be reported first.

The Clerk read as follows:

Insert at the end of line 20, page 33, the following:

"Provided, That the appropriation of $10,000 for quarters for commandant, and two officers' quarters for $14,000, authorized under the naval appropriation act for 1903, and two officers' quarters for $10,000, authorized under the naval appropriation act for 1905, are hereby consolidated, for four officers' quarters at the naval station, New Orleans, La."

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

Mr. FOSS. Mr. Chairman, I trust the gentleman from Louisiana will insert in the RECORD the letter of the Secretary of the Navy recommending this change.

Mr. MEYER of Louisiana. Mr. Chairman, I ask unanimous consent to insert in the RECORD as a part of my remarks the following letter from the Secretary of the Navy.

The CHAIRMAN. Does the gentleman desire to have it read?

Mr. MEYER of Louisiana. No; I desire to have it printed in the RECORD.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to print in the RECORD the letter which he indicates. Is there objection?

There was no objection.

The letter is as follows:

NAVY DEPARTMENT,
Washington, February 16, 1905.

DEAR SIR: Replying to your favor of February 11, transmitting copy of H. R. 18885, a bill consolidating quarters, navy station, New Orleans, La., and requesting the views and recommendations of the Department thereon, I have the honor to state that bids for the quarters for the New Orleans naval station have been called for on two occasions and it has been found impracticable to provide all the quarters contemplated of suitable construction and accommodations within the amount available. The provision herein proposed making the whole amount heretofore appropriated available for the construction of four instead of five quarters is deemed advisable, and would enable the Department to provide that number of quarters suitable in all respects.

Very truly, yours,

PAUL MORTON, *Secretary.*

HON. GEORGE EDMUND FOSS, M. C.,
Chairman Committee on Naval Affairs,
House of Representatives.

The amendment was agreed to.

The Clerk read as follows:

Pay of officers on the retired list: For one major-general, four colonels, four lieutenant-colonels, one adjutant and inspector, one quartermaster, one assistant quartermaster, two majors, nine captains, three first lieutenants, and four second lieutenants, $77,085.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word. I would like to inquire of the chairman of the committeee why this total is increased sixty-eight hundred dollars over that of last year when the same officials are provided for? There are no other officers on the retired list additional to those provided for in the present appropriation act.

Mr. FOSS. The number of retired officers will be increased by the retirement of some eight officers during the coming year.

Mr. FITZGERALD. I call the attention of the gentleman to the fact that there is nothing in this paragraph that authorizes the payment to any officers, excepting those specifically enumerated.

Mr. FOSS. I think it has been held by the Comptroller that this item is applicable for the pay of any officers who are retired under the law.

Mr. FITZGERALD. This provides specifically for the retired pay of certain designated officers on the retired list.

In another part of the bill there is this additional language—

And for those who may be retired during the fiscal year—

in relation to privates, but there is nothing in this paragraph that will enable anybody to be paid except those designated here. On the next page, in the paragraph providing for the pay of enlisted men, there is that language which empowers the Department to pay enlisted men who may be retired during the year.

Mr. FOSS. The estimates were sent in this way. It does not make any particular difference, but if the gentleman desires to offer an amendment, he can do so.

Mr. FITZGERALD. I do not care to do it. My point is that in the appropriation bill for the present year the same officers are enumerated as in this bill, and yet the total is sixty-eight hundred dollars more in this bill than in the act for the current year.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MANN having taken the chair as Speaker pro tempore, a message from the Senate announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 3479) making provision for conveying in fee certain public grounds in the city of St. Augustine, Fla., for school purposes.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 7194. An act granting an increase of pension to John Welch;

S. 7210. An act granting an increase of pension to Charles M. Suter; and

S. 706. An act for the relief of David H. Moffat.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 76.

Resolved by the House of Representatives (the Senate concurring), That the statue of Frances Willard, presented by the State of Illinois, to be placed in Statuary Hall, be accepted by the United States, and that the thanks of Congress be tendered the State for the statue of one of the most eminent women of the United States.

Resolved, That a copy of these resolutions, duly authenticated, be transmitted to the governor of the State of Illinois.

Also the following resolutions:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. MATTHEW STANLEY QUAY, late a Senator from the State of Pennsylvania.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

The message also announced that the Senate had passed with amendment bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 17939. An act relating to the construction of a dam and reservoir on the Rio Grande, in New Mexico, for the impounding of the flood waters of said river for purposes of irrigation, and providing for the distribution of said stored waters among the irrigable lands in New Mexico, Texas, and the Republic of Mexico, and to provide for a treaty for the settlement of certain alleged claims of the citizens of the Republic of Mexico against the United States of America.

The message also announced that the Senate had passed without amendment bill and joint resolution of the following titles:

H. R. 18785. An act to promote the security of travel upon railroads engaged in interstate commerce, and to encourage the saving of life.

H. J. Res. 216. Joint resolution providing for the publication of the annual reports and bulletins of the hygienic laboratory and of the yellow-fever institute of the Public Health and Marine-Hospital Service.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. LUCKING. Mr. Chairman, the House is engaged to-day in considering battle ships, but I want to talk a few minutes about launches. Nobody understands better than myself that it is a far remove from a battle ship to a gasoline launch. The launch is a little thing and a useful thing, the battle ship is a great thing, and it might easily and well be dispensed with from the economy of the world. The launch is now necessary to the pleasure and the business of man, the battle ship is a wasteful monster, which eats up with marvelous rapidity the energies and resources of man.

If the Almighty by one stroke were to sink all war ships to the bottom of the ocean (saving the human lives) humanity would be the gainer, while any interference with the free use and development of the launch would be a blow at the prosperity, the wealth, and the pleasure of the race.

In both sessions of this Congress the proposal to compel small launches to carry licensed pilots and engineers and to subject them to annual inspections has been pressed with vigor before and in the Committee on Merchant Marine and Fisheries.

In response to the requests of large numbers of launch manufacturers and owners in Detroit and Michigan, I very early last session took up the fight against such legislation, as wholly unnecessary and unwise, and it now seems as if all danger of any action in this Congress is past. However it does not seem to me amiss or improper to recount briefly and place upon record my reasons for opposing the measures.

The proposed bill compels all power boats, including gasoline and electric boats which are used to carry passengers or freight for hire, to have licensed engineers and pilots, and provides that the boats must be annually inspected by Government inspectors and shall be operated only by persons duly examined and licensed by the inspectors. The law as it now is brings all such boats of 15 tons or over under the same regulations as steamboats, while all of them of whatever size are required to observe the regulations as to lights and signals.

About 25,000 of these boats are in use, and the number is increasing very rapidly. Of this number it is estimated 20 per cent are used for hire all or part of the time. The other 80 per cent are operated by their owners and members of their families, including the wives, and also the children, who are oftentimes not more than 12 or 15 years of age. It is proposed that the 80 per cent shall be allowed free reign, while the 20 per cent, who, on the average are much more skillful and experienced, are required to comply with these annoying and expensive regulations. No reason is offered for this discrimination, except the statement that "the law will not interfere if one choose to commit suicide, but will not allow murder." This reason is smart but not reasonable, since the claim that these boats are dangerous to the passengers is positively absurd, for the percentage of accidents is not greater than to men walking in a quiet country lane.

While this act only relates to power boats carrying passengers or freight for hire, yet it is generally regarded as an entering wedge for legislation bringing all such boats under similar irritating restrictions.

Some strong arguments exist in favor of regulations as to the number of passengers for hire to be carried by each power boat and as to life-preservers and the like, but it is not with reference to such regulations that I am speaking to-day.

The proposed act covers electric launches, although no pretense is made by anybody that there is any danger whatever in their apparatus, and their operation is as simple as turning on an electric light.

The gasoline boat is essentially the poor man's yacht—useful, simple, inexpensive to make and to operate. Its free use should not be hedged about by Government circumlocution.

The proponents of the bill were challenged to produce even a scintilla of evidence that there is any danger in the operation of the engine, and none was produced. Finally, the only claim made was that the tank holding the gasoline or the pipe conveying it to the engine may leak and cause fire. This is possible, but actual instances are almost wholly unknown where a life has been lost. Two members of the committee each knew of one such case, but the boats were being operated by a number of boys and not for hire.

To illustrate: The evidence shows that there are between 500 and 600 of these boats on the Detroit River, about 100 of which are used for hire, and in the past fifteen years only two fatal accidents have occurred—one of an intoxicated man being drawn overboard when trying to lift the anchor while the boat was in motion, the other by the breaking of the tiller in a storm. No accident by explosion or burning, no accident by collision with another boat, and no instance of interference with the safe passage of the larger boats; in fact, total absence of all excuse for the enactment of such a law.

The evidence also shows that Toledo is a large center for such boats, and that only one accident has occurred in many years, and that a case of collision with a tug, in which the smaller boat was run down by the carelessness, as is alleged, of the tug. Another witness testified to making 4,000 of these boats, three-quarters of which were in use for hire, and never a fatal accident. (Witness Audenried, p. 8.)

For several years the supervising inspector of steamboats has been urging this legislation, and his subordinates are all over the United States gathering statistics, yet no evidence is adduced before the committee of any accidents or collisions or any data whatever to warrant this most unjust interference with private rights. The fact is the percentage of accidents is so infinitesimal as to be practically nothing. We feel warranted in saying that not an average of one life in a season has been lost on motor boats from causes which this legislation would even remotely tend to remedy, and there are over 25,000 of these boats in operation. What other business or pleasure of the people can make such a showing of safety?

Hundreds of protests have been received by the committee against this bill, but no requests for its passage except from a few steamboat interests. In fact, the sole motive of those urging this bill, as disclosed by their few communications, seems to be that the gasoline boats compete somewhat in business with steamboats. The steamboat men seem to have been urged to present reasons for the bill, and they did so quite formally, and the statement is found on pages 15 and 16 of the printed hearing. Its utter poverty of reasons is laughable. The only reason given is in these words: "Gasoline is not allowed to be carried as freight on passenger steamers, therefore vessels propelled by gasoline should not be allowed to carry passengers for hire." No other reason is given. It goes on to say that large numbers of the boats are in use for hire on the Ohio River in charge of unlicensed, irresponsible men; that two years ago a collision occurred in the nighttime with a steamboat because the gasoline boat was not carrying lights, and one passenger was hurt. One accident in years, and that for the want of lights! What excuse (even the most flimsy) is that for this legislation? The fact that years pass by in a community with large numbers of the boats in constant use with only one accident—no explosion, no burning—is the best evidence of the utter lack of need for this law. Witnesses from different parts of the United States appeared before the committee and testified that fatal accidents were practically unknown among the 25,000 of these boats; and not only this, but that in countless instances they had been the means of saving lives by giving prompt assistance to capsized sail and row boats.

Many steamboat men from different sections of the country sent in their protests against the bill—for instance, Lewis Nixon, whose wide experience entitles his views to weight. He says:

> I feel warranted in saying that there is no need whatever for licensed men. * * * I can not call to my mind a single instance during more than twenty years of experience showing the need of such legislation. (Hearing, pp. 16–17.)

The proponents of this legislation started out with the alleged reason that these power boats were dangerous to the lives of their passengers, but this was shown to be without foundation in fact. They then practically abandoned that idea and claimed that they get in the way of the steamboats. Two members of the committee each knew of one case of this kind. No evidence was given of any other. Twenty-five thousand of such boats running every day and two authenticated instances of interference in all these fifteen or twenty years—what an absurd basis for this bill.

Many fatal accidents occur every year in all large watering places from sailboats and rowboats. They are also more annoying by their presence to large vessels, yet nobody proposes licensed officers for them. Automobiles are far more dangerous and difficult to manage, yet no one proposes licensed engineers.

An inspection of the evidence seems to disclose that the principal defender of the legislation is F. A. Laidley, general manager of the Louisville and Cincinnati Packet Company. He has been called on by the distinguished author of the bill to give the reasons in favor of it (hearing, pp. 15, 48), and the essence of his objection to the power boat is found on pages 48 and 49, where he says:

> These boats, not being required to have licensed officers, of course are navigated for about one-third of what a licensed officer would charge, therefore you will see such competition is disastrous to a regular line of boats.

The newer invention must always work its way into favor

against the intense prejudice and opposition of the established order of things. The motor boat has sprung into public favor and is dotting every lake, river, harbor, and shallow bay and inlet of the sea, because it is inexpensive; it is simple and can be operated with perfect safety by any man of average intelligence after a few hours of instruction. The fact is these boats, used for hire, are nearly all run by their owners, who have invested their little all in the boat, and who therefore operate them with the care, anxiety, and skill which an owner always gives to his own property and to his own life.

One member of the committee, apparently conceding the needlessness of Government inspection, asked the question, "What harm can it do?" By way of answer, we submit portions of a letter from a large vessel owner, protesting against Government inspection of sailing vessels and giving his experiences.

He says:

We apply to the inspectors for inspection, and are told that we must first have our vessels free of cargo; as soon as that is done we again apply for inspection, but it is usually the case that the press of business in the inspector's office necessitates the postponement of the inspection one, two, or three days, as the case may be. Meanwhile our vessels lie idle. So the delay in awaiting inspection and the certificate thereof often cost us from $75 to $300, and occasionally two or three times that sum. After the inspection is completed the time required for the inspectors to report back to the main office and fill out the necessary document usually runs over the inspection day and so we lose another day in securing clearance. This refers to inspections in a port like New York; but in a remote district, where the area covered by the inspectors is large, we often find them absent from their offices for a number of days and are compelled to lie idle awaiting their return. Then after the inspection is completed, the inspectors have to return to their home offices, make out the certificate, and the delay in our getting them is thus greatly increased. Again, it often happens that the fair winds of which we could have availed ourselves to put to sea will have changed to a head wind while we are going through the several formalities of this unnecessary inspection, and thus our vessels are subject to still further delay and loss, to the annoyance of the owners, the shippers, and the consignees of the cargoes. Then the matter of securing a licensed mate for sailing vessels slightly over 700 tons, of which there are many, is an extremely difficult one, but we may not put to sea without one except by incurring a fine of $100. Often thoroughly competent but unlicensed mates are available, but we may not employ them. In the very heyday of our shipping, when our models were the envy and despair of our rivals, and when the ships under the American flag were justly conceded to be without rivals in grace, speed, and safety, there was neither inspection of the vessels or licensing of the officers. It is an unnecessary and costly hardship that is imposed upon American sailing vessels. I make this thus clear in detail as to sailing vessels, in order that you will appreciate what is in store for the owners of other types of vessels should they, too, be made subject to the inspection laws of the United States Government.

I say to you as the result of a considerable number of years' subjection to the annoyances, delays, and expenses attached to governmental interference with the operation of my business, that the conditions, steadily growing worse, are becoming intolerable, and that this interference is having the effect of steadily driving sailing vessels out of existence and their owners into bankruptcy and utter ruin. It is on this account that I speak thus feelingly on the subject.

The foregoing experience ought to demonstrate the unwisdom of Government inspection and licenses unless an absolute necessity exists for them. Everything the Government handles is bound around with red tape and encompassed with annoying and fossilized practices, and its jurisdiction should not be extended into the private lives of the people any more than is absolutely necessary. A rare and isolated case of accident affords no reason for such interference with the individual. This business and pleasure has flourished and expanded for twenty years to the great profit, enjoyment, and healthfulness of our people, without Government interference and without injury to the participants or their neighbors. This persistent attempt of a part of the steamboat men to drive them off the waterway is but another instance of Dame Partington trying to resist the incoming tide of the ocean.

The Clerk read as follows:

Pay of noncommissioned officers, musicians, and privates, as prescribed by law; and the number of enlisted men shall be exclusive of those undergoing imprisonment with sentence of dishonorable discharge from the service at expiration of such confinement, and for the expenses of clerks of the United States Marine Corps traveling under orders; including additional compensation for enlisted men of the Marine Corps regularly detailed as gun pointers, messmen, signalmen, or holding good conduct medals, pins, or bars; and the following additional enlisted men, namely, 10 first sergeants, 67 sergeants, 142 corporals, 10 drummers, 10 trumpeters, and 1,000 privates, $1,550,628;

Mr. SHERMAN. Mr. Chairman, I raise the point of order against lines 9, 10, and 11, and the last three words of line 8. I think the language itself shows that it is new. It says:

And the following additional enlisted men.

The attempt is made to provide for many hundred additional men not provided for by any other law than is here attempted to be enacted.

Mr. DAYTON. What is the gentleman's point of order?

Mr. SHERMAN. That you are attempting to appropriate for men who have not been heretofore authorized by law.

Mr. DAYTON. On what page?

Mr. SHERMAN. Lines 9, 10, and 11, on page 59.

Mr. DAYTON. Mr. Chairman, I want to be heard on the point of order.

The CHAIRMAN. The Chair will ask the gentleman from West Virginia whether there is any law fixing the number of enlisted men in the Marine Corps?

Mr. DAYTON. No; there is not. These men are a part of the establishment, subject to the will of Congress at any time.

Mr. RIXEY. I would like to ask the gentleman from West Virginia if it is not a fact that the Marine Corps was fixed at a certain number by the last appropriation bill? In other words, the appropriation was for a certain number of men. I did not intend to make a point of order, but it does seem to me that under the ruling of the Chair in similar cases, where the appropriation has been for a certain number of men, it amounts to a law, and this is subject to a point of order.

Mr. DAYTON. I think this is a provision in the appropriation bill of last year:

Pay of noncommissioned officers, musicians, and privates, as prescribed by law; and the number of enlisted men shall be exclusive of those undergoing imprisonment with sentence of dishonorable discharge from the service at expiration of such confinement, and for the expenses of clerks of the United States Marine Corps traveling under orders; including additional compensation for enlisted men of the Marine Corps regularly detailed as gun pointers, messmen, signalmen, or holding good-conduct medals, pins, or bars, $15,000; $1,380,628.

Mr. SHERMAN. Mr. Chairman, I notice in line 25, page 58, and the first line on page 59, appropriation is made for men "as prescribed by law." Then follows this phrase, "The following additional enlisted men," indicating clearly that the intent here is to appropriate for men who have not been appropriated for and whose offices have not been created by any prior law.

Mr. DAYTON. Mr. Chairman, the gentleman's point, I am absolutely confident, is not well taken. The words "as prescribed by law" relate to the amount that they receive and not to the number of them, and the provision of law in regard to the enlisted men in the Marine Corps is precisely on the same basis as that of the enlisted men in the Navy. The number is not fixed, but is subject to the will of Congress.

Mr. BUTLER of Pennsylvania. And is increased on these bills?

Mr. DAYTON. Increased, or it may be diminished, on the bills from year to year, depending on the exigency of the service.

Mr. SHERMAN. The rule does not prohibit the decrease, of course, at any time, either in the salary or in numbers. The rule does expressly prohibit the increase either of the number or of the salary beyond the limit prescribed by the statute. If there be no other limitation, it seems to me the limitation in the last appropriation bill would prevail.

Mr. DAYTON. There was no limitation of law in the last appropriation bill. I am confident you will find no limitation in the number of men in the last appropriation bill or in any other. The increase of the enlisted men in the Marine Corps stands exactly on the same basis as the increase of the men in the Navy, depending upon the exigencies of the service, to be fixed by Congress from time to time.

The CHAIRMAN. The Chair would like to ask the gentleman whether in the last two or three Congresses there was not a law passed organizing the Marine Corps?

Mr. BUTLER of Pennsylvania. The personnel law passed in 1889 reorganized the commissioned officers and fixed the number of commissioned officers in the Marine Corps, but my distinct recollection is, although I have not the law before me, that it has never undertaken to fix the enlisted men or noncommissioned officers of the Marine Corps.

Mr. SHERMAN. Mr. Chairman, I suggest that if there is doubt in the mind of the Chair, we allow this paragraph to go over with the point of order pending until such time as the law can be produced.

The CHAIRMAN. The Chair thinks that the decision of the point of order depends entirely upon the existence or nonexistence of the law. In accordance with the request of the gentleman from New York, without objection, the paragraph will be passed over with the point of order pending.

There was no objection.

Mr. RIXEY. Mr. Chairman, I desire to state that if the point of order should be overruled I shall move to strike out so much of that paragraph as is included in the point of order. I want to give notice to that effect now, so that it will be in order when we return to it.

The Clerk read as follows:

Fuel, Marine Corps: For heating barracks and quarters, for ranges and stoves for cooking, fuel for enlisted men, for sales to officers, maintaining electric lights, and for hot-air closets, $65,000.

Mr. BAKER. Mr. Chairman, I move to strike out the last word. I do that, Mr. Chairman, for the purpose of uttering my

protest, which I believe is the protest of a large number of Americans, against an act, reference to which is made in to-day's papers. Before doing so I want to call the attention of the House to the fact that I felt it my duty, impelled as I was by a sense of horror at the fearful crime committed at St. Petersburg on the 22d of January, shortly after this House convened, in order that we might express our horror and in order that I might voice, as I believe I did voice, the feeling of indescribable horror which I believe the majority of the American people held against that wanton crime, to move that the House should adjourn in order that it might express its sympathy with the victims of that massacre.

But, Mr. Chairman, the House unanimously voted that motion down. Now, I was confident at the time that I did voice the sentiment of a large number of the people, and that confidence was immediately confirmed, for I found in one of the great Republican papers in the United States, a paper having a very large circulation, the largest circulation certainly of any Republican paper in New York City—the New York Press—an editorial the very next morning referring to myself, stating that my motion to adjoun the House as an expression of the horror of this nation at the wanton massacre in St. Petersburg was "more right than irregular." Commenting upon that, the New York Press said, editorially, as follows:

The House, which neither with its sentiments nor its votes supported Mr. BAKER's views, did itself no credit. If it had been the Czar that was shot down, instead of helpless women and infants, the House would have hastened to sympathize with the nation which has suffered a thousand times more than the loss of the Czar's precious head would have caused it to suffer.

Mr. Chairman, this nation through its Government absolutely ignored that wanton crime, absolutely ignored the murder of some thousands of helpless Russian men, women, and children, for there were that number slain in spite of the assertion of Russian officialdom that there were only ninety-six people killed on the 22d of January; for we find that a delegation of St. Petersburg editors called upon the minister of the interior, Prince Mirsky, with a demand that the restrictions on the press be relaxed, at the same time presenting a list of 4,600 dead and wounded during that Sunday's tragedy.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUGHES of New Jersey. Mr. Chairman, I ask unanimous consent that the gentleman may continue for five minutes.

The CHAIRMAN. Unanimous consent is asked that the gentleman may proceed for five minutes. Is there objection?

There was no objection.

Mr. BAKER. Mr. Chairman, neither the House nor the Government voiced what I believe to be the practically unanimous feeling of the American people as to one of the greatest crimes that has ever been committed in the history of civilization. Within a few days another crime has been committed, and this Government, which was so dull, so numb, so absolutely ignorant, I suppose, of the fearful crime in the city of St. Petersburg, refusing to know that such a crime had taken place—this Government now hastens to say, in the words of the dispatch to the New York Tribune—and certainly no one will say that that is not a good Republican organ and one not likely to voice the sentiments of this Administration—as follows:

Emperor Nicholas has received through Ambassador McCormick a message of condolence from President Roosevelt, which contains a strong expression of the abhorrence with which both the American Government and people view the crime perpetrated at Moscow on Friday.

That same dispatch appeared in most of the New York papers and in the Washington Post of this morning.

Mr. Chairman, I deny that the American people are shocked only when grand dukes are killed. I say that the American people were shocked, inexpressibly shocked, at the wanton massacre on January 22, and they know that the crime which was committed in Moscow a few days ago is the inevitable result of the policy of repression and tyranny which has characterized that autocracy for centuries. They know that that crime is but one feature of the great fight which the Russian people are making to overthrow the tyranny which has oppressed them. I deny that the President of the United States had any right to say for the American nation that we were shocked by the murder of the Grand Duke Sergius, while refusing to express our horror at the St. Petersburg massacre, thus by implication condoning the infamous crime of January 22. I say that the American people had no such sentiments. They feel, as the most of the people in Russia feel, that the removal of that man was an inevitable result of the fearful crimes which he and his order have been committing on the Russian people.

Mr. THAYER. Mr. Chairman, I would ask the gentleman if he wishes it to go out to this country that the American people sanction the killing of that gentleman in the way he was, undisputed here?

Mr. BAKER. In response to the gentleman from Massachusetts I want to say that I wish it to go out to the American people that they are shocked at the action of a government that refuses to take any notice of the murder of thousands of individuals and yet pretends to be horrified at the loss of one human life. That is what I want to go out to the American people.

Mr. THAYER. Where does the gentleman see any evidence of pretending to be horrified at the killing of this man?

Mr. BAKER. Well, Mr. Chairman, I see it voiced in another editorial in this same New York newspaper, the New York Press, which said on February 18, in commenting upon the action of the House in reference to my motion to adjourn, speaking of that and of the murder of the Grand Duke Sergius, that—

Diplomatic cant will rise to the occasion and sovereigns will send messages of sympathy to the shivering, sniveling, weakling who sways the Russian throne.

But, Mr. Chairman, the American people are not alone in that. Here I find in to-day's New York Sun a cablegram stating that the troops have to be called out to prevent the people of Odessa from, as we are told, "hurrahing" over Sergius's death. Listen to this:

TROOPS STOP DEMONSTRATION—PREVENT ODESSA CROWDS FROM CHEERING OVER SERGIUS'S DEATH.

[Special cable dispatch to the Sun.]

ODESSA, *February 19.*

Whatever may be the feelings of individuals, no class of society here has given expression to sorrow or reprobation for the assassination of Grand Duke Sergius. The workmen and students openly rejoice. The newspapers of southern Russia make no comment on the crime.

The theaters and other public places were surrounded by troops tonight to prevent a repetition of the scenes of last night, when upon emerging the audiences hurrahed excitedly.

We feel an abhorrence of both crimes. That, I believe, represents the sentiment of the American people. That is his "cant," is the way the Press speaks of these cablegrams, and I maintain the President in this matter does not represent the masses of the people who live in the United States. They have no sympathy with murder, but they recognize that murder is the inevitable result of previous murders committed on a wholesale scale as it was committed at St. Petersburg on January the 22d. This New York paper further says: "Possibly even the House of Representatives, which jeered at the Representative who urged an adjournment to proclaim the indignation and horror of the American nation at the St. Petersburg atrocity on Vladimir's bloody day, may be equal to the demand hypocrisy will make." A Republican paper denounced this action as hypocrisy, and therefore as a hypocritical act on the part of the man at the other end of the Avenue.

Mr. DAYTON. Mr. Chairman, I find that the personnel act does fix the number of enlisted men in the Marine Corps, and therefore I acknowledge this paragraph is subject to the point of order, but I hope the gentleman will withdraw it.

The CHAIRMAN. The Chair finds that the personnel act of March 3, 1899, does fix the number of enlisted men in the Marine Corps, and therefore the point of order is well taken.

Mr. BAKER. Mr. Chairman, I ask the indulgence of the House to send an amendment to the desk which I intended to offer, but which I was prevented from doing by my time being taken up by the gentleman from Massachusetts, and I will ask that it be now read. This is an amendment which I intended to offer when I arose.

The CHAIRMAN. The amendment offered by the gentleman from New York will be read in his time.

The Clerk read as follows:

That while this House views with horror the deliberate destruction of human life——

Mr. BARTLETT. Amendment to what? What is this an amendment to?

The CHAIRMAN. Does the gentleman make the point of order?

Mr. BARTLETT. Well, we want to know what part of the bill this is amendatory of.

Mr. BAKER. It is an amendment to the paragraph just read.

Mr. BARTLETT. It does not so read.

Mr. BAKER. Will the Chair permit me to say, how do you know what it states? It has not stated anything yet.

Mr. BARTLETT. I do not think it will say anything, either, when it gets through.

Mr. BAKER. Possibly not.

Mr. BARTLETT. Mr. Chairman, I make the point of order that it is not germane to this proposition.

Mr. BAKER. I make the point of order that the gentleman can not know what it contains until it is read.

Mr. BARTLETT. I can generally assume it is out of order, coming from the source it does. [Laughter.]

The CHAIRMAN. Clearly the gentleman's amendment has nothing to do with this bill.

The Clerk read as follows:

In the office of the assistant quartermaster, Philadelphia, Pa.: One clerk, at $1,600; one messenger, at $840.

Mr. MADDOX. Mr. Chairman, I move to strike out the last word for just one minute. I want it understood as far as I can have it understood that my own individual idea is that this side of the House does not approve of this damnable assassination. [Applause.] We believe in fair play; we do not believe in slaughter, we do not believe in assassination, and we do not believe in this business which slaughtered the Duke the gentleman has been talking about, and the Democratic party does not stand for it now nor ever. [Applause.]

The Clerk read as follows:

Provisions, Marine Corps: For noncommissioned officers, musicians, and privates serving ashore, for commutation of rations to enlisted men regularly detailed as clerks and messengers, for payment of board and lodging of recruiting parties, transportation of provisions, and the employment of necessary labor connected therewith, and for ice for preservation of rations, $512,087.50; and no law shall be construed to entitle marines on shore duty to any rations, or commutation therof, other than such as now are or may hereafter be allowed to enlisted men in the Army: *Provided, however,* That when it is impracticable or the expense is found greater to supply marines serving on shore duty in the island possessions and on foreign stations with the army ration, such marines may be allowed the navy ration or commutation therefor.

Mr. CROMER. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question. I would like to know whether or not this paragraph of the bill makes provision for the Marine Band under the term "musicians," in line 18, page 61? I desire to know whether or not the appropriation made in this section is for the purpose of making provision for the payment of the Marine Band?

Mr. FOSS. That only provides for the provisions for the Marine Corps.

Mr. CROMER. What particular paragraph of the bill provides for the payment of the Marine Corps band?

Mr. FOSS. At the bottom of page 58, pay of noncommissioned officers, musicians, and privates, as prescribed by law.

Mr. CROMER. Mr. Chairman, I ask unanimous consent to return to that paragraph for the purpose of offering an amendment.

Mr. FOSS. Mr. Chairman, I desire to object. I understand the gentleman desires to return for the purpose of moving to increase the pay?

Mr. CROMER. Yes.

Mr. FOSS. I shall have to object, Mr. Chairman.

The CHAIRMAN. Objection is sustained.

The Clerk read as follows:

Clothing, Marine Corps: For noncommissioned officers, musicians, and privates authorized by law, $507,370.

Mr. SHERMAN. Mr. Chairman, I move to strike out, in line 9, page 62, the word "five" and insert the word "four," and in line 10 strike out the word "seven" and insert "twenty-two." I do so, Mr. Chairman, in order to make the amount the same as it was last year. The number of additional men not having been allowed, it seems to me unnecessary to increase this appropriation. I assume that the increase was made for the purpose of caring for additional men that it was sought to provide for on page 59 by the provision that went out on the point of order.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

On page 62, lines 9 and 10, strike out "five hundred and seven" and insert "four hundred and twenty-two."

Mr. FOSS. Mr. Chairman, I desire to go back even further than that, and under "Pay of the Marine Corps" change the totals there. I was going to do so a little later, because I understood the gentleman from New York [Mr. SHERMAN] was likely to withdraw, perhaps, his opposition to the increase in the Marine Corps; but inasmuch as he does not appear so to do I would ask to return, by unanimous consent, to the "Pay of the Marine Corps," on page 61, lines 14, 15, and 16.

Mr. SHERMAN. I do not desire to object to the return to the paragraph, but I desire to say that the chairman of the committee must not say that I object to an increase of the Marine Corps. I do not object to any increase accomplished in an orderly manner, but I object to an increase accomplished in violation of the rules of the House.

Mr. FOSS. As far as that is concerned, Mr. Chairman, the increase of the Marine Corps always was made on the naval appropriation bill, except in one instance, when we passed the naval personnel law. Now, I would like to ask unanimous consent that the total "In all, pay Marine Corps, $2,328,524.28," be reduced by $170,000.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 61, lines 14, 15, and 16, reduce the amount to $2,158,524.28.

The CHAIRMAN. The gentleman from Illinois [Mr. Foss] asks unanimous consent that the amendment may be agreed to.

The amendment was agreed to.

Mr. FOSS. Mr. Chairman, I desire to go back to page 59, lines 12 and 13, and ask it be made to read, instead of "$1,550,628," "$170,000;" that is to say, taking $170,000 from the amount would make $1,380,628.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 59, lines 12 and 13, reduce the amount to $1,380,628.

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

The amendment was agreed to.

Mr. FOSS. Now, Mr. Chairman, I call for a reading of the amendment offered by the gentleman from New York [Mr. SHERMAN].

Mr. CROMER. Mr. Chairman, I desire to offer an amendment to that paragraph before it is passed.

The CHAIRMAN. There is an amendment already pending. The gentleman from New York will report his amendment.

Mr. SHERMAN. The amendment is, on page 62, lines 9 and 10, to strike out "five hundred and seven" and insert "four hundred and twenty-two."

Mr. FOSS. Mr. Chairman, I desire to be heard on that for a moment.

Mr. CROMER. Mr. Chairman, that was not the paragraph that was under consideration when the gentleman from New York [Mr. SHERMAN] was recognized.

The CHAIRMAN. The gentleman from New York [Mr. SHERMAN] was recognized at the proper time, and his amendment has been pending ever since. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The gentleman from Illinois [Mr. Foss] is recognized.

Mr. FOSS. Mr. Chairman, I understood that the amendment of the gentleman from New York [Mr. SHERMAN] was on the paragraph relating to clothing. Is that right?

Mr. SHERMAN. Yes.

Mr. FOSS. Does the gentleman from Ohio [Mr. GROSVENOR] wish to offer any amendment to the paragraph on provisions?

Mr. GROSVENOR. No, sir; I do not. I desire to make a few remarks at this point if I can be heard.

Mr. FOSS. I would like to change this if I could. I move that the total, or the appropriation of $512,087.50, page 61, lines 23 and 24, be reduced by $60,000. That will make the total $492,087.50.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 61, lines 23 and 24, change amount to "$492,087.50."

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

The amendment was agreed to.

Mr. CROMER. Mr. Chairman, I desire to offer an amendment to the paragraph that was returned to a minute ago, on pages 58 and 59.

The CHAIRMAN. The Clerk will report the amendment.

Mr. FOSS. I desire to object.

The CHAIRMAN. Objection is made by the gentleman from Illinois.

Mr. CROMER. Mr. Chairman, a parliamentary inquiry. On the request of the chairman of this committee he was permitted to return to this paragraph a moment ago. I rose to get recognition from the Chair, but the Chair recognized the gentleman from New York.

Mr. FOSS. I beg to state in answer to the gentleman's question that I returned for a specific purpose—to fix the appropriation, reducing the appropriation, in view of the fact that upon the gentleman's point of order the increase of the Marine Corps went out. As I understand, the gentleman now desires to recur to that paragraph for the purpose of increasing salaries.

Mr. CROMER. I do not know whether that would be the purpose and effect of the amendment or not.

The CHAIRMAN. The gentleman from Illinois has objected.

Mr. FOSS. I will reserve the objection until I hear read the amendment offered by the gentleman from Indiana.

The Clerk read as follows:

Amend by inserting, after the word "dollars," line 13, page 59:

"*Provided,* That the band of the United States Marine Corps shall consist of one leader, with the pay and allowances of a captain in the Marine Corps; one second leader, with the pay and allowances of a second lieutenant in the Marine Corps; thirty first-class musicians, whose pay shall be $100 per month; and thirty second-class musicians, whose pay shall be $75 per month; each of said first and second class musicians to have the allowances of a sergeant in the Marine Corps; said

first and second class musicians to have no increased pay for length of service: *Provided, however*, That in the future members of the Marine Band or of other naval or military bands shall not engage in business in competition with civilian bands or musicians."

Mr. FOSS. I must insist upon my objection. It is clearly new legislation anyway.

The CHAIRMAN. The gentleman from Illinois renews his objection.

The Clerk read as follows:

Fuel, Marine Corps: For heating barracks and quarters, for ranges and stoves for cooking, fuel for enlisted men, for sales to officers, maintaining electric lights, and for hot-air closets, $65,000.

Mr. GROSVENOR. I move to strike out the last word.

Mr. Chairman, I ask the indulgence of the House for a few minutes upon a topic not necessarily involved in this amendment. So far as the House itself is concerned, there is a perfect understanding here on both sides, I am sure, that the action of the House in refusing to adopt the meaningless motion to adjourn to which the gentleman from New York referred, which has no place in our parliamentary procedure, and could have meant nothing to the intelligent people of the United States except hysteria—I say I know that the country and the House understand perfectly that we do not express any opinion of indorsement or sympathy or any other sentiment whatever in the matter of the unfortunate riot that occurred in the city of St. Petersburg on the 22d of January. On the contrary, a motion to adjourn was a motion unprecedented for the purpose. It has an application in the parliamentary procedure of some parliamentary bodies of Europe and brings about discussion. A motion is made to promote an opportunity of discussion upon a given topic; but in our parliamentary procedure a motion to adjourn was simply a meaningless, stupid exhibition of ignorance, and its criticism, whether by the newspaper press or by other sources of criticism, is but an extension and reaffirmation of that unfortunate condition.

Now, then, having said this much, the public knows, the world knows, that the American Congress does not sympathize with riot and unnecessary bloodshed. Whether it was necessary or not necessary there is a strong and critical opinion in the country, no doubt. But that Congress should have expressed itself upon that subject, it seems to me, no intelligent man would for one moment suggest.

In the case of the awful murder of a member of the cabinet of Russia, an assassination—I do not care to stop to analyze the difference between firing upon a mob in the street and the murder of a cabinet officer. We all have our opinion upon the characteristics of the two crimes. The criticism is made and sent out to the country that the President of the United States fell short of his duty, in company with the House of Representatives, that he did not send a sympathetic message to Russia on behalf of the dead and wounded at St. Petersburg. We did not constitute ourselves a court of inquiry. But in the present case criticism is made against the President of the United States and not against the House of Representatives. I have not been retained as counsel for the President in that or any other matter, and I am speaking now as the Representative upon the floor of this House of a constituency of American people. It would have been not one whit short of impropriety had the President failed to do exactly what he did do. We have had three occasions in the United States of the murder of a President, doubtless coming from the same motives. I do not know. I do not try that question; I do not give any opinion about it. In each one of those cases all the representatives of the civilized governments of the world sent their condolence to the American people through the reigning representatives of the government, and so our Government did when the Empress of Austria fell by the dagger of an assassin, doubtless a member of the same organization that slew the Grand Duke Sergius the other day.

We sent the same message to the friends of the dead President of the Republic of France, and we hurriedly and earnestly sent the same message to the friends and the Government of the dead King of Italy.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. FOSS. I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. If there be no objection, the time of the gentleman will be extended five minutes.

There was no objection.

Mr. GROSVENOR. It is one of the amenities of nationality, and it carries with it no suggestion of an indorsement of the one or condemnation of the other, so far as the action of the President is concerned, and no fair-minded man, in my judgment, believes that it does. The President voiced the sentiments of the American people when he sent a sympathetic message, not trying the question of the character of Sergius, not trying the question of the right or the wrong of the Government of Russia, for that is none of our business; but in the name of our common humanity, and carrying out a precedent as old as the Republic and as old as the oldest civilized nation, he sent a message in keeping with the proper character of an American President. And I venture to say if a vote of condemnation was offered by the gentleman from New York, not only would he not get one vote in this House except his own, but outside of a certain organization in the United States he would not get a single vote to condemn the President for having done exactly what civilization recognizes as his duty to have done. [Applause.]

The Clerk read as follows:

Military stores, Marine Corps: For pay of chief armorer, at $3 per day; three mechanics, at $2.50 each per day; for purchase of military equipments, such as rifles, revolvers, cartridge boxes, bayonet scabbards, haversacks, blanket bags, knapsacks, canteens, musket slings, swords, drums, trumpets, flags, waist belts, waist plates, cartridge belts, sashes for officer of the day, spare parts for repairing muskets, purchase and repair of tents and field ovens, purchase and repair of instruments for band, purchase of music and musical accessories, purchase and marking of prizes for excellence in gunnery and rifle practice, good conduct badges; for incidental expenses of the school of application; for the construction, equipment, and maintenance of school, library, and amusement rooms and gymnasiums, and the purchase and repair of all articles of field sports for enlisted men; purchase and repair of signal equipment and stores; for the establishment and maintenance of targets and ranges, and renting ranges, and for entrance fees in competitions; and for procuring, preserving, and handling ammunition, and other necessary military supplies, $185,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Chairman. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 63, line 4, insert, after the word "gymnasium," the words "for enlisted men."

Mr. FITZGERALD. Mr. Chairman, this policy of providing libraries, amusement rooms, and gymnasiums for enlisted men was initiated in the appropriation bill for 1904. The same language was contained in the appropriation bill for 1905. This year it is omitted from the bill.

Mr. FOSS. Oh, no. If the gentleman will read the next line he will see that it is not.

Mr. FITZGERALD. In the next line the language is used, but it applies only to the purchase and repair of articles for field sports for enlisted men.

Mr. FOSS. Let me correct the gentleman. It applies to all the language preceding, back to the semicolon. It applies to the words—

For the construction, equipment, and maintenance of school, library, and amusement rooms and gymnasiums, and the purchase and repair of all articles of field sports for enlisted men.

Mr. FITZGERALD. That may be a matter of opinion; but I want to call the attention of the gentleman to this fact, that the statement appeared in the public prints of the country a short time ago that certain amusement rooms or gymnasiums which had been provided either for the enlisted men of the Army or of the Marine Corps had been so attractive that they had been taken possession of by the officers, either of the Army or of the Marine Corps, and the enlisted men ousted from those places.

Mr. FOSS. I have no objection to the amendment.

Mr. FITZGERALD. I hope it will be adopted, so that there will be no misunderstanding about it.

Mr. FOSS. I think it is covered by the language in the next line, but I do not object to it. That is the intention.

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

The amendment was agreed to.

Mr. FOSS. Mr. Chairman, in line 10, on page 63, I move to reduce the appropriation from $185,000 to $175,000, a reduction of $10,000.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 63, line 10, strike out "eighty" and insert "seventy."

The amendment was agreed to.

The Clerk read as follows:

Transportation and recruiting, Marine Corps: For transportation of troops, including ferriage and the expense of the recruiting service, $136,620.

Mr. FOSS. I move to strike out the word "thirty-six" and to insert the word "twenty-one," in line 14; so that it will read $121,000.

The CHAIRMAN. The question is on the amendment which will be reported by the Clerk.

The Clerk read as follows:

On page 63, line 14, strike out "thirty-six" and insert "twenty-one."

The amendment was agreed to.

Mr. BAKER. Mr. Chairman, I move to strike out the entire paragraph. I do so for the purpose of reading to the House the amendment which I had intended to offer, but which I was unable to do, my time being exhausted in answering the questions of the gentleman from Massachusetts [Mr. THAYER], and which, I think, answers the speech of the gentleman from Ohio [Mr. GROSVENOR].

Let me say, Mr. Chairman, that there is no man in this House who has a greater detestation of the taking of human life than I have. I say that human life is the most sacred thing in existence.

There is to my mind no excuse under any circumstances for the deliberate taking of human life, and voicing these sentiments as I do, and as I have for years, it is not necessary for me to apologize——

Mr. CAPRON. Mr. Chairman, I rise to a point of order. Believing that we have had a surfeit of this sort of thing, I object to its further continuance.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BAKER. Mr. Chairman, I shall insist, then, in the future, on all debate being germane. I simply rose to read my amendment.

The CHAIRMAN. The gentleman from Rhode Island makes the point of order, and the Chair sustains it.

Mr. BAKER. Does the gentleman insist upon his point of order?

Mr. CAPRON. I insist upon it.

Mr. BAKER. Then I shall insist upon all future debate being germane.

The Clerk read as follows:

Hire of quarters, Marine Corps: For hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them; for commutation of quarters for enlisted men employed as clerks and messengers in the offices of the commandant, adjutant and inspector, paymaster and quartermaster, and the offices of the assistant adjutant and inspectors, the assistant paymasters, and the assistant quartermasters, at $21 each per month, and for enlisted men employed as messengers in said offices, at $10 each per month, $35,748.

Mr. SHERMAN. Mr. Chairman, I rise to make a point of order against the word "commutation," in line 16. The bill heretofore has appropriated for hire of quarters, and the change is from the word "hire" to the word "commutation," which changes the wording of the law.

The CHAIRMAN. To what law does the gentleman from New York refer?

Mr. SHERMAN. I refer to the appropriation bill of last year, which appropriated for "hire of quarters," and now it is attempted in this act to change it from "hire" to "commutation," so that certain men serving as clerks can get commutation of quarters; in other words, they can get the money rather than the quarters. It is clearly a change in existing law.

The CHAIRMAN. The provision in the present current appropriation bill is only for this year, which is not under contemplation of Rule XXI, and never has been so held except as to increase of salary.

Mr. SHERMAN. Then this is new legislation. If it is not a change of existing law, it is new legislation requiring a commutation of quarters. There certainly is no law which provides for commutation of quarters for enlisted men employed as clerks; and if there is, I would be glad to have the Chairman tell me where I can find it.

The CHAIRMAN. The Chair will hear the gentleman from West Virginia.

Mr. DAYTON. Mr. Chairman, this is simply a change of language, as I understand it, and in order that the matter may be clearly set forth I will simply read from the hearings, so that the facts may be before the committee.

The question was asked, "What is the motive of inserting in place of the word 'hire' the word 'commutation,' on page 146?" Colonel Denny answered, "It is the same thing in relation to enlisted men. The Comptroller decided that they could not have hire of quarters; they must have commutation. It is simply a matter of bookkeeping made to conform to the Comptroller's idea." The chairman asked, "It does not change the law?" and he answered, "No, sir; except you use the word 'commutation' instead of 'hire,' to conform to the decision of the Comptroller."

We have always provided for a hire of quarters, but it is insisted that it should be commutation, and it means precisely the same thing practically, and is the same thing in effect. But, beyond all that, Mr. Chairman, this bill is providing for the Marine Corps quarters during this year. It depends upon this appropriation law. We have the right, it being a part of the naval establishment, to make all reasonable arrangements for their quarters, for their hire, for their clothing, and everything else necessary to the maintenance of that corps. It is a part of the naval establishment, and therefore I submit it is not subject to a point of order.

The CHAIRMAN. The Chair would like to ask the gentleman from West Virginia what effect this change would have upon their pay?

Mr. DAYTON. Not the slightest. It is only the change from hire of quarters to commutation of quarters.

Mr. SHERMAN. As I understand it, Mr. Chairman, the Comptroller has held that under the word "hire" he could not commute the quarters; he could not, under the word "hire," permit a man to draw the money and use it in some way. This present statute makes it necessary to have it expended by the Department, and here is an attempt to make the statute conform to the ruling of the Auditor, a change from what the law has heretofore been. That is, as I understand it, an entirely new purpose.

Mr. FITZGERALD. Mr. Chairman, I desire to call the attention of the Chair to the fact that commutation for quarters is specifically provided for in the law which provides for the salaries of officers. There is no such thing known as commutation of quarters for enlisted men, and this is legislation which would provide it. Under the general policy of building up the Navy, it is proper to provide in this bill quarters by hiring them, but this would be new legislation; it would enable the payment of money in the place of providing quarters for men enlisted in the Marine Corps. I believe that it is contrary to the rule.

The CHAIRMAN. The Chair thinks that this is in the nature of new legislation. The Chair sustains the point of order.

Mr. FOSS. Then I move to insert the word "hire."

The CHAIRMAN. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

In line 16, page 64, after the word "for," insert the word "hire."

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

The amendment was agreed to.

The Clerk read as follows:

Contingent, Marine Corps: For freight, tolls, cartage, advertising, washing of bed sacks, mattress covers, pillowcases, towels, and sheets, funeral expenses of marines, including the transportation of bodies from the places of demise to the homes of the deceased in the United States, stationery and other paper, telegraphing, rent of telephones, purchase and repair of typewriters, apprehension of stragglers and deserters, per diem of enlisted men employed on constant labor for a period of not less than ten days, employment of civilian labor, repair of gas and water fixtures, office and barracks furniture, camp and garrison equipage and implements, mess utensils for enlisted men, such as bowls, plates, spoons, knives and forks, tin cups, pans, pots, and so forth; packing boxes, wrapping paper, oilcloth, crash, rope, twine, quarantine fees, camphor and carbolized paper, carpenters' tools, tools for police purposes, iron safes, purchase and repair of public wagons, purchase and repair of public harness, purchase of public horses, services of veterinary surgeons, and medicines for public horses; purchase and repair of hose, purchase and repair of fire extinguishers, purchase of fire hand grenades; purchase and repair of carts, wheelbarrows, and lawn mowers; purchase and repair of cooking stoves, ranges, stoves, and furnaces where there are no grates; purchase of ice, towels, soap, combs, and brushes for offices; postage stamps for foreign postage; purchase of books, newspapers, and periodicals; improving parade grounds, repair of pumps and wharves; laying drain, water, and gas pipes; water, introducing gas, and for gas, gas oil, and introduction and maintenance of electric lights; straw for bedding, mattresses, mattress covers, pillows, sheets; wire bunk bottoms for enlisted men at various posts; furniture for Government quarters and repair of same, and for all emergencies and extraordinary expenses arising at home and abroad, but impossible to anticipate or classify, $215,000.

Mr. FOSS. Mr. Chairman, I desire to strike out the words "two" and "fifteen," in line 9—that is, to strike out the language "two hundred and fifteen thousand dollars" and insert in lieu thereof the language "one hundred and eighty-five thousand dollars."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 66, line 9, change the amount to $185,000.

Mr. FITZGERALD. Mr. Chairman, I move to amend by inserting in lieu thereof the words "one hundred and sixty."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend the amendment by making the amount $160,000.

Mr. FITZGERALD. Mr. Chairman, in support of that amendment I simply wish to say that that is the amount appropriated for the present fiscal year, and there seems to be no reason why it should be $25,000 more for the coming year.

Mr. FOSS. I think, Mr. Chairman, there was a deficiency there this year, and we had to increase the appropriation. In fact, I know there was a deficiency. I therefore hope the

amendment offered by the gentleman from New York will be voted down.

Mr. FITZGERALD. How much was the deficiency?

Mr. FOSS. It was a large deficiency. I haven't it right here. The deficiency was $50,000 this year.

Mr. FITZGERALD. Will it be as much next year?

Mr. FOSS. No; we do not think so.

Mr. FITZGERALD. I think myself that the Bureau will get along with the amount I suggest, and it will be a good chance to save next year what they expended this year.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment offered by the gentleman from New York.

The amendment to the amendment was rejected.

The CHAIRMAN. The question now is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The Clerk read as follows:

Total under quartermaster, Marine Corps, $1,740,861.50.

Mr. FOSS. Mr. Chairman, I ask that the amount be changed so as to read $1,605,861.50.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In lines 11 and 12 change the amount to $1,605,861.50.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. FOSS. Then in the following lines change the total amount to $3,764,385.78.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In lines 14 and 15 change the amount to $3,764,385.78.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The Clerk read as follows:

PUBLIC WORKS, MARINE CORPS.

Barracks and quarters, Marine Corps: Completion of guardroom, prison, and amusement room for enlisted men, Washington, D. C., $25,000.

Mr. SHERMAN. Mr. Chairman, I move to strike out the last word. I would like to inquire of the chairman with reference to this provision, where it originated? I can not think it originated in the gentleman's committee. The combination here is altogether too startling to suppose that the Committee on Naval Affairs would provide a guardroom, a prison, and an amusement room. I would like to inquire how this $25,000 is to be divided, whether we are to have $20,000 for the prison, $4,000 for the guardroom, and $1,000 for the amusement room, or whether that division is to be reversed, and the greater portion to go for amusements. I would like to know which room the men use, the prison room, the guardroom, or the amusement room? If the gentleman will give me that information, I will withdraw the pro forma amendment.

Mr. FOSS. Mr. Chairman, we are not responsible for the language nor the association of ideas.

Mr. SHERMAN. Can the gentleman tell me about how the division is to be made as to the use of the $25,000? I would like to know whether the amusement room is to be decorated in the same manner as the prison, and whether there is to be some sort of a gymnasium in the prison. I would like to know how these people are treated in the various quarters provided for them by this beneficent Government.

Mr. FOSS. Mr. Chairman, I appreciate the gentleman's thirst for knowledge, not only to-day, but all the way through the consideration of this bill.

Mr. SHERMAN. Mr. Chairman, I will withdraw the pro forma amendment.

The Clerk read as follows:

Water tower, rain-water cistern, pumps, and connections with local water service, navy-yard, Norfolk, Va., $25,000.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word. I wish to state what I am about to say on the last paragraph. I desire to call the attention of the committee to this very significant fact—that as we have been increasing the naval establishment it has been necessary to increase the number of naval prisons.

The Department from time to time has been issuing reports to the effect that year by year it has been securing men of a better class for the naval service, and yet the fact is notorious that as the years go by the number of desertions increase and the number of naval prisons have been greatly enlarged. During the past five years from three to four hundred thousand dollars have been expended for the purpose of increasing the naval prisons to accommodate this better class of men which the Department insists it is getting into the service. It seems to me, Mr. Chairman, that it would be much wiser if this money expended for naval prisons was utilized to increase the salaries or pay of these men and to provide such features of naval life as would so ameliorate their condition that there would be no necessity for naval prisons; and I hope hereafter we will have no more appropriations for naval prisons in this bill.

Mr. FOSS. Now, as the gentleman from New York has called the attention of the country to this important matter, I ask that the Clerk read.

The Clerk read as follows:

Two first-class battle ships, carrying the heaviest armor and most powerful armament for vessels of their class upon a trial displacement of not more than 16,000 tons; to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding $4,400,000 each.

Mr. HUGHES of New Jersey. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New Jersey offers an amendment, which the Clerk will report.

Mr. DAYTON. Mr. Chairman, I rise to a parliamentary inquiry. Can this amendment be offered until the paragraph is completed, and is the paragraph completed until you get to line 15 on page 68?

The CHAIRMAN. This paragraph that has just been read seems to relate to the battle ships and the next paragraph to the method of construction. The Chair thinks this is the proper place for the amendment.

Mr. DAYTON. I just wanted to know whether it is regarded as an independent paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out the period in line 11, page 67, substituting a colon, and adding immediately thereafter the following:

"*Provided*, That the authorization to have said battle ships constructed by contract is limited by this condition: No such contract is authorized by this act in which said contract the contractor shall not have covenanted with the United States as follows:

"That no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day upon such work, except upon permission granted by the Secretary of the Navy during time of war or a time when war is imminent or when any great national emergency exists; and that the contractor contracting with the United States shall, in the event of violation of said covenant as to hours of labor, forfeit to the United States the sum of $5 for each laborer or mechanic for every calendar day for which he shall have been required or permitted to labor more than eight hours upon the work under such contract."

Mr. DAYTON. Mr. Chairman, I make the point of order.

Mr. HUGHES of New Jersey. I would ask the gentleman to reserve his point of order.

The CHAIRMAN. Does the gentleman reserve the point of order or make it?

Mr. DAYTON. I make the point of order, Mr. Chairman.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HUGHES of New Jersey. Mr. Chairman, I would like to have an opportunity of arguing that point of order. I have something to say on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. HUGHES of New Jersey. I think the amendment is clearly an attempt to limit the appropriation.

Mr. PERKINS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New Jersey has the floor at present.

Mr. HUGHES or New Jersey. Mr. Chairman, at the last session of the House the Chair decided—and there are many other precedents to sustain the position of the Chair—that an amendment limiting an appropriation is not subject to the point of order. This amendment simply attempts to limit this authorization so that the appropriation which will necessarily grow out of this authorization will be limited. Now, as to the merits of this proposition, I would like to say that I do not feel that any effort is being made to give the House an opportunity to vote on the eight-hour proposition. The committee last session spent all of its time in hearings, and finally referred the matter to the Bureau of Labor and Commerce for investigation and report.

The Bureau reported test between *Louisiana's* ten-hour day, private yard, and *Connecticut's* eight-hour day, Government yard, per cent of completion: *Louisiana*, 60.7; *Connecticut*, 63.9.

Hearings before committee showed that experience proved in England, the greatest shipbuilding country in the world, that an eight-hour day was more profitable to men and manufacturers than a ten or nine hour day.

The report of Mr. Metcalf, of the Bureau of Commerce and Labor, shows that the best work is done under the eight-hour system. A comparison of the work done on the battle ship *Louisiana*, under course of construction at the Newport News yard, with that performed on the battle ship *Connecticut* reveals

the startling fact that the eight-hours-a-day men in the Government yard exceeded by more than 24 per cent per hour the amount of work completed in the ten-hours-a-day private yard.

There are yards in this country which are now operating under the eight-hour system by agreement with their men who would be glad to bid on this work and construct these ships on an eight-hour basis, but they fear the competition of firms who work their employees as long as their necessities will permit.

The eight-hour yards, which I referred to before, like the Government yards, attract the intelligent skilled mechanics of the country, while the less efficient men drift to the less desirable places of employment. The inevitable result of this is that without this limitation on the Secretary of the Navy the ships may not be constructed by the best American mechanics nor in the best possible manner.

Mr. Chairman, a battle ship is like a pistol; you may never need it, but if you do need it you need it "bad," and if a war should occur which would make it necessary for the fighting men of our Navy to show the world once more the stuff of which they are made, let us be assured at least of the fact that the floating fortresses in which our sailors go forth to fight the battles of our country are the very best that the hands of man can produce. Then we can await the event with the confidence born of the knowledge that American men in American-built ships are upholding the honor of our country.

Mr. Chairman, this amendment is not new legislation. It is legislation which Congress intended to place on the statute books as long ago as 1892, when, after years of effort, the mechanics of America succeeded in having passed the present eight-hour bill. I propose to show this by reading the debate on the subject in the Fifty-second Congress and part of the speech of its champion on the floor of the House—the honored gentleman from Ohio, Mr. McKinley:

REMARKS OF MR. M'KINLEY UPON THE EIGHT-HOUR BILL.

[Congressional Record, vol. 21, part 10, pp. 9300-9301, August 28, 1890.]

Mr. McKINLEY. Mr. Speaker, I am in favor of this bill. It has been said that it is a bill to limit the opportunity of the workingman to gain a livelihood. This is not so; it will have the opposite effect. So far as the Government of the United States as an employer is concerned, in the limitation for a day's work provided in this bill to eight hours, instead of putting any limitation upon the opportunity of the American freemen to earn a living, it increases and enlarges the opportunity for the workingman to earn a living. [Applause.] Eight hours under the laws of the United States constitute a day's work. That law has been on our statute books for twenty or more years.

Several MEMBERS. Since 1868.

Mr. McKINLEY. They say around me that it has been on our statute books for twenty-two years. In all these years it has been "the word of promise to the ear," but by the Government of the United States it has been "broken to the hope." [Applause.] The Government and its officials should be swift to execute and enforce its own laws, and failure in this particular is most reprehensible.

Now, Mr. Speaker, it must be remembered that when we constitute eight hours a day's work instead of ten hours, every four days give an additional day's work to some workingman who may not have any employment at all. [Applause].

It is one more day's work, one more day's wages, one more opportunity for work and wages, an increased demand for labor. I am in favor of this bill as it is amended by the motion of the gentleman from Maryland [Mr. McCOMAS].

It applies now only to the labor of men's hands. It applies only to the work. It does not apply to material; it does not apply to transportation. It only applies to the actual labor, skilled or unskilled, employed on public works and in the execution of the contracts of the Government. And the Government of the United States ought, finally and in good faith, set this example of eight hours as constituting a day's work required of laboring men in the service of the United States. [Applause.] The tendency of the times the world over is for shorter hours for labor—shorter hours in the interest of health, shorter hours in the interest of humanity, shorter hours in the interest of the home and the family; and the United States can do no better service to labor and to its own citizens than to set the example to States, to corporations, and to individuals employing men by declaring that, so far as the Government is concerned, eight hours shall constitute a day's work and be all that is required of its laboring force. [Applause.]

Therefore, Mr. Speaker, this bill should be passed. My colleague, Mr. Morey, has stated that we owe the family in this connection, and Cardinal Manning, in a recent article, spoke noble words on the general subject when he said:

"But if the domestic life of the people be vital above all; if the peace, the purity of homes, the education of children, the duties of wives and mothers, the duties of husbands and of fathers, be written in the natural law of mankind, and if these things are sacred, far beyond anything that can be sold in the market, then I say if the hours of labor resulting from the unregulated sale of a man's strength and skill shall lead to the destruction of domestic life, to the neglect of children, to turning wives and mothers into living machines, and of fathers and husbands into—what shall I say, creatures of burden? I will not say any other word—who rise up before the sun, and come back when it is set, wearied and able only to take food and lie down and rest, the domestic life of man exists no longer and we dare not go on in this path."

Mr. Speaker, we owe something to the care, the elevation, the dignity, and the education of labor. We owe something to the workingmen and the families of the workingmen throughout the United States, who constitute the large body of our population, and this bill is a step in the right direction. [Applause.]

President Roosevelt, in his annual message to this Congress at its first session, said:

So far as practicable under the conditions of Government work, provisions should be made to render the enforcement of the eight-hour law easy and certain. In all industries carried on directly or indirectly for the United States Government women and children should be protected from excessive hours of labor, from night work, and from work under insanitary conditions. The Government should provide in its contracts that all work should be done under "fair" conditions, and, in addition to setting a high standard, should uphold it by proper inspection, extending, if necessary, to the subcontractors. The Government should forbid all night work for women and children, as well as excessive overtime.

I will also read from report of Secretary Metcalf:

RESULT OF REDUCTION FROM FIFTY-THREE TO FORTY-EIGHT HOURS PER WEEK IN AN ENGLISH FOUNDRY AND MACHINE SHOP.

Perhaps the best known comparison of the eight-hour day or the forty-eight-hour week and the nine-hour day (or really the fifty-three-hour week) is the trial in 1893 in the Salford Iron Works of Mather & Platt, Manchester, England. The establishment employed 1,200 people, including pattern makers, molders (iron and brass), blacksmiths, coppersmiths and tin-plate workers, engine fitters, millwrights, electrical mechanics, turners and fitters, brass finishers, boiler makers, planers, drillers, borers, machine-tool men, joiners, and laborers. The character of the work turned out during the year of the test was similar to that of the preceding six years, and comprised steam engines, pumping machinery, boiler work, etc.; all machinery in the textile industries (other than spinning and weaving) for the bleaching, printing, and finishing of cotton, linen, silk, and other fabrics; electrical machinery of every variety for lighting, transmission of power, electric traction, electro-depositing, electro-chemical processes, etc. The year's trial of the forty-eight-hour week was made during a period of general trade depression, but the value of the product during the year was up to the average of the six preceding years.

The products of the establishment were subject to keen competition in both home and foreign markets. No monopolies were included in the year's trial, and royalties received on special inventions were excluded. About one-third of the employees were paid by the piece. No overtime was worked, except for breakdowns and repairs. Extra pressure of work was met by the employment of the double-shift plan.

A competent accountant, familiar with the work of the establishment, was assigned to keep close record of the cost and production, that the result might be known with accuracy. It was known to the workmen in advance that the permanent adoption of the forty-eight-hour week depended upon the success of the experiment. The actual hours of work were eight and three-fourths each day, Monday to Friday, inclusive, and four and one-fourth on Saturday, making forty-eight hours for the week. The wages remained the same as before. The hours during the six years preceding the period taken for comparison were fifty-four per week during the earlier part of the period, and fifty-three during the later part.

In a circular issued to the employees preliminary to putting in operation the forty-eight hour week is the following:

"Without some compensation being made on the part of the workmen by greater punctuality and increased energy and interest during the shorter hours, it is obviously impossible that the whole trade can unite in carrying out the new system. We have been assured by many serious workmen that this is possible. If not, other forms of compensation may be suggested after the experiment has been tried over a sufficiently long period.

"Our own opinions as to the increased energy, spirit, and cheerfulness with which you will all work when the day is shortened by cutting off the two hours before breakfast were expressed by Mr. Mather.

"We rely for the success of this shortening of the hours upon the moral as much as the physical effect which will result therefrom.

"We accept in good faith the assurances made to us that your object is to afford more employment to your follow-workmen, and consequently are willing to limit yourselves to forty-eight hours per week in order that the demand for more labor may be supplied by other workmen, if longer hours are needed, and thus increase the possibility of employment for a larger number of men in the aggregate. Our object is to facilitate your endeavors, while maintaining the industry in which we are all engaged in a healthy condition.

"You must be prepared to follow the strictest rules as to starting punctually in the morning and after the dinner hour. We do not wish to exact your labor, but we do consider that with these shorter hours and wages unreduced, you will have it in your power to manifest throughout the day a spirit of earnestness and intelligence in your work which the longer hours may have somewhat impaired.

"The conditions of your home life should be materially improved, when you can breakfast with your families and come to work refreshed from your previous day's labor more thoroughly than may now be possible.

"You are aware we enjoy no monopoly in our business. We are subject to keen competition at home and abroad in all we produce. This experiment, therefore, is sure to entail some considerable sacrifice upon us; but if it will enable us to make a permanent custom of the trade that which is now only a matter of hope and desire, we shall count it a privilege to have aided you in proving that your aspirations are perfectly consistent with maintenance of the welfare and prosperity of the engineering industry."

Mr. Mather in his report of the year's trial summarized the statistical results as follows:

Results under 48-hour system compared with results under 53-hour system.

	In favor of 48 hours (per cent).	Against 48 hours (per cent).
Comparison of wages to turnover, made simply on the net value of production and the wages thereupon		0.4
Balance of account for "wear and tear," fuel, etc., as against increased cost per hour worked, for fixed charges, which must be credited to wages account	0.4	
Proportion of "time lost without leave" to total time worked	2.0	
Difference in the amount of piecework production as shown by piecework balances in three periods of the year—		
First period		1.76
Second period		1.58
Third period		.78
Average for the year		1.41
Difference of pieceworkers' earnings, after equalizing prices for fair comparison with preceding years, for the whole trial year (some piece rates were cut during the year)		.5

"It will be clear from these figures that the wages cost of production in the forty-eight-hour system remains the same as it was under the fifty-three-hour system, when the new system is credited with the saving in consumables, wear and tear, fuel, etc., which is the direct consequence of the change without diminishing the output of the works."

The quantity of product was slightly larger during the trial year than the average in six preceding years, but as prices were considerably lower the value did not quite reach the average. "Had prices ruled the same, the turnover in the trial year would have been greater, and the wages cost, instead of showing an increase of 0.4 per cent, would have shown a decided increase."

Mr. Mather said in his report in summarizing his conclusions:

"With such results before us, my firm could not hesitate to decide to continue the forty-eight-hour week as a permanent system.

"I attribute the full maintenance of our production through the trial year solely to the unimpaired and cheerful energy on the part of every man and boy throughout the day. We seem to have been working in harmony with a natural law, instead of against it, as in the unnatural conditions of men beginning the work of the day without a provision required by nature for the proper exercise of their mental faculties and physical powers.[a]

"There is no doubt that the results obtained at the Salford Iron Works, together with those at other places, demonstrate that the two morning hours before breakfast are not worth the pains and trouble they cost, whether to work people or to employers. The effect on the work people must be most damaging both physically and mentally, otherwise we can not account for the remarkable and indisputable fact that when these hours were struck off as much work was performed all the year round as when these hours were employed. Not only are these two hours before breakfast almost worthless as time, but their effect on the physical and mental condition of the men is to depreciate the vigor, freshness, and brightness which ought to prevail throughout the working day, if the best results are to be obtained.[b]

"The changed home life must also count for something. Every man can now associate with his family before leaving for the day, and the breakfast table may give him a good 'send off' in a cheery spirit, which he maintains in all he does.

"The total abolition of overtime, excepting in the rarest cases, is essential to the success of the shorter hours, if my conclusions as to the cause of increased production be correct.

"This custom is a delusion on the part of work people and employers alike.

"The extra wages are obtained by the men at too great a cost. The extra work is not worth to the employers the price they pay for it.

"The double-shift system, which the trade unions have readily approved, has, on the other hand, many advantages in cases of exceptional pressure.

"Employment is afforded thereby to more men, and the work they do is not paid for at an abnormal rate.

"It would doubtless be difficult to obtain men sufficient for a double shift in times of great prosperity, and as a permanent system of working it is of course impossible. It will simply meet certain emergencies. The true means for larger production is increased producing power in men and machinery.

"But of this I am assured, that the most economical production is obtained by employing men so long as they are at their best. When this stage is passed there is no true economy in their continued work.

"Our year's trial has convinced us that we have found the 'happy medium' in the number of hours during which only one meal and one stoppage are needed, and this resolves itself into the eight-hour day, or forty-eight-hour week."

A letter from Messrs. Mather & Platt, under date of May 24, 1904, in response to an inquiry, states that "our experience since the first year in which it (the eight-hour system) was tried has fully borne out the conclusions then arrived at, and we are fully satisfied that as regards the comparison between eight and nine hours per day the balance of advantage is in favor of the shorter period."

RESULT OF REDUCTION FROM SIXTY TO FIFTY-FOUR HOURS PER WEEK BY J. H. WILLIAMS & CO., BROOKLYN, N. Y.

In his testimony before the Industrial Commission May 21, 1901, Mr. William C. Redfield, treasurer of J. H. Williams & Co., Brooklyn, N. Y., a corporation engaged in the manufacture of iron and steel forgings for machinery and tools, gave an account of the results of a change from a ten to a nine hour day in that establishment. Mr. Redfield said in part:

"It is recognized also that the following record is not singular or exceptional; indeed, it is hardly worth mentioning among greater achievements wrought out elsewhere. It may, however, have interest from the fact that the business is a highly specialized and a strictly competitive one, confining itself to one line of production and to but a limited portion of that line. It has also, possibly, some bearing on the question whether specialization necessarily injures the workingman, for in the works under consideration special apparatus is used as far as possible, and the factory will never be one where large masses of labor can be employed. Perhaps it is fair to say here that the working force is peculiarly small in proportion to output. The factory covers some two squares in the borough of Brooklyn, and the working force is about 250 men.

"In the establishment under consideration wages are usually advanced voluntarily, and not only has there never been a general demand for advanced pay, but none of the workmen have ever had their wages reduced. Those who know factory conditions best will, however, think most of the fact that piecework rates have never been reduced. It is the fixed principle of the house that piecework rates shall not be cut, for it is not deemed either wise or just to cut them. Furthermore, the men working on the piecework basis are guaranteed their full day rate of pay. The point of view taken is that if on piecework a man by skill and energy increases his pay largely he is entitled to such increase, because his employer economizes on fuel, interest, and other important items. It is not thought fair, if he thus profits and his employer as well, to cut away his profits that the employer may gain more; indeed, this policy is thought shortsighted and unprofitable. In this industry repairs count largely, and a well-paid man so cares for his machine as to minimize the need for repairs, because he loses by the time taken for such repairs; nor will such a man waste much material, for often in this business he wastes his own valuable time when he wastes material. Justly paid men also save in the important items of imperfect work. Under the above system the men on piecework replace in their own time, and willingly, work that is bad through their fault and pay at cost for the materials and fuel used. Thus saving, as the employer does, in material, repairs, interest, fuel, and other ways, getting, in short, large advantage from the increased output, common justice to the workmen demands that the piecework rate shall not be cut merely because he, too, profits well.

"On January 2 last, after consultation with the leading workmen, notice was given that the works would, on March 1, be put on the basis of a nine-hour day with ten hours' pay, running fifty-four hours weekly for the wages theretofore paid for sixty hours. This concession, made voluntarily and unasked, was received cordially by the men, who have shown their appreciation by working closely up to the full nine hours. Experience thus far has shown the nine-hour day to be profitable, for the output of the works is slightly larger than before. A comparison of a large number of orders executed on the nine-hour basis with the same number of orders for the same goods executed under similar conditions on the ten-hour basis shows a slight average gain in favor of the nine-hour day. There is a slightly larger average output for the nine-hour day than for the ten-hour day, though in every other respect the work was done under similar conditions. There is throughout an increased rate of hourly output and a total output somewhat larger for the shorter working time. These examples were taken from every part of the forging departments, and represent fairly all kinds of output, and both day work and piecework.

"Some factory managers have criticised statements like the above to the effect that if the output is larger for the nine-hour day than before, the former management must have been lax, and the men now working so well must, to some degree, have failed in their duty under the old conditions. If the growth of the business is not a sufficient answer to the suggestions of lax management, there is a further reply. Careful record has for years been kept of the daily product of every hammer in the forges, and from these records costs are figured to tenths of cents per piece, or even smaller fractions. These records cover not only each hammer but each man who has run that hammer, and all classes of work, and every article of each class for years past. On these records prices made on the factory output are based. The ability to compete with those in the same industry and with others using different processes, but producing competing goods, depends, and has always depended, upon the accuracy of these records. If former methods were lax they at least were such as promoted the steady growth of the business amid strictly competitive conditions, and, I might add, such as permit of the sale of its products in every seaport of importance on the globe.

"The nine-hour day has been a gain and not a loss—demonstrably so where exact data can be had, satisfactorily so even where the full details can not be secured. This result is believed to depend in large degree upon the willing and helpful spirit that exists in the works, but it is not urged that similar results can be everywhere had, for the conditions elsewhere prevailing are necessarily unknown.

"The result of these varied trials has simply strengthened the belief in the wisdom and profitableness for this particular establishment of the course above generally outlined. J. H. Williams & Co. believe that such success as has been obtained arises largely because and not in spite of the high and continuous wages paid to their working force, and recognize thoroughly the intelligence, efficiency, and, last but not least, the good will of that working force. While none can estimate exactly the difference in production in the same works between a force of men justly treated, earnest and zealous in their work, and a similar force working merely because they must live, the writer believes the difference between these two, under conditions otherwise similar, may be that between ruin and dividends.

"Again, it should be said that the things above suggested are done not as charity, but as matters of justice, as privileges, and as sources of profit. The course thus far taken will be followed because it is both a pleasant and a profitable one. It pays because a man is more than a machine, and the policy which treats him as a machine ignores one of the greatest factors in production, viz, human nature. It pays because the rate of wages is not the chief factor in cost, but the rate of production. A clean man produces more in the long run than a dirty man. A well-informed man produces more than an ignorant man. A justly treated man produces more than an unjustly treated man. A contented man is a better and cheaper producer than a discontented man. A well-paid man is a more economic producer than an ill-paid man. It would often be well, when seeking to economize, to give less attention to the pay roll and more in other directions."

Departmental construction has narrowed the operations of the law, and the different bureaus have shown their contempt for Congress by refusing to enforce its provisions, and it is the purpose of this amendment to put it up to the heads of Departments in language which can not be mistaken.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. HUGHES] has expired.

Mr. HUGHES of New Jersey. Mr. Chairman, I ask unanimous consent to proceed for five minutes longer.

Mr. MADDOX. Mr. Chairman, I object unless we have order.

Mr. GILBERT. The gentleman from New Jersey [Mr. HUGHES] has consumed a very small part of the time of this House. I therefore ask unanimous consent that he may be permitted to continue his remarks until he has concluded.

Mr. MADDOX. Mr. Chairman, I object unless we have order.

Mr. FOSS. Mr. Chairman, I desire to object. I will state

[a] It has always been the practice with the British workmen to go to work in the morning with only a cup of coffee or a little ale and to breakfast after a working period of one or two hours, it being considered impossible to eat a substantial meal immediately on rising. Such a practice involves not only one or two hours' work when the workman is not fit to put forth his best efforts, but also a breakfast brought from home or an extra trip to the home, and introduces an extra break in the working period. In the shorter work day the before-breakfast period is cut out, and the work day divided into two work periods instead of three. It is the knowledge of the gain that could be effected by this single change that has been the most potent influence for the shorter day in England.

[b] A number of the foremen in reporting in regard to the men in their departments note a greater promptness in commencing work. Much greater steadiness and sobriety are also noted, due, it is stated, to having breakfast before leaving home in the morning.

that only with the greatest economy of time can we get through with the bill to-night.

The CHAIRMAN. The gentleman from New Jersey [Mr. HUGHES] asked unanimous consent to continue his remarks for five minutes longer, to which there was no objection. The gentleman may proceed.

Mr. HUGHES of New Jersey. Now, the mechanics are entitled to this at our hands; they are our chief glory and source of pride; our wonderful material wealth and advanced position among the nations of the world are due to their efforts. There is not a man in this body who has not been benefited by their efforts; there is not a man in this body who does not in a large measure owe his position to their suffrage; therefore I ask you in the name of the workingmen of America—the men who will build these ships and who at their country's first call will go forth to meet her foes and fight her battles in them, for twenty-four hours a day, if necessary—show these men that you appreciate them for what they are and that you think they should participate in the benefits derived from the nation's advance by passing this amendment. [Applause.]

The CHAIRMAN. The Chair thinks that the amendment offered by the gentleman from New Jersey [Mr. HUGHES] is not a limitation on an appropriation, but is attempted legislation. The Chair, therefore, sustains the point of order. The gentleman from New York [Mr. PERKINS] is recognized.

Mr. PERKINS. Mr. Chairman, I offer the amendment which I send to the desk to be reported by the Clerk.

The Clerk read as follows:

On page 67, line 6, strike out "two first-class battle ships" and insert "one first-class battle ship."

Mr. PERKINS. Mr. Chairman, we have reached a practical question in our financial system. It is evident that the expenses of the Government will exceed the revenues of the Government. I, for one, am not willing to march up to a deficit. I do not believe that it is good business for a man to spend more than he has; I do not believe that it is good politics. We have already authorized more ships than we have officers to command, more ships than we have sailors to man, and more ships than we have money to pay for. We have already reached the point where important internal developments are retarded by our haste to build up a great navy. If that haste rests upon a fear that any other nation will attack us, I believe that fear is unfounded; and if that haste rests upon a desire to attack any other nation, then I believe it is unwise. We can well stop, Mr. Chairman. We can well afford now to halt in the construction of additional war ships. They will never be missed.

Mr. RIXEY. A parliamentary inquiry. Which will take precedence, the motion of the gentleman from New York, striking out "two" and inserting "one" or a motion to strike out the paragraph?

The CHAIRMAN. The motion to perfect the text of the paragraph will take precedence.

Mr. RIXEY. Mr. Chairman, I will not take more than a few minutes to discuss this matter. I have already stated in general debate all I care to say. It seems to me, however, that if there is anything shown by the general debate it is that during the present session of Congress there ought to be no authorization of battle ships. I have here in my hand a report from the Naval Intelligence of the Navy Department. It shows that the United States is building fourteen battle ships of 180,000 tons, while France is only building six of 87,000 tons, and Great Britain is only building eight of 130,000 tons. We are building to-day six battle ships more than Great Britain is building. We are building eight armored cruisers of 111,000 tons to France's six and to Great Britain's twelve. I think it can not be denied that the United States is building to-day more battle ships than any other nation in the world. Even if it is conceded that we must go on in the future increasing our naval establishment, certainly at this time, when we are doing more than any other nation, we can afford for one session of Congress not to authorize any ships. This statement from the Navy Department shows that we are third as a naval power in the world.

From the statement I read a few days ago, made by Senator HALE upon the floor of the Senate, it is shown that the United States, in his opinion, was at that time second with France to Great Britain. Since he made that statement we have authorized one great battle ship and two armored cruisers, and this places us ahead of France and next to Great Britain. But whether we are second or a close third matters not, because if we do desire this country to be second, we can afford to decide not to authorize any ship at this session of Congress. We are building more than two battle ships to France's one to-day.

In addition to these reasons, Mr. Chairman, I desire to ask the attention of this committee to the further fact that we will not have sufficient officers January 1, 1908, to officer the ships which should then be completed.

In response to a letter addressed by me to Admiral Converse, Chief of the Bureau of Navigation, I have here his response, giving such valuable information that I will insert it as a part of my remarks.

MY DEAR MR. RIXEY: Complying with the request made in your letter of the 26th ultimo, I take pleasure in forwarding the following data in reply to the two questions you ask, viz:

(1) Allowing for the usual ratio in deaths and resignations of officers, and the reasonable retirement of obsolete ships, how many officers and of what grades will be lacking to officer the vessels of the United States Navy and for shore and all other duty?

(2) Under conditions stated above, how many enlisted men will be required for the United States Navy?

That which follows represents the expression of my own individual views as to the composition of what might be called the "active" and "reserve" fleets. It might or might not accord with the opinion of the Secretary of the Navy or the recommendations of the General Board.

As nearly as it is possible to predict, all the ships now under construction and contracted and appropriated for should be completed by January 1, 1908.

(*a*) In the "active list" I have included only those battle ships, armored cruisers, protected cruisers, scout cruisers, and gunboats built to carry and withstand the recoil ("kick") of the latest types of guns—i. e., those designed to use smokeless powder. To these are added the vessels (gunboats) required at all times for service in Chinese rivers and in the Philippines, and torpedo destroyers and boats, dispatch vessels, tenders, training and station ships, supply vessels, and colliers, and tugs required even now for the training and maintenance of the active fleet. Or, to speak definitely, on January 1, 1908, it includes 16 battle ships, 12 armored cruisers, 4 coast-defense vessels (monitors), 18 protected or partially protected cruisers, 3 scout cruisers, 2 gunboats, 16 destroyers, 16 torpedo boats, and 4 submarines. For service in Chinese rivers and in the Philippines, 10 small gunboats. For fleet auxiliary purposes, 10 dispatch vessels and tenders, 5 training and transport vessels, 19 supply vessels and colliers, 18 receiving and station vessels, and 40 tugs. All these vessels of the active fleet to have full complements of officers and men.

(*b*) The "first reserve fleet" includes those vessels not designed originally for smokeless-powder guns, together with a proportionate number of gunboats, torpedo vessels, fleet auxiliaries, etc., or, speaking definitely, 9 first-class battle ships, 1 second-class battle ship (*Texas*), 3 coast-defense vessels (monitors), 20 protected, partially protected, and unprotected cruisers and gunboats; 10 torpedo boats, and 4 submarines. For service in Chinese rivers and in the Philippines, 9 small gunboats. For fleet auxiliary purposes, 6 dispatch vessels and tenders, 5 supply vessels, transports, and hospital ships.

These vessels of the "first reserve fleet" to have one-third crews and only enough officers to care for crews, ships, and machinery.

(*c*) For shore duty only that number of officers and men are included who are now performing duty on shore. This number includes in the captains' and commanders' grades a number of officers (formerly of the Engineer Corps) now restricted by law to the performance of duty on shore.

It is further assumed that 3 coast-defense vessels (monitors), 2 cruisers, 1 gunboat, 1 ram, and 8 torpedo boats have been relegated to the second reserve, without crews, and that 8 vessels (gunboats) have been struck off the list by 1908 as being obsolete.

Under the above assumptions this data follows, viz:

For the—	Rear-admirals.	Captains.	Commanders.	Lieutenant-commanders.	Lieutenants.	Lieutenants (junior grade).	Ensigns.	Midshipmen.
(a) Active fleet	12	47	35	210	384	221	342	322
(b) First reserve		3	4	22	61	12	3	
(c) Shore duty	15	53	77	86	76	11	5	
Total	27	103	116	318	521	234	350	322
To put ships of first reserve in commission and man all colliers with naval crews add	4	8	15	61	104	84	127	77
	31	111	131	379	625	318	477	399
To put ships of second reserve in commission add			7	12	22	16	12	5
Grand total	31	111	138	391	647	334	489	404
The navy list on Jan. 1, 1908, and according to present law, should include	21	85	121	206	355		205	395
Shortage, Jan. 1, 1908	10	26	17	185	292	334	284	9

Similarly the following enlisted men will be required:

(a) Active fleet	38,276
(b) First reserve	4,067
(c) Shore stations	1,219
Total	43,562
To put ships of first reserve in commission and man all colliers with naval crews, add	8,981
To put ships of second reserve in commission, add	1,307
Men in training, in transit, and in hospitals (sick)	8,133
Grand total	61,983
Under present law the enlisted force allowed is	34,000
Shortage, January 1, 1908	27,983

It will be seen from the above data regarding officers that the shortage in the number of rear-admirals, captains, and commanders required is comparatively small. The number of flag officers employed on shore duty seems large, but it is not so when it is remembered that at present nine are in command of navy-yards and naval stations; one each on the Light-House Board (chairman), at the Naval Observatory (superintendent), Naval Home (governor); one in command of naval districts; and, as in the case of the July register of this year, one returning from command abroad (Asia) and one on special duty abroad (for the Navy Department).

The shortage in the captains' list could ill be met by ordering twenty-six captains from shore duty, as navy-yards and stations at home and in our insular stations absorb an increasing number, together with the bureaus, offices, and boards in Washington and elsewhere.

The shortage in commanders can be met by ordering the requisite number from shore duty. The reason for the number so employed at present is that most of our new ships are captains' commands.

The shortage in the number of lieutenant-commanders, lieutenants, and lieutenants (junior grade) forms the most serious feature, as upon these grades depend the performance of the executive, watch, and gun-division duties on board ship, and hence the discipline and efficiency of the fleet. In my annual report for 1904 I recommended that the number of officers in the grades of lieutenant-commander and lieutenant be fixed at 300 and 600, respectively, which would require legislation to that end. It is only necessary to invite attention to the fact that it is only three years until January 1, 1908, and provision for the number recommended should soon be made a matter of law.

Yours, very truly, G. A. CONVERSE,
Rear-Admiral, U. S. Navy.

Hon. JOHN F. RIXEY, M. C.,
House of Representatives, Washington, D. C.

Let me ask the Members of this House what is the necessity for building ships when you can not get the officers to officer them? The only way we can get officers for the Navy is through Annapolis. We can not get them as is done in the Army, and the statement from the Navy Department shows that it will be impossible to get the officers to officer the ships we already have provided by the time they are completed.

If that is true, why build these ships before we need them and when we know that every year improvements are being made which will make them more efficient? Why not let the authorization stand for at least another year?

The question of expense is one which more especially appeals to the Republican side of this House. Upon you is the responsibility for keeping the expenses within the revenues. We are willing to assist you, because we believe it is patriotic to do so. I do not want a great deficit in the Treasury. I am willing to vote for ships whenever they are needed, but I am not willing to place $15,000,000 in two battle ships when we do not need them and have not the officers to officer them. We can provide the men, but we can not provide the officers as fast as we are building the ships.

Mr. WATSON. Will the gentleman yield for a question?

Mr. RIXEY. Yes.

Mr. WATSON. The gentleman says we are now second at most in the power of our Navy. Is it not a fact that we have come to that position against the protest and over the opposition of the gentleman? And is it not a fact that the gentleman has voted against every increase of the Navy by way of large battle ships and large cruisers in the last six years?

Mr. RIXEY. I can not tell whether I have during the past six years. I think not; but I will say this, that for the past few years I have believed we were going too fast. I have never believed that we should build faster than Great Britain, faster than France, faster than Germany, and faster than Russia. I should like the gentleman from Indiana to give me some reason why we should build faster than Great Britain and faster than France.

Mr. FOSS. Will the gentleman yield for a question?

Mr. RIXEY. I will.

Mr. FOSS. The gentleman has made the statement here that we are building faster than Great Britain.

Mr. RIXEY. I have.

Mr. FOSS. I have here a tabulated statement——

Mr. RIXEY. I said battle ships. That is what my statement refers to.

Mr. FOSS. Now, let me read to the gentleman the total tonnage of England.

Mr. RIXEY. Mr. Chairman, I will not yield to allow the gentleman to read the total tonnage of England. We are talking now about battle ships, and I read from the statement furnished me by the Navy Department. I suppose the gentleman will accept that as good authority.

This, Mr. Chairman, is all that I care to say on this matter. I went over the subject fully the other day.

Mr. PRINCE. Will you please state to the House how many enlisted men will be required? I think in your discussion you omitted to state that. The committee would like to know it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RIXEY. I will state, if I may have the time.

Mr. PRINCE. I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. PRINCE. I yield to the gentleman from Virginia.

Mr. RIXEY. The statement furnished me by the chief of the Bureau of Navigation, to which I referred a few moments ago, says that on the 1st of January, 1908, to man all of our ships would require for the Navy proper 61,983 men. I call the attention of the House to the fact that that is exclusive of the marines.

But if the ships are divided so as to provide for an active fleet, first reserve, and for shore stations it will only require 43,562, exclusive of marines.

Mr. FOSS. Mr. Chairman, I desire at this time to correct the statement of the gentleman from Virginia. He has made the statement on this floor to the effect that we have been building battle ships faster than England.

Mr. RIXEY. I trust the gentleman will be accurate in his statement. I said that we are now building faster than Great Britain.

Mr. FOSS. England has authorized since 1898 twenty-six battle ships, with a total tonnage of 390,400 tons. The United States has authorized sixteen battle ships, ten less than England, with a total tonnage of 234,500 tons. As to the total tonnage since 1898, I desire to submit these figures: On all kinds of ships England has authorized thirty-six cruisers in addition to the twenty-six battle ships, and the United States has authorized only ten cruisers in addition to the sixteen battle ships. Of the total tonnage England has authorized, since 1898, 822,600 tons, and the United States has authorized 374,300 tons, less than one-half. So that the statement by the gentleman from Virginia is incorrect.

Mr. MADDOX. Will the gentleman from Illinois allow me to ask him a question?

Mr. FOSS. Yes.

Mr. MADDOX. Why is it that we Americans can not go beyond all these people? Why don't we have the first navy in the world; why haggle about two battle ships? Why should not we lead Great Britain?

Mr. FOSS. I was replying to the gentleman from Virginia [Mr. RIXEY], who was bringing up the comparison between Great Britain and the United States.

Mr. MADDOX. Well, the gentleman from Virginia has got one idea and I have got another. I want the gentleman from Illinois to answer my question: Why shouldn't we have three, or even ten, or even twenty battle ships, so as to lead all nations of the world?

Mr. FOSS. Mr. Chairman, I desire to put in the RECORD a statement showing the comparative tonnage authorized by the different navies of the world during the last seven years.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The following is the memoranda referred to:

[Office of Naval Intelligence. Compilation, January 13, 1905.]

COMPARATIVE STATEMENT OF RATES OF INCREASE OF SEA STRENGTH OF FIVE PRINCIPAL NAVAL POWERS.

As the United States have no continuous policy of construction (which some foreign nations have) the most immediate comparison appears to be that of tonnages now building. As will be gathered from the accompanying corrected tabular statement, the United States tonnage now building is larger than that of any other country, except England.

This bald relative exhibit, however, does not furnish a proper comparison of the rates of building up navies, for the reason that the amount of tonnage building shows up larger in countries where building operations are slow; that is to say, as between two countries authorizing equal annual increases, if one, for instance, builds a battle ship in two years while the other takes three years, the latter will in a few years have a much larger "tonnage building" than the former.

A more satisfactory and correct comparison is that of the actual authorizations during a stated period. To this end there follows here a tabular statement of the total number and aggregate tonnage of battleships and armored cruisers authorized by each of the five principal naval powers since January 1, 1898. Comparisons of any one year's votes would be valueless and misleading, because in one year the American Congress authorized five battle ships and in another year none.

Smaller cruisers and torpedo craft are of minor consideration as regards both cost and importance, and, in any event, would not materially modify the comparison.

Country.	Battle ships authorized since 1898.		Armored cruisers authorized since 1898.		Total tonnage.
	Number.	Tonnage.	Number.	Tonnage.	
England	26	391,400	36	431,200	822,600
France	7	100,327	16	180,867	281,194
Russia	11	152,060	1	7,726	159,786
Germany	15	184,139	6	56,609	240,748
United States	16	234,500	10	139,800	374,300

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I desire to call the attention of the House to the fact that three or four years ago, when this committee would bring in a bill asking for several large war vessels, gentlemen then would appeal to Members for support on the ground that Germany had an immense naval programme. We have outstripped Germany, and now gentlemen who are advocating an immense navy, beyond, I think, our necessities, no longer appeal to fear on account of Germany's big navy, but they are beginning to compare our Navy with that of England. It has been asserted on this floor by Republican leaders time and time again that we need no such navy as England has. England has nearly 2,000,000 tons of war ships, and we have less than 700,000 tons. To have a navy the equal of England's would entail upon the people of this country an annual expense, in my judgment, of $200,000,000, and such navy would be without excuse and without necessity. With our present authorized ships completed and in commission we need never expect to see the naval bill under $100,000,00 annually.

The great grain fields of the West, the cotton fields of the South, the Dominion of Canada on the north are perpetual guaranties of peace with England, regardless of mutual sentiments arising from kinship, language, and traditions. So no man can say that he anticipates war with England. If so, we have whipped England twice without a navy as large as hers, and we will whip her again without it if we happen to have war with her. [Laughter and applause.]

The statement of the gentleman from Virginia, and which I corroborate, was that we are building battle ships faster than England. I call the attention of this House to the last page of the report on the naval bill, presented by the gentleman from Illinois, where it stands in plain English figures that Great Britain is building eight battle ships, with a total tonnage of 130,800, and the United States is building twelve battle ships, with a total tonnage of 180,200. Yes, to-day we have under construction 50,000 more tons of battle ships than England. We are building at a greater rate than any other country on the face of the earth, according to the gentleman's own report. Mr. Chairman, in addition to the tonnage in the report we have another battle ship authorized, the *New Hampshire*, of 16,000 tons, not included in the report, because its construction had not commenced. This ship added makes our total under construction 196,200 tons, and a total of ships built and building of 659,693.

Furthermore, to-day we have authorized and constructed a greater navy than France. The Senator from Maine [Mr. HALE], as quoted by the gentleman from Virginia, was correct. Why, France has authorized and already built a total tonnage of 778,149 tons, and in that great tonnage of France are included fifteen large ships laid down in and prior to 1890, old ships, if you please, with a tonnage of 138,481, which Senate Document No. 195 shows were all built before the United States began the construction of battle ships. So they are comparatively old. If you eliminate those eleven old battle ships and four old armored cruisers that France built before we constructed a single ship of our new navy, the Navy of the United States is mightier in tonnage than that of France. Our new navy already authorized has 659,693 tons, while the new navy of France has only 639,668 tons. We do not need a navy for our service so large as France needs for her service.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. WILLIAM W. KITCHIN. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from North Carolina requests that his time be extended five minutes. Is there objection?

There was no objection.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, the countries of Europe, standing side by side, with their different traditions, their different interests, with old animosities rankling in the bosoms of the people, like France and Germany or France and England, have a hundred opportunities for war with each other where we have one with these great countries. Yet we already have a greater navy than France, a greater navy than Germany, and, in my judgment, a better navy for our needs than Great Britain has for her needs. Permit me to read from high authority in this House, no less than the present Speaker, a statement made by him four years ago, at which time we had only eighteen great battle ships authorized and six armored cruisers, while to-day we have twenty-five great battle ships and ten armored cruisers. Mr. CANNON, of Illinois, said, and I am reading from page 1426 of the RECORD of January 24, 1901:

> But I think in deference to the gentleman who heads this committee and that committee which makes this report, out of abundance of caution I shall vote for this increase, hoping and believing from the best information that I can get that our Navy, completed as it is authorized, will be sufficient in our condition to meet all comers in defending the flag and protecting our commerce and our citizens.

That was the opinion of the present Speaker of the House just four short years ago. Since that time we have authorized and there is in course of construction eight more battle ships, four armored cruisers, two gunboats, and three scout cruisers, and yet the gentlemen who are demanding a big navy are crying "More!" "More!" "More!"

Why, Mr. Chairman, we are to-day spending upon the Army and Navy of this country more money than the 450,000 public school teachers of this land draw in salaries for teaching 11,000,000 children who attend the public schools. [Applause.] They are paid only about $160,000,000. For the cost of one of these battle ships you can build for the people of this country 155 public buildings of an average cost of $50,000 each. If these two battle ships should go out of this bill, and thus show a spirit of economy in this instance, perhaps the honorable Speaker would let the public-building bill go through without trouble, because that bill carries but little more than half the cost of these two battle ships, although it provides for eighty-one new buildings, for forty-six increases, and for forty-six sites. Let us put a part of this money in public buildings for the benefit of the public service. In my judgment, we have a large navy, sufficient for our demands now, and I agree with the opinion heretofore quoted from the gentleman from Illinois, the present Speaker. We all favor a large, an efficient, a strong navy. We have it. We do not favor a diminishing navy. We may in years to come need an increase.

Mr. BAKER. Mr. Chairman, will the gentleman yield for a question?

Mr. WILLIAM W. KITCHIN. Yes.

Mr. BAKER. Does the gentleman contend that there is any glory or destiny in a public building? [Laughter.]

Mr. WILLIAM W. KITCHIN. I have not the time to discuss the side issues which I may use in support of my argument. One of these immense battle ships costs $7,775,000, and probably eight millions before it is on the sea ready to fight. If it costs $8,000,000, that would build 160 public buildings for our small cities.

After one of these ships is in commission it will cost six or seven hundred thousand dollars a year for maintenance. The battle ship *Maine* costs $537,000 a year for maintenance, and these ships are larger than the *Maine*, and will cost $2,000,000 more money. For the maintenance of one of these great ships every year you can, in my judgment, build a dozen public buildings. Why, Mr. Chairman, it seems to me, when we realize that there are sovereign States of this Union whose taxable property does not amount to more than the value of seven or eight battle ships, the immensity of these appropriations, the rapidity of our strides, ought to bid us pause, and unless those who advocate these ships can show their necessity, then, in the interests of economy this House ought to support the amendment. [Applause.]

Mr. HEMENWAY. Mr. Chairman, the question of public buildings or rivers and harbors has nothing to do with the discussion of the question before the House. We have been building up a Navy. During the second year of Cleveland's first administration we expended only $13,000,000 for a Navy. We expended last year something over a hundred millions of dollars. It is true we are building rapidly. We have to build rapidly, because we did not have any Navy at that time, and we have had to build it all up in a hurry. Now, then, we are progressing. The shipbuilding companies are prepared to build these battle ships. We are prepared to build them in our own yards; and now here comes a proposition to stop their construction all at once. We have the machinery now. We have got it moving. We can build them a great deal cheaper than we could build them two years later, if we stopped the construction all at once. The Committee on Naval Affairs has taken up this matter, and they had presented for their consideration for three battle ships, five scout cruisers, six destroyers, six torpedo

boats, and two colliers, altogether a total of $42,000,000 asked for.

They evidently objected to that programme and then came the second for the construction of three battle ships, six destroyers and one collier, amounting to $29,000,000. Then came the third scheme—they turning down the second—to build three battle ships, which they declined to place upon their bill, and then finally they placed upon their bill an authorization for two battle ships. I want to say, in my judgment, the Committee on Naval Affairs have performed their duties well, and they ought to be sustained. Why, we have to make progress with the Navy in order to uphold the hands of our representatives abroad. What will weaken them more than to have it said that we have abandoned the construction of a navy, that we have stopped it short and quit and are not going to construct any more battle ships? It will be a step backward, gentlemen. I understand we have to cut appropriations, we have got to administer the affairs of the Government in an economical way to keep within the revenues. Has not this committee done it? Has not this committee in reducing its programme of $42,000,000 down to about $15,000,000 done well? I want to say to this House——

Mr. MADDOX. Mr. Chairman——

Mr. HEMENWAY. The gentleman will pardon me. I want to say to this House that it would be a great mistake just at this time in our history, when we are moving to the front so rapidly, when the world has begun to recognize the power of the United States as it has within the last few years, when we are going to the front and the world sees the United States is a great world power, that we should stop now and say no more battle ships are to be constructed.

Mr. MADDOX. Mr. Chairman——

Mr. HEMENWAY. Pardon me until I get through. I say this committee ought to be upheld, that these two ships ought to be constructed, that we ought to keep on with this construction for the reason we can do it better now. We are prepared to do it better now. The shipyards owned by private owners and those owned by the Government have the machinery, they have the force, and they are prepared to do the work. You stop authorization and let things go for two years and the machinery gets wrong, all the force of men who are engaged in the construction of this work are scattered, and it will cost the Government thousands of dollars more to build the two battle ships than it would cost now to go ahead with the work that has been reported. I sincerely hope that the Members of this House will stand by the committee in their action and vote in favor of two battle ships. [Applause.]

Mr. BARTHOLDT. Mr. Chairman, the majority of the membership of this House are, I take it, friends of international peace and arbitration. With them, the same as with me, the question arises, How are we to reconcile our views with a vote for new battle ships? Ordinary consistency, it seems, would require us to deny all appropriations for additional engines of war; and such action, it is argued, would set a good example to the world and at the same time be the most convincing proof of the sincerity of American professions in favor of civilized as against barbarous methods in the settlement of international difficulties.

At first blush the genuine desire for peace does seem irreconcilable with the building of new battle ships. It does seem that those who prefer arbitration to the sword as a means of settling international controversies could most effectively enforce their preference by preventing an increase of military and naval armaments. But, Mr. Chairman, upon sober second thought, you will find that such prohibition, if I may use that word, can no more secure the peace of the world than prohibition, in the general acceptance of that term, can secure the sobriety of the world. In either case the only effective instrument to bring about the desired result, in my judgment, is education and what is born of it—namely, a healthy public sentiment.

Mr. LIND. I agree cordially with the gentleman from Missouri [Mr. BARTHOLDT] in the last sentiment; but, inasmuch as we both share that sentiment, would it not be wiser to pay a little more for teachers' salaries than we pay for armament?

Mr. BARTHOLDT. I regret, Mr. Chairman, that my friend from Minnesota [Mr. LIND] bases his opposition to this naval programme upon the question of teachers' salaries instead of his love for peace. [Laughter.]

Mr. LIND. The question seems to be whether we are to yield to guns or brains. [Laughter.]

Mr. BARTHOLDT. I am frank to say that as a true friend of arbitration, and even in my humble capacity as president of the Interparliamentary Union, whose object it is to promote the cause of international arbitration, I can consistently support this year's naval programme, reduced, as it already has been, by the force of public opinion and the exigencies of the Treasury.

In doing so I am not in the least influenced by the old threadbare argument, "Si vis pacem, para bellum;" in other words, that the big stick is necessary to keep the peace. Oh, no; that argument has been invented by Old-World rulers to more easily extract the dollars from the pockets of the taxpayers, and no matter how often Captain Hobson and others may repeat it on the lecture platform, it is not true that the peace of a nation depends upon the number of its guns and bayonets. If it were true, smaller nations would not be secure for a day. The little fish would have been swallowed by the big ones long ago, and in not a single instance does the history of the last one hundred years bear out the assertion that the weakness of one nation was the inciting motive or the inducement for the stronger nation to make war upon it. Did Germany declare war against France because she believed the Empire of Napoleon III to be weak or unprepared? On the contrary, the world knows that Napoleon had invited and precipitated that terrible war because he believed France to be fully prepared for it.

Did President Krueger send his ultimatum to London because he believed the mighty hosts of England to be unequal to the forces of the Boers? Or, to come nearer home, did the United States attack Spain because Spain was known to be the weaker power? Every American, I trust, will agree with me that if Great Britain or France or Germany had been in the place of Spain our diplomatic notes would not have been written in a different tone. And look at the Russian-Japanese war. Did the Japanese David tackle the Russian giant because he believed the Government of the Czar—the oldest military government of Europe—to have been neglectful of military and naval preparations? It happens that in each one of these cases the party against whom war was declared was fully prepared for any emergency, and these examples, I hope, will suffice to teach us that preparedness and readiness for war are by no means an unfailing guaranty for the preservation of peace. The traditional American policy, which demands justice and a square deal to all, if adhered to the world over, and supplemented by agreements to arbitrate all honest differences, would surely have been much more reliable safeguards than the most powerful armaments could possibly be.

But I realize that we have not yet reached the point in our international civilization where the same maxims are recognized as the controlling factors by all. Besides, we have a great and growing commerce to protect, and with the construction of the Panama Canal and the elements of doubt presented by the future development of affairs in the Orient I concede that it might be premature for even the most uncompromising friend of perpetual peace to halt the arm of his Government in the development of its naval programme, bent as it is, not upon conquest, not upon doing wrong to anyone, but merely upon protecting its legitimate interests. It is for this reason that I shall vote for the battle ships, and I hope all the friends of arbitration on this floor will do the same; not that there is any danger, or even a remote probability of war, because in the present state of public feeling, as developed by the controversy over the arbitration treaties, no American administration will start one, and I know of no foreign power which has the least inclination to pick a quarrel with us. Still, the new era in the world's progress has not yet dawned—the era when all nations will allow an adjudication of their differences by an international tribunal the same as they compel individuals to bow to the courts of civilized nations—consequently we must, as long as we are in Rome, do as the Romans do.

My conclusion, Mr. Chairman, that the friends of arbitration can not well subserve their cause by antagonizing appropriations for the national defense is based upon the reflection that, under existing circumstances, these appropriations are indispensable, and upon the fact that there is no real connection, either intellectual or actual, between arbitration and armaments, not any greater connection, at least, than there is between the electric light and the old-time oil lamp. When gas and electricity were first used for lighting purposes, we did not go to work and smash our old lamps, though the time will probably come when we may be able to dispense with them altogether. When the principle of arbitration is once carried to its full fruition, when it is generally accepted as the only proper means worthy of cultured nations to adjust disputes, then men-of-war and cannon will become obsolete and useless by automatic action. As it will be unnecessary then to legislate them out of existence or to destroy them, so it is unnecessary now, in order to subserve the cause of peace, to prevent their construction. We still use oil lamps, because gas and electricity are not yet within the reach of every citizen, and we still need battle ships because the nations have not yet fully agreed to settle all their differences by arbitration.

This is the reason, too, why the Interparliamentary Union,

at its last conference in the United States, did not include disarmament in its programme. It was because arbitration means disarmament. It destroys the food upon which the dogs of war feed, and its effect will be to starve these wild animals to death.

And, gentlemen, arbitration is coming. It sweeps the earth with resistless force, and in our own country public opinion is ripe for its general adoption, as has been demonstrated by the recent controversy between the Senate and the President. Arbitration treaties will soon be negotiated with the other nations, it is hoped, as a result of the second conference at The Hague, and when that day comes, let us remember and let the Senate remember that our bird of freedom holds the sheaf of arrows in his left, but the olive branch in his right foot, with the emphasis on the olive branch. Let us never be unmindful of this great lesson of the founders of the Republic in our dealings with the nations of the world.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. BARTHOLDT] has expired.

Mr. BARTHOLDT. Mr. Chairman, I ask for an extension of time of five minutes.

The CHAIRMAN. The gentleman from Missouri [Mr. BARTHOLDT] asks for five minutes. Is there objection?

Mr. BAKER. Mr. Chairman, I object.

Mr. BASSETT. Mr. Chairman, as one of the few Members on this side of the House who intends to vote for the battle ships [applause], I wish to state my position upon that question. I am in favor of a strong navy. I believe that we have not yet reached the limit of making our Navy a strong navy, and I do not agree with the propositions which have been made during the last few days that no war being in sight there is no reason why we should make ourselves stronger. It seems to me that there is every reason to-day why this country should make itself strong upon the sea. The gentleman last speaking upon this side of the House [Mr. KITCHIN] referred to France in comparison with this country, pointing out that our Navy now surpasses that of France, and that there is no reason why we should try to equal that of England. The question is not whether we shall surpass this country or that. We want a navy adequate to protect the position of this country the next twenty-five years. With me it is largely a question of the position that we shall occupy in the shifting of the power of the world. A hundred years ago the world force was in Europe. France was the center. France's greatness was because of her having the interior lines by which she could quickly approach the frontiers of the other countries of Europe. The power of the world to-day is not concentrated in Europe. Positions have changed. During the last fifty years the world force has not so much been land control of Europe as the sea control of the Atlantic. This has been caused by the rise of this great Republic.

To-day the power of the world is being readjusted. The readjustment is going on silently. The center of power is moving. It is not now in Europe; the Atlantic Ocean is not now alone the highway of commerce and the highway of power. The rise of Japan, the awakening of Asia, the movements all along the coast of China, the Panama Canal, and the growth of our Pacific coast have made the center move to America, because there are to-day two highways of commerce and of power, the Atlantic Ocean and the Pacific Ocean. During the next twenty-five years the power, the influence, and the commerce of the Pacific Ocean will approach that of the Atlantic. Formerly the countries on the Pacific did not need to be considered. Now they are increasingly important. The position of the United States was formerly on the edge. Now it is in the center. This country has the interior lines of the world. We lie between these two great oceans, the two powerful highways of the world, and we are the only power that lies between them.

Our position brings obligations and dangers not now evident, and a wise preparation demands that we keep ourselves strong upon the sea. We desire peace, but sea power is necessary to safeguard our position and assure us peace. The result of our preparing a strong navy will not be to plunge us into war. Prepared nations avoid war. To-day armies fight not as mere human units, but they fight with machinery. Numbers and patriotism alone will not prevail. If we are not prepared with modern machinery (and battle ships are part of modern war machinery), the men we send to war on land or sea will be sacrificed by thousands without avail, just as the followers of the Mahdi were cut down by the machine guns of the British. When the building of the machinery takes years, preparation must precede the eventuality of war. Preparedness commensurate with our position is common sense. I believe in economy. I believe in that economy regarding our Navy that enables you to get a dollar's worth of product for a dollar. Our battle ships are costing more than they should. A dollar here does not go nearly so far in producing a war ship as it does in England or Germany. Our tariff laws, as shown by the gentleman from Michigan [Mr. LUCKING], make the cost of our ships nearly 30 per cent more than it should be. Our own steel-plate mills sell armor more cheaply abroad than at home. I believe in going ahead with these two battle ships. Our position in the readjustment of the power of the world demands the most perfect preparation that we can afford. [Applause.]

Mr. VANDIVER. Mr. Chairman, my colleague from Missouri on the other side of the aisle [Mr. BARTHOLDT], who has just taken his seat, declaimed eloquently for peace and arbitration, and then closed by informing us that he was going to vote for more battle ships and preparation for war.

It is a sad fact, Mr. Chairman, that during the last eight years the world has moved backward. Eight years ago the sentiments that were just uttered by the gentleman from Missouri were gaining some foothold in the world. Peace, arbitration, the settlement of national disputes by appeal to reason instead of brute force had gained some ground. At that time the naval appropriation bill brought into this House only called for about $30,000,000. I have looked up the record a little bit, and I find that ten years ago the army appropriation bill passed in this House carried only $26,000,000. Last year it carried $76,000,000. I have before me a table of the appropriation bills from this Committee on Naval Affairs for the last twenty years. Twenty years ago the naval appropriation bill carried $14,980,000. Ten years ago, 1895, it carried $25,397,126. To-day the naval appropriation bill, which we are now considering, carries a hundred millions and some odd thousand of dollars; and in addition to that, I am informed that the general deficiency last year amounted to $6,127,974.27, and this year it will be something like $14,000,000. Here is our regular naval budget for the last twenty years, exclusive of deficiencies:

Total amounts of naval appropriation acts for each year from act of March 3, 1883, to and including act of April 27, 1904.

1883 (47–2)	$14, 819, 976. 80
1884 (48–1)	15, 894, 434. 23
1885 (48–2)	14, 980, 472. 59
1886 (49–1)	15, 070, 837. 95
1887 (49–2)	16, 489, 907. 20
1888 (50–1)	25, 767, 348. 19
1889 (50–2)	19, 942, 835. 35
1890 (51–1)	21, 692, 510. 27
1891 (51–2)	24, 136, 035. 53
1892 (52–1)	31, 541, 654. 78
1893 (52–2)	23, 543, 385. 00
1894 (53–2)	22, 104, 061. 38
1895 (53–3)	25, 327, 126. 72
1896 (54–1)	29, 416, 245. 31
1897 (55–1)	30, 562, 660. 95
1898 (55–2)	33, 003, 234. 19
1899 (55–3)	56, 098, 783. 68
1900 (56–1)	48, 099, 969. 58
1901 (56–2)	65, 140, 916. 67
1902 (57–1)	78, 101, 791. 00
1903 (57–2)	81, 876, 791. 43
1904 (58–2)	97, 505, 140. 94

Now, I wish to ask why all this immense increase of naval and military armament in our country? Is it the progress of peace and peaceful methods of civilization, or is it a movement backward toward the barbarous and savage methods of ancient civilization? [Applause.] No wonder rivers and harbors must suffer and public buildings must wait; no wonder that other proper expenses of the Government must be withheld in order to furnish the millions and hundreds of millions of dollars called for by the Army and the Navy. And why all this increase of expense, immense as it is? And I call the attention of the committee to this significant fact in this connection. Listen, if you please, to two solitary items in this bill:

On account of the hulls, outfits, and machinery of vessels and steam machinery of vessels heretofore authorized, $23,410,833.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VANDIVER. Mr. Chairman, I ask unanimous consent for an extension of my time. I have only occupied a very few minutes of the time of the House during this session of Congress.

Mr. FOSS. Mr. Chairman, I should like to see if we can not fix the time for closing the debate on this paragraph and amendments in twenty minutes.

Mr. VANDIVER. I shall not continue very long, and I have no objection to that, but being a member of the committee I should like to have a few minutes longer for discussion of this matter.

Mr. FOSS. I will make the motion at the close of the gentleman's remarks.

Mr. VANDIVER. Then, Mr. Chairman, comes this proposition following the other one:

Armor and armament: Toward the armament and armor of domestic manufacture for vessels authorized, $18,000,000.

Twenty-three millions and a half, in round numbers, for one item and $18,000,000 for the other item.

Now, let us be square and honest with ourselves. I do not believe there is a Member of this House who would put his hand into the Treasury of the United States Government and take out a dollar for himself or who would seek personal profit by legislation. Yet I want to call your attention to what I believe is the practical and potent force behind this and many other such measures. There are various reasons. It is true, for instance, that the brutal instinct in human nature has not yet all been eradicated, and it is true that the worthy but indefinite sentiment of patriotism is too easily preyed upon; but the really potent and operative reason for such measures as this is the fact that somewhere behind them there is a force that is personally interested and that profits by this great expenditure.

It offers to some men the opportunity to build ships for the Government. It offers to others the opportunity to manufacture armor plate. It offers to others the opportunity to manufacture guns for the Government, and to still others opportunities to get other forms of rich and profitable contracts with the Government. It is my sincere conviction, sir, that if I could strike out of this bill every item that has beneath it the prospects of personal profit the bottom would drop out of it in less time than it would take the wires to carry the news to the country. I do not reflect upon the personal integrity of any gentleman. Far be it from me to suspect the honor of this body as a whole. But how strange it is that men who would scorn to filch a dollar from the Treasury for themselves think it an honor and a commendable act if they can band together and filch a million dollars for their constituents or their party friends in the guise of patriotism or Government necessity. Aye, sir, cupidity and avarice are wont to wrap themselves in the flag of patriotism whenever they would approach the Treasury.

Mr. WADSWORTH. Will the gentleman allow me a question?

Mr. VANDIVER. Certainly; I am always glad to yield to the genial gentleman from New York.

Mr. WADSWORTH. Did I understand the gentleman to say that notwithstanding the $97,000,000 appropriated in the naval bill last year there is a deficiency of $14,000,000 to be provided for in this year's expenses?

Mr. VANDIVER. I have not the exact figures, but it is or will be about that much by the end of this fiscal year—July 1.

Mr. WADSWORTH. Then the appropriation for two years will amount to $214,000,000?

Mr. VANDIVER. It must be something like that amount for the two years.

Mr. WADSWORTH. I should like to ask the chairman of the Naval Committee whether that is correct, or not.

Mr. VANDIVER. I hope the gentleman will not take my time, but that he will ask it after I have concluded my remarks. The chairman will not dispute the figures I have given.

Here is the point. These immense items that I have just referred to are made necessary by previous legislation which authorized these great contracts, and now we are going on with that same kind of legislation and authorizing further contracts to be made. I say it is my judgment that within the next four years this naval bill will have to carry $214,000,000 if we keep up this reckless and senseless pace we have set for the benefit of the Government contractors.

But the gentleman from Maine [Mr. LITTLEFIELD] the other day gave another reason, and I think he was telling the truth, because he was saying just what some of us Democrats have been saying for the last six years. That is, that the acquisition of the Philippines had made it necessary for us to keep up a great navy in order that the power of our Government may be felt in world politics, that the influence of this great Government must be backed up by a great navy in order that its power may be felt beyond the seas.

But the gentleman from Maine [Mr. LITTLEFIELD] was truthful and honest enough to admit also what we have been saying on this side of the aisle, namely, that this Government came to be a world power many years before the battle of Manila. Was it not true that the people of the United States demonstrated their power on land and sea when, in the war of 1812, we drove the great sea power of the world from our shores and from the ocean? And did we not, under old Thomas Jefferson, in 1803, drive the Barbary pirates from the seas and demonstrate our control of the Atlantic and the Mediterranean? Have we not, since the days of James Monroe, compelled respect for our authority in western waters and said to all the world: "Thus far shalt thou come and no farther?"

The gentleman from Maine also conceded another point for which I have long contended, i. e., that the Philippines, in case of war with any other country, will be our point of "strategic weakness."

Think, if you please, of the difficulty which has confronted Russia in her war with Japan, having to transport her army and all her supplies and munitions of war over a single line of railroad, a thousand miles in extent, and you may easily account for her failure and humiliation. Then imagine, if you can, the tremendous difficulties which would confront us if we were compelled to defend these distant possessions against Japan or any other eastern power and having to transport our Army across 7,000 miles of the broad expanse of the Pacific Ocean, and all our supplies and equipments for conflict subject to attack at every point of the line. We would, of course, hold them at any cost, because our pride and our national honor would be at stake. But at what fearful cost of men and money! How much wiser and more statesmanlike it would be to avoid this possibility rather than to court disaster and invite the evil day!

I was especially glad that the gentleman from Maine gave some intimation of returning sanity in his party when he quoted Secretary Taft and Secretary Root, and even the President himself, as holding out some hope that the Philippines might yet be turned over to the Filipinos for such measure of self-government as they may be fitted for and then allowed to work out their own destiny under an independent flag. Such has been our hope ever since we gave independence to Cuba, and although the American people denied us their indorsement at the polls, we shall hail with delight the same achievement worked out by the Republican party if they will only be courageous and patriotic enough to solve the problem.

Ah, but says some demagogue with more pride and less brains than a monkey, "Who will pull down the flag?" Let me tell him that no man shall pull it down at the dictate of any foreign power, but at the dictate of our own conscience, our own interest, and our own honor it has more than once been taken down.

When, under old Thomas Jefferson, we drove the pirates from the seas, opening the whole Atlantic highway to the commerce of the world, did we not carry the flag back from the coast of Africa and bring it home in honor? Aye, did we not, in the war of 1812, plant it on British territory across the line in Canada, and then, at the close of the war, bring it home in honor? Again, sir, did not the Stars and Stripes once float proudly over the ramparts of Mexico, when Bragg and Taylor and Crittenden and other heroes carved an empire State from the heritage of the Montezumas; and did they not bring them back for our own and our country's honor? And more recently did not that glorious flag become the emblem of deliverance to the oppressed people of Cuba, over whom it floated in triumph, and when hauled down was kissed with devotion and brought home in honor? Why? Not because we feared any foreign power, but because we want that flag to remain forever the emblem of human liberty and never to become the symbol of tyranny and oppression to any people beneath its ample folds.

Why, then, should we depart from the lessons of our own experience to enter upon the dangerous policy of foreign possessions and interminable entanglements with old-world powers? Why should we continually draw from the productive and self-sustaining classes to swell the ranks of the idle and governing classes when the nations of the old world are to-day oppressed with the weight of their armor, and the oppressive fact that grinds down the serf and the peasant in every country of Europe to-day is that every laborer in their fields must carry a soldier on his back? A hundred years of peaceful progress and development have demonstrated that our happiness as a nation lies in the path of domestic honor and industry, while all the experience of the world is against the colonial policy upon which we have lately entered.

Augustus Cæsar gave to his successors the wisest advice ever left by a Roman emperor when he counseled them to confine the Roman Empire to the limits which nature had prescribed for it.

James Anthony Froude, the most thoughtful historian that has penned a line since the death of Macaulay, in his great work on Cæsar, declares that: "The one lesson which history teaches is this, that free nations can not govern subject provinces."

The wisest advice that Washington left for our guidance was substantially the same: "Peace, commerce, and friendly relations with all nations; entangling alliances with none." By all the tokens of wisdom and experience, by the shades of Washington and Jefferson, by all the lessons of history, I call upon you to stop this career of conquest and colonialism and let us devote our time, our energies, and our resources to the building up of our own great country and the happiness of our own great people. [Applause on the Democratic side.]

Mr. FOSS. I move to close the debate on the paragraph and amendments in twenty minutes.

Mr. WILLIAM W. KITCHIN. I should like to know, before the motion is put, how the gentleman intends to dispose of the twenty minutes.

Mr. FOSS. I will divide it, ten minutes on that side and ten on this.

Mr. BAKER. Mr. Chairman, I wish to ask whether the time will be divided between those for and against the proposition?

Mr. SULZER. I would like to ask the chairman if I can get five minutes out of the ten?

Mr. FOSS. I was going to divide the time so that the gentleman from New York would have five minutes. I will say that up to this time those opposed to the proposition have had more time than those in favor of it. Mr. Chairman, I move that the debate be closed on this paragraph and amendment in twenty minutes.

Mr. COCKRAN of New York. Mr. Chairman, I move to amend that motion by making the time of closing debate five or ten minutes of 5. There are quite a number of Members on this side who wish to be heard.

Mr. FOSS. I will accept that amendment, Mr. Chairman; it only lengthens the time that I propose by five minutes.

The CHAIRMAN. The question is on the amendment to the motion of the gentleman from Illinois.

The question was taken; and the amendment to the motion was agreed to.

The CHAIRMAN. The question now is on the motion of the gentleman from Illinois as amended.

The question was taken; and the motion as amended was agreed to.

Mr. BAKER. Mr. Chairman, a parliamentary inquiry. Does the gentleman control the entire thirty minutes?

The CHAIRMAN. No; in the absence of unanimous consent, the time will be controlled by the Chair.

Mr. BAKER. Who will control the time in opposition?

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I suggest that the gentleman from New York [Mr. PERKINS] control a part of this time and the gentleman from Illinois the other.

The CHAIRMAN. Unless there is unanimous consent, the time belongs to the Chair.

Mr. WILLIAM W. KITCHIN. I ask unanimous consent, Mr. Chairman, that the time be controlled by the gentleman from Illinois [Mr. FOSS] and the gentleman from New York [Mr. PERKINS].

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the time be equally divided, one side to be controlled by the gentleman from Illinois [Mr. FOSS] and the other by the gentleman from New York [Mr. PERKINS]. Is there objection?

There was no objection.

Mr. WADSWORTH. Mr. Chairman, will the gentleman from Illinois yield for a question?

Mr. FOSS. I will.

Mr. WADSWORTH. According to the statement of the gentleman from Missouri [Mr. VANDIVER], there is a deficiency of about $14,000,000 in the naval appropriations for this year. Now, am I right in stating that last year the bill carried $97,000,000, and if you add fourteen millions to it you have a total expenditure for the fiscal year of $111,000,000, which, added to the $100,000,000 carried by the present bill, makes an expenditure in two years of $211,000,000? Am I correct?

Mr. FOSS. I have not looked over the gentleman's figures.

Mr. WADSWORTH. Am I approximately correct?

Mr. FOSS. The gentleman is approximately correct. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Chairman, I am now, always have been, and always expect to be a friend of the American Navy. It is the strongest arm of our national defense in time of war, and the best guaranty of our lasting peace. It is national insurance, and every dollar spent for the Navy is economy in the long run.

To my surprise, the gentlemen who have spoken in this debate against these two battle ships alluded to the remote possibility that it may impede the bill appropriating money for the construction of public buildings. In my opinion, that idea or suggestion is unsound and untenable. What is the use of us appropriating money to construct public buildings in our large seacoast cities if we do not appropriate money to continue the construction of the navy to protect these buildings in case of war? Let me remind these gentlemen that in 1812 there were public buildings in the United States, but a foreign fleet came to our shores and many of these public buildings were destroyed and this very Capitol burned to the ground because the American people did not have a navy to protect its public buildings and repel foreign invasion. [Applause.]

As a friend of the American Navy, voicing, as I believe, the mature and deliberate judgment of my constituents and a great majority of the citizens of New York, I am in favor of the provision in this bill for the construction of two more battle ships. I do not believe there is an intelligent man in the country who has looked into this matter and has studied the true situation that would be opposed to the appropriation for these two new battle ships. I do not understand how a Representative from New York City, or from any other great city on our Atlantic, Gulf, or Pacific coasts can vote against these two battle ships or can oppose the judicious increase of the American Navy. We know how the people of New York and other seaport towns felt at the beginning of the Spanish-American war. I know what the feeling of the people of New York City was when a Spanish war vessel crossed the Atlantic and anchored in New York Bay just before war was declared against Spain.

There are no politics in the Navy or in continuing its efficiency. It is a nonpartisan question, and every true American, no matter what his opinion may be regarding the Army, is in favor of increasing our Navy until we have one of the strongest and one of the best navies in the world. To strike out of this bill one of these battle ships would be naval retrogression. It would be a step backwards in our naval policy. The American Navy is growing. I want to see it continue to grow until we have a navy second to none in the world. It will be money well spent in the end, and it will be economy in the right direction. The American people, in my judgment, do not want to stop the growth of their Navy. I believe the Members of this House by adhering to the provisions in this bill for two new battle ships will only meet the just expectations of their constituents. [Applause.]

The American people take a just pride in their Navy. They have every reason to be proud of it, to be proud of its past, to be proud of it now, and to be proud of its future. The Navy is one of America's greatest institutions—a bulwark of defense, a mighty engine of offense—and should be liberally supported by the Congress of the United States for all its wants by generous appropriations.

Every dollar spent on the Navy is just so much money expended for insurance. A better investment could not be made. We must all stand by and for the Navy.

The most unthinking individual in the country realizes how important it is for the Government to have a strong, a great, and a mighty navy. We have a larger and more vulnerable seaboard than any other country in the world. We will soon, I believe, have a great merchant marine. We have great cities of immense wealth, of costly buildings, of commerce, and of property, the value of which is incalculable, all along our seacoasts. They must and should be all protected, and they can not be better protected, better safeguarded than by a modern, a commensurate, a powerful, and an efficient navy. [Applause.]

I shall vote for these two additional battle ships. I have never voted to cripple the Navy and I hope I never shall. I am in favor of increasing the power, the strength, the tonnage, and the efficiency of the American Navy. I know how nervous the merchants in New York felt when a Spanish war vessel crossed the Atlantic and anchored in New York Bay just before war was declared against Spain. The people of my city are now, ever have been, and, in my judgment, ever will be, in favor of doing everything in their power to keep up the efficiency and continue the gradual increase of the Navy. The American Navy is growing. We ought to do nothing to stop that growth.

Mr. MADDOX rose.

Mr. SULZER. I regret, Mr. Chairman, I can not yield to the gentleman now; I have only five minutes. We ought to do nothing, I say, to stop that growth, and I hope that the gentleman from Georgia [Mr. MADDOX] will, when the time comes, vote in favor of these two more battle ships. [Applause.]

We do not want to take a step backward. Our policy in naval matters should be progress—forward along well-defined and legitimate lines. The war now going on between Russia and Japan demonstrates the helplessness of a country whose navy is at the bottom of the sea. Have we so soon forgotten the lessons of the Spanish-American war? Have we forgotten what Dewey did at Manila and what Schley did at Santiago? [Applause.]

Mr. MADDOX. I say, hold on. [Laughter.]

Mr. SULZER. Mr. Chairman, I can not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. MADDOX. Mr. Chairman——

Mr. SULZER. Well, I will yield to the gentleman for just one question.

Mr. MADDOX. I only want to ask the gentleman how many battle ships he is in favor of?

Mr. SULZER. Two now. That is what I said—that is what this naval bill says.

Mr. MADDOX. Go ahead, then; I am with you. [Laughter.]

Mr. SULZER. I am glad to know the gentleman from Georgia is with me, and I trust all the Members on this side of the House will be with me. I do not understand, I can not comprehend, how any Member of this House, realizing our great coast line, our interests on the Atlantic and the Pacific, realizing the wealth of our cities situated upon our shores, can possibly object to the building of two more battle ships and oppose the continuance of an increase of the Navy by voting to strike out the provision in this bill for two more battle ships.

Now, Mr. Chairman, just a few words in conclusion. I shall vote in favor of the construction of two more battle ships as provided in this bill, because we need a great navy to protect our commerce on the high seas and to vindicate American citizenship and all that it stands for in every port and in every land in the world. I believe in the Navy. I stand for the Navy, and while I am in Congress I will always do all that I can for the Navy—for the men on deck, for the men below, and for the men behind the guns. All honor and all glory to the American sailors, to the American Navy, and to their patriotic, their heroic, and their splendid achievements. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. PERKINS. Mr. Chairman, I yield two minutes to the gentleman from Kansas [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, as one of the few Members on this side who will vote to strike out one of the battle ships, and who will vote to strike out two if he has the opportunity, I wish to state briefly the reasons which have brought me to the conclusion which will be expressed by that vote.

It is admitted here on all sides that the Navy of the United States, when the ships now authorized are completed, will be second in effective power only to that of England. That admission being made, it seems to me there is no room for argument in favor of greatly increasing our present Navy. Who is afraid, and of whom are we afraid? Our natural ally among the nations of the earth is the only nation which is stronger than we are. With an exposed coast of 2,000 miles on the north, with her island possessions to the south, England, aside from every other sentiment which might influence her as a mere matter of precaution, would not want to provoke war with us. What other nation of the world would want to seek trouble with us? Or with what other nation would we want to seek trouble?

It is also admitted that we can not provide officers now for the ships as fast as they will be completed. It seems to me preposterous to insist on additional war ships when we can not officer the ones we already have. [Applause.]

Mr. PERKINS. I yield to the gentleman from New York [Mr. DRISCOLL].

[Mr. DRISCOLL addressed the committee. See Appendix.]

Mr. PERKINS. I yield one minute to the gentleman from Minnesota [Mr. LIND].

Mr. LIND. Mr. Chairman, in this minute yielded me I shall not undertake to speculate on the probabilities of future wars, but I want to call the attention of the Members of this House to what this appropriation means in concrete form. I have always been in favor of a good, efficient navy. We have such now, and I am content, but if we do not authorize another new vessel, if we only maintain the present efficiency of the Navy, our annual appropriations for the Navy will not be less, but always exceed $100,000,000. Now, what does a hundred millions of dollars mean?

[Here the hammer fell.]

Mr. LIND. Mr. Chairman, I ask that I be allowed one minute more in order to finish my statement.

Mr. PERKINS. How much time have I left, Mr. Chairman?

The CHAIRMAN. The gentleman from New York has nine minutes.

Mr. PERKINS. I extend one minute more.

Mr. LIND. Mr. Chairman, our State raises more wheat than any other State in the Union. The neighboring State of North Dakota is second. We have hundreds of thousands of men, and sometimes women, toiling from early morning until late at night to make this wheat crop. The Agricultural Department informed me on yesterday that the estimate of the farm value of the entire wheat crop in Minnesota and in North Dakota for last year was $100,000,000, and yet that $100,000,000 is not sufficient to pay the Navy bill this year, and still it is proposed to add two additional battle ships to the people's burden.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PERKINS. Mr. Chairman, I yield three minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, I am opposed to the construction of two battle ships, as provided for in the bill, not because we are facing a deficit possibly, but because, in my humble opinion, the country does not require their construction.

In my opinion when the battle ships now under construction are completed we shall have as large a fleet of battle ships as the country requires, or as the people of the country will care to pay for. I do not believe that this country will ever maintain continuously or should maintain a fleet of over twenty to twenty-five first-class battle ships. The life of these vessels is from fifteen to twenty-five years, approximately twenty years. One battle ship a year means the renewal of a fleet of twenty battle ships continuously. The building of two battle ships means an expenditure of at least $40,000,000, seven and one-half millions each for the vessels and $25,000,000 for their maintenance during their active service, so that in voting for two battle ships we are voting to expend $40,000,000 of the people's money. I am in favor of the construction of one battle ship at this time and no more. Therefore I shall vote for the amendment. [Applause.]

Mr. PERKINS. How much time have I left, Mr. Chairman?

The CHAIRMAN. Six minutes.

Mr. PERKINS. I yield two minutes to the gentleman from Massachusetts [Mr. THAYER].

Mr. THAYER. Mr. Chairman, I desire to say I am entirely in accord with this amendment. I think the Committee on Naval Affairs has failed entirely to satisfy me that there is any necessity for this legislation for building two battle ships. The only argument which seems to me should be considered is that proposed by those gentlemen who say that a failure now to order two battle ships will be treated as a reversal of the policy we entered upon a few years ago to build up a strong navy. Now, Mr. Chairman, a strong navy is a relative term. Strong as compared with whom, with what country? At the time we entered upon that policy we were weak as compared with Japan, Germany, France, with Turkey, or with Russia, but we have passed all these countries since that time and we have a stronger navy in battle ships to-day than any of those countries. The only one excelling us is Great Britain herself. Now, I say, if we are to continue in this matter of ordering battle ships this year, when shall we stop? We have heard from that side of the House and from this side of the House and from the end of the Avenue that it was time for us to practice economy. I want to say, Mr. Chairman, I have seen no opportunity since I have been in this House where we could practice economy to better advantage than we can in doing away with the building of these two battle ships. Now, I want to say we have twelve already built, and there are thirteen more ordered to be built, all of which will be completed within two or three years, doubling the capacity of our battle ships over what it was last year, and I say, therefore, that it is time for us to look the situation square in the face and show to the country that we mean what we say when we are continually calling from the rostrum, the press, and from the corners of the street for economy, economy. [Applause.]

Mr. PERKINS. Mr. Chairman, I reserve the balance of my time.

Mr. FOSS. Does the gentleman reserve the balance of his time for himself?

Mr. PERKINS. I reserve the balance of my time that I may get it.

Mr. FOSS. Then I would like to make a parliamentary inquiry. On this question do I have the right to close the debate?

The CHAIRMAN. The Chair believes the affirmative is the author of the motion to amend.

Mr. FOSS. Mr. Chairman, I yield four minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Chairman, there was throughout the country during the recent campaign a vast amount of discussion about a great navy. Coming at the close of the session of this Congress the Naval Committee had as its guide the unanimous expression of public sentiment in the country in favor of a great navy. I speak a sentiment which I know can not be successfully denied. No Democrat on the stump denounced expenditures for the Navy. No Republican failed to indorse the proposition of a growing national armament of this character. The committee has come together and taken the counsel of the Navy Department and of the Administration, and they have presented here a bill moderate in amount, so far as new ships go.

The question submitted to this House is, Shall we repudiate a committee of the House that has performed an act absolutely in obedience to the commission that was conferred upon them? Had they come here with the full scheme of the Navy Depart-

ment, we could not have condemned them, but, inasmuch as they have come with a moderate provision for two battle ships, it seems to me that every Administration supporter and every Democrat who believes in the doctrine and proposition of a strong navy ought to come to our relief. I do not care to discuss this subject of a "big stick" and big battle ships as preserving peace. A wonderful misunderstanding of the condition of the world is manifested in the speech made by the gentleman from Missouri [Mr. BARTHOLDT]. He points out the small nations of Europe, and says: "There they are, and they are not destroyed." Why are not they destroyed, my friend from Missouri? Why is the autonomy of Belgium and Holland and Switzerland maintained? Why? Because the great nations of Europe, with their power to execute their decree, notify each other that these small nations shall be preserved for the purposes of the great nations. How long would Holland last but for the protecting menace of Germany? How long would Switzerland last but for the powers surrounding her on every hand? How long would Belgium last but for her treaty with the powers of Europe that maintains her against all aggressions of any other power? I am astonished that the leader of the parliamentary group of the United States should have made such a proposition as that.

But my proposition is this: Strike out these battle ships, one of them first, another one afterwards, and what do you do? What does the world understand? What does the country understand? It understands that the Republican party of this Congress has repudiated the proposition of the Administration and turned its back upon the history of the past eight years, and proposes to back down now from the permanent advantage we had assured the people of the country we were going to make. It will be significant to all the world that we have concluded to go back now upon our entire history, that we have changed our purposes and will not again take up naval expansion.

Therefore, I hope there will be a solid vote upon this side of the House. [Applause.]

Mr. FOSS. I yield one minute to the gentleman from Louisiana [Mr. MEYER].

[Mr. MEYER of Louisiana addressed the committee. See Appendix.]

Mr. FOSS. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. One minute.

Mr. FOSS. There have been so many misstatements made here in connection with this debate that I wish I might have time to correct them. In the first place, it is stated here that we are the second naval power on the globe. The report shows that at the present time we are the fifth, and that when the ships already authorized are completed we will be the third. Other statements have been made as to the cost of maintenance of our naval establishment. At the present time, with the ships already now in commission, the cost of maintenance of our establishment is approximately $54,000,000, and with all the ships which have been authorized it will amount to $76,000,000. That is from the statement of the Department, which I will insert in the RECORD.

Now, Mr. Chairman, there is no branch of our governmental service to-day which is so popular with the American people as the American Navy.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. Foss] has expired.

Mr. COCKRAN of New York. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended. [Cries of "Vote!"]

Mr. PERKINS. Mr. Chairman, I yield one minute to the gentleman from New York [Mr. BAKER].

Mr. BAKER. Mr. Chairman, in the minute I have I can do no more than read the following, which is the amendment I previously tried to offer when prevented by the point of order raised by the gentleman from Rhode Island [Mr. CAPRON]:

Resolved, That, while this House at all times views with horror the deliberate destruction of human life, yet it declares that, reprehensible as was the murder of the Grand Duke Sergius, it was no more wanton than the massacre perpetrated by the Russian Government on January 22, when thousands of unarmed men, women, and children were butchered in cold blood; and that it regards the murder of those helpless, unoffending men, women, and children as one of the most dastardly crimes ever perpetrated; that, in refusing to express the horror of the people of this country at that fearful crime, while now asserting that "both the American Government and people" view the killing of Grand Duke Sergius with abhorrence, the President has not and does not voice the real sentiments of the people of the United States.

[Great laughter and applause.]

I want to say, Mr. Chairman, that I have been told by one of the leading Republicans—one of the most powerful leaders of this House—that if I introduced that amendment a motion to expel me would be made. Introduce your motion to expel right now! [Great laughter and applause.] Expel! Expel, I tell you! Introduce your motion to expel! [Laughter and applause.]

That resolution goes right into the box, Mr. Chairman. There it is. Now, expel!

Mr. PERKINS. I yield two minutes to the gentleman from New York——

The CHAIRMAN. The time for debate is exhausted, and the question is on agreeing to the amendment offered by the gentleman from New York.

Mr. PERKINS. Allow me to ask one question. I think the Chair is in error in reference to the time. I had four minutes when I yielded one minute to the gentleman from New York. It may be that he took more than one minute.

The CHAIRMAN. The Chair will say to the gentleman that there is always time lost in the confusion of the House. The time fixed by the committee for debate is exhausted.

Mr. PERKINS. It does not seem to me that the time lost by confusion in the House should be charged to me.

The CHAIRMAN. The time was charged to both parties. The time was not limited to a number of minutes, but to a certain hour, 10 minutes to 5. The question is on the amendment offered by the gentleman from New York.

Mr. MADDOX. What are we to take a vote on?

The CHAIRMAN. Without objection the amendment will again be reported.

The Clerk read as follows:

Page 67, line 6, strike out "two first-class battle ships" and insert "one first-class battle ship."

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. PERKINS. Division.

The committee divided; and there were—ayes 111, noes 134.

Mr. SHERMAN. I demand tellers.

Tellers were ordered.

The CHAIRMAN. The gentleman from Illinois, Mr. Foss, and the gentleman from New York, Mr. PERKINS, will take their places and act as tellers.

The committee again divided; and the tellers reported—ayes 121, noes 144.

So the amendment was rejected.

Mr. SHOBER. Mr. Chairman, I voted just a moment ago. The gentleman from Illinois [Mr. Foss] called the number as 144.

The CHAIRMAN. That remark was addressed to the Chair.

Mr. SHOBER. I beg pardon. I simply wanted to say that I voted in the affirmative.

The CHAIRMAN. The gentleman was counted in the affirmative.

The Clerk read as follows:

And the contract for the construction of said vessels shall be awarded by the Secretary of the Navy to the lowest best responsible bidder, having in view the best results and most expeditious delivery; and in the construction of all of said vessels the provisions of the act of August 3, 1886, entitled "An act to increase the naval establishment," as to materials for said vessels, their engines, boilers, and machinery, the contracts under which they are built, the notice of any proposals for the same, the plans, drawings, specifications therefor, and the method of executing said contracts shall be observed and followed, and, subject to the provisions of this act, all said vessels shall be built in compliance with the terms of said act, and in all their parts shall be of domestic manufacture; and the steel material shall be of domestic manufacture, and of the quality and characteristics best adapted to the various purposes for which it may be used, in accordance with specifications approved by the Secretary of the Navy; and not more than two of the vessels provided for in this act shall be built by one contracting party: *Provided*, That the Secretary of the Navy may build any or all of the vessels herein authorized in such navy-yards as he may designate, and shall build any of the vessels herein authorized in such navy-yards as he may designate, should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said vessels have entered into any combination, agreement, or understanding the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the construction of any of said vessels.

Mr. HUMPHREY of Washington. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

On page 68, line 5, after the word "party," insert the following:

"One of the battle ships herein provided for shall be built on or near the coast of the Pacific Ocean, or the waters connecting therewith; but if it shall appear to the satisfaction of the Secretary of the Navy, from the bidding for such contracts, that said vessels can not be constructed on or near the coast of the Pacific Ocean at a cost not exceeding 4 per cent above the lowest accepted bid for the corresponding vessel provided for in this act, he shall authorize the construction of said vessel elsewhere in the United States, subject to the limitations as to cost hereinbefore provided."

Mr. FOSS. I reserve the point of order on the amendment.

Mr. HUMPHREY of Washington. I do not ask this amendment because it will benefit the shipyards on the Pacific coast, although that may be one of the results, but I am asking for this amendment upon the broad ground of public policy. I am

asking it because I believe that, all things considered, it is for the best interest of the country.

The direct question involved is this: Is it to the best interest of this nation not only to have some of the vessels of the Navy built on the Pacific coast, but, more important still, is it to the best interest of the nation to have shipyards on the Pacific coast that can, in the case of an emergency, repair or construct naval vessels? That is the question. We are to-day building a great navy and this policy meets the approval of the American people. They make no complaint at the millions that are expended for that purpose.

In appropriating these millions it has been upon the theory that the time may come when we will have use for a navy. It is on the Pacific that our commerce in the future will most rapidly develop. It is on the Pacific that our trade relations with foreign powers will most likely lead to complication and trouble. It is in the Pacific where most of our island possessions are to be found. It is on the Pacific where all the indications of the present point as a place where war will come, if it comes at all. It is on the Pacific where we will most need a navy. Do we want the entire Pacific Ocean, with its countless miles of coast from southern California to the farthest point of Alaska and Hawaii and the Philippine Islands, without a yard that can handle a battle ship? There are but two now on this ocean and these are a thousand miles apart. Are these two also to be destroyed? What position would we be placed in on the Pacific coast in case of a conflict? What humiliation, what damage, what loss might not be inflicted upon the country in time of war without a shipyard on the Pacific coast able to handle a vessel of war? What would we do in case of great injury to one or more of our vessels either by accident or by battle? Can any patriotic American calmly contemplate such a possibility and then refuse to take any precaution to prevent it because it might cost a few dollars?

We are spending millions to keep up two Government yards on the Pacific that can only make ordinary repairs, while here is an opportunity, even if the 4 per cent is entirely added to the cost, to keep private yards as Government auxiliaries at an expense insignificant. In case of war these private yards would be worth more than the Government yards because they are in shape to repair or build any Government vessel.

Is protection and insurance against such dangers worth nothing to the country? You can not have this protection unless the Government is willing to equalize conditions between the Atlantic and the Pacific. This amendment is not to give the Pacific an advantage, but it is to give it equal opportunity. Even 4 per cent would not equalize conditions were it not for the fact that on the Pacific climatic conditions are such that work can be done every day in the year. No vessel under honest competition will ever be built on the Pacific coast under existing conditions unless some advantage is given. Everything except labor that enters into a naval vessel built on the Pacific coast is subject to a freight of more than 3,000 miles. It costs the Government to send armor from Pittsburg to Bath, Me., the most distant yard on the Atlantic coast, from 24½ cents to 29 cents per hundred pounds. It costs the Government to send armor from Pittsburg to the Pacific coast from $1.45 to $1.96½ per hundred, and this is after deducting land-grant allowances.

I have here a letter from Robert Moran, of the firm or Moran Brothers Company, of Seattle, in which it is shown that the 4 per cent differential on the contract for building the *Nebraska* amounts to $150,000. It also shows that the freight cost for constructing the *Nebraska* is $165,000 more than it would have been had this battle ship been constructed in any of the yards on the Atlantic. In other words, the additional freight charges alone are $15,000 greater than the advantage given by the 4 per cent on the contract price.

Labor is from 20 per cent to 25 per cent higher on the Pacific coast than on the Atlantic coast. Everything that enters into the construction of a battle ship costs more on the Pacific coast than on the Atlantic. Under such conditions it is idle to say that under honest competition there can be built on the Pacific coast any of the vessels provided for in this bill if this amendment does not prevail. Not until distance is no longer a consideration in transportation or labor an element of construction can this be possible.

Mr. HILL of Connecticut. How did the gentleman vote on the question of the maintenance of private gun factories on equal terms and competitive bids?

Mr. HUMPHREY of Washington. I refer the gentleman to the record.

ARGUMENT OF LOWER BIDS.

I am well aware that lower bids were on one occasion submitted by the Union Iron Works than were submitted by the Atlantic coast bidders, but this does not demonstrate now, and it did not demonstrate then, that vessels could be built as cheaply on the Pacific coast as on the Atlantic. It did demonstrate that the Atlantic bid was either too high or that the Pacific bid was too low. If the Pacific bid was too low, this folly is not apt to be repeated. We can not speculate on mistakes. If the Pacific bid was not too low, then it is self-evident that the eastern bidder was trying to make a dishonest profit. The eastern bidder may have speculated on the disadvantage of the Pacific yards. It shows that somewhere, in some way, the eastern bid was tainted with dishonesty. It will be to the disadvantage of the Government for the eastern bidder in making his bid to take into account this disadvantage of the Pacific coast yards. Unless this advantage to the Atlantic coast bidder is equalized in this bill the bidders are certain to transform it into cash to their benefit.

If this 4 per cent differential is not placed in the bill by Congress, it will be placed in the bid by the bidder. In the one case it will go to the Government; in the other it will go to make an exorbitant profit. The only question is, Shall this differential be given to the shipbuilder on the Atlantic or to the Government? By eliminating the Pacific coast yards you eliminate that much competition—that many bidders—and it would be an imposition on credulity to think that it would not work to the benefit of those who did bid. As to why these bids on this particular occasion were lower on the Pacific than on the Atlantic might have been the result of secret collusion, or it may have been too high speculation on the disadvantage of the Pacific yards, but whatever it was it is perfectly safe to say that it was not caused by a desire on behalf of the bidders to unreasonably reduce profits or to save money to the Government. We know it was done, we know the motive; as to how it was done we can but speculate, for these great corporations, like Providence, "move in mysterious ways," their "wonders to perform."

IS THE 4 PER CENT DIFFERENTIAL NECESSARY FOR THE EXISTENCE OF YARDS ON THE PACIFIC.

But it is asked, Will not the yards on the Pacific by doing work on merchant ships be kept in shape, so that in case of emergency they could do Government work? I answer, most emphatically and unconditionally, "No." To do Government work takes a different yard, different machinery, and different skilled labor. No private yard can be kept in condition to do Government work unless it has Government work to do. No private yard is going to keep prepared to do Government work solely upon the uncertain hope that a contingency may arise whereby the Government may be compelled to use it.

The superintendent of the Union Iron Works told me last August that unless that yard received additional Government work it would close within fourteen months. Mr. Robert Moran says that unless this 4 per cent advantage is given that he will not consider the proposition of doing Government work. These two yards will be dismantled—the only two on the Pacific coast. Unless this amendment is adopted, within two years on all the Pacific coast there will not be an American yard prepared to build or even repair a naval vessel.

THE COST.

Suppose it does cost more to build one of these vessels on the Pacific than on the Atlantic coast, is that in itself a sufficient reason to reject it? Are we ready to subscribe to the policy that this Government should buy these vessels where it can buy them the cheapest? It is absolutely certain that under present conditions the Government can buy or build these vessels cheaper abroad than at home. If we are going to pursue this policy, then let us open up the bid to shipbuilders everywhere; let us make the competition world-wide. What if we do pay a few dollars more, if the Government derives a benefit therefrom? It is paid mostly to labor. It is given back to the people. The people pay it into the Treasury, and to the Treasury the people, if necessary, will return it again. Owing to evenness of temperature, to climatic conditions, as has been demonstrated by the history of vessels heretofore constructed, these great monsters of steel can be more perfectly constructed on the Pacific than on the Atlantic; so that even if the Government did pay more to have one of these vessels built on the Pacific coast she would get more in return.

Here is a letter from the Navy Department which shows that to take the *Oregon* from New York to Seattle would cost over $70,000. But the *Oregon* met with no accident nor delay—something that would not often occur. Again, the *Oregon* is not as large as the *Nebraska* will be. It would cost, therefore, approximately $75,000 to take the *Nebraska* to Seattle had it been built at New York, or 2 per cent of the contract price, just one-half of the advantage given by the differential. When you consider the advantage to the Government, the additional cost, granting for the sake of the illustration that it is all added to

the price of $75,000 on a $7,000,000 battle ship, is contemptibly insignificant.

WHO IT WOULD BENEFIT.

I admit that this provision may benefit the shipyards of the Pacific, and I rejoice at it. I admit that it may benefit Moran Brothers—those men who by their honesty, integrity, ability, and genius, alone and unaided, have changed a little repair shop in a few years to a yard that has recently launched one of the most magnificent monsters of destruction that has yet been fashioned by hand and brain. I admit that it may benefit the thousands of workmen who would labor upon these mighty engines of war, and I rejoice at it. I admit that it may benefit the lumber interests and the shingle interests and the farmers of the great wheat fields of my State by bringing to the coast cars to carry on their return our products to the East, and I rejoice at it. I admit also that it may benefit the pepole who buy our products and the great transcontinental railway lines, and I rejoice at it. But it is not because it would benefit any or all of these that I ask it. But I ask this amendment solely for the benefit of the entire country.

This amendment will compel competition; it will to some extent protect the Government from avarice, greed, and collusion; it will save the Government money. I ask it because it will be a constant menace to the honor, the peace, and the safety of this nation not to have upon all that great western ocean a single shipyard that can construct or repair a vessel of war.

Under the present policy adopted by the Naval Committee the people of the Pacific coast will receive little benefit from the millions we are spending to build our Navy. Under the present policy it will only be a few years more until we will not dare send a war vessel into the Pacific, for if it should meet with an accident all that could be done would be to run it onto the beach and abandon it until we could construct a yard to repair it. I ask you to remember that we still have a Pacific coast as well as an Atlantic coast in this country. I ask you to remember also that the States that border on the Pacific are still in the Union. [Applause.]

I ask the privilege of placing in the RECORD the letters referred to.

There was no objection.

The letters referred to are as follows:

NAVY DEPARTMENT,
Washington, February 15, 1905.

DEAR CONGRESSMAN: You inquire the approximate cost of taking a first-class battle ship from New York to Seattle.

An answer to this question is an approximation at best, but the *Oregon* consumed sixty-seven days in going from San Francisco to Florida, and it would ordinarily require seven days more to go from Florida to New York and from Seattle to San Francisco, making a run of seventy-four days from Seattle to New York.

The total estimated cost of maintaining the *Oregon* is approximately $950 a day, at which rate it would cost $70,300 to make a cruise from Seattle to New York.

Very truly,

CHAS. H. DARLING,
Assistant Secretary.

Hon. W. E. HUMPHREY, M. C.,
930 M street NW., Washington, D. C.

SEATTLE, WASH., *February 1, 1905.*

Hon. W. E. HUMPHREY,
House of Representatives, Washington, D. C.

DEAR SIR: We are in receipt of your telegram of this date, as follows:

"Wire rate and approximate number of tons on which you will pay freight in construction of *Nebraska*. Write me immediately, fully explaining your disadvantage relative to freight"—

To which we replied:

"We haul approximately 8,000 tons material across the continent for construction *Nebraska* at a freight charge from 75 cents to $1.40 hundred pounds. See our letter to you December 31. Have written."

And now beg to confirm.

We have gone carefully over the material that is required in the construction of the *Nebraska*—that is, such as we would be required to haul across the American continent—and, allowing a reasonable percentage of waste necessary in construction, we estimate the actual weight of such material at 16,506,404 pounds. You will note that we gave you round figures, slightly less, in the telegram—8,000 tons.

The contract for the construction of the *Nebraska*, including a 4 per cent differential, was $3,733,600. Four per cent on this is approximately $150,000. In our letter addressed to you on December 31, 1904, we drew a comparison on the freight charge that we have to pay on steel plate, etc., viz, 75 cents per hundred pounds, as against a railroad rate that the Bath Iron Works would have to pay, viz, 19½ cents; and the Bath Iron Works is situated by far farther from the source of supply than any other Atlantic coast shipbuilder, and it would therefore be reasonable to say that the average cost of delivering material to the shipyards of the average shipbuilder on the Atlantic coast would not exceed 10 cents per hundred pounds; in other words, we pay 65 cents per hundred pounds more than they do on steel.

In addition to the steel plates, etc., there is much material, including machinery, engine forgings, and other material of that class which carries a very much higher rate than 75 cents—as high as $1.40—and it would probably not be far from the mark if you said we were compelled to pay a tariff that would average about $1 per hundred pounds on all of the material entering into the construction of this ship.

One dollar per hundred pounds on the above weight would be $165,064.04; so that you will note from this the excessive cost of freight on material necessary to build a vessel of the *Nebraska* class would amount to more than the 4 per cent differential; and it seems to us when our Senators and Representatives are advised of this fact they must see the justice of allowing this differential, especially where the benefits to the Government from having shipbuilding yards on this coast that can build vessels of the *Nebraska* class are available for Government business, to say nothing of the cost to the Government of building a ship on the Atlantic coast and sending her to the Pacific, including the loss of time, which might under certain circumstances be more than the value of the ship.

When the *Oregon* returned from the Philippines she was docked at the Puget Sound Naval Station, and it was necessary for the Government to call on us to give the use of some of our large tools in making the repairs to this ship, the navy-yard here not having equipment anywhere near as large and as effective as that in our yards.

Respectfully,

MORAN BROTHERS COMPANY,
By ROBERT MORAN.

Mr. COCKRAN of New York. Mr. Chairman, was the point of order reserved on this amendment?

The CHAIRMAN. The point of order was reserved.

Mr. FOSS. Mr. Chairman, this amendment offered by the gentleman from Washington provides for 4 per cent differential on ships built on the Pacific coast, and it seems to me that that is new legislation, and therefore is not in order.

The CHAIRMAN. The Chair will say that the whole paragraph is new legislation, and up to this time there has been no point of order against it, and therefore any amendment which is germane is in order. In the opinion of the Chair this amendment is germane.

Mr. FOSS. Then I call for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. HUMPHREY].

The question was taken; and on a division (demanded by Mr. HUMPHREY) there were—ayes 58, noes 100.

So the amendment was rejected.

Mr. McNARY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by striking out, on page 67, in line 25, the words "domestic manufacture and the steel material shall be;" and on page 68, line 1, the words "of domestic manufacture and."

[Mr. McNARY addressed the committee. See Appendix.]

Mr. FOSS was recognized.

Mr. SHERLEY. Mr. Chairman, I move to strike out the last word and send to the Clerk's desk——

The CHAIRMAN. The Chair will say to the gentleman from Kentucky that the gentleman from Illinois was recognized.

Mr. McNARY. Mr. Chairman, what became of my request to extend my remarks in the RECORD?

The CHAIRMAN. The request was put to the committee and was granted.

Mr. McNARY. Mr. Chairman, I desire to serve notice on the House that all requests for extension of time hereafter will be objected to by me in return for the compliment paid me by the gentleman from Illinois.

Mr. FOSS. Mr. Chairman, I move to close debate on the pending paragraph now.

The question was taken; and on a division (demanded by Mr. ROBINSON of Indiana) there were—ayes 134, noes 65.

Mr. McNARY. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. FOSS and Mr. McNARY were appointed tellers.

The committee again divided; and the tellers reported—ayes 140, noes 46.

So the motion was agreed to.

Mr. McNARY. Mr. Chairman, I would like to have the amendment read again.

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

There was no objection, and the Clerk again reported the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. McNARY].

The question was taken; and on a division, demanded by Mr. McNARY, there were—ayes 51, noes 110.

So the amendment was rejected.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 68, line 15, after the word "vessels," insert:

"That the Secretary of the Navy is hereby authorized to procure, by contract, armor of the best quality for the vessels herein authorized at prices not exceeding $398 per ton, and in case he is unable to provide

such armor under such conditions he is hereby authorized and directed to erect an armor-plate factory for the manufacture of such armor, and the sum of $4,000,000 is hereby appropriated toward such purpose."

Mr. FOSS. Mr. Chairman, I make the point of order on that.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, upon that point of order I desire to be heard. I call the attention of the Chair to the fact that at present there is no authorization of the ships mentioned. At present there is no law touching or giving any directions whatever toward their construction. At present there is no law authorizing the purchase or the acquirement in any way of armor plate for them. Mr. Chairman, a similar proposition was offered one year ago as an amendment to the naval bill. The present occupant of the Chair then raised the point of order against it. The Chairman of the Committee of the Whole at that time, in passing upon the point of order, cited decisions which, in my judgment, are not applicable to this case and were not applicable to the case then pending, as I hope to show.

I shall cite to the Chair highly respectable authority in this House, opinions from eminent Members given in debate, which, in my judgment, sustain my position that the amendment offered is not subject to the point of order. I rely upon this proposition for the decision of the Chair, that when we authorize the construction of battle ships as an original proposition, as this bill authorizes, then this House has not only the power, but it is its duty, to provide for such construction till completion, and to provide for securing the armor for those ships. On February 19, 1903, in discussing a point of order made against provisions in the then pending naval bill touching the construction of battle ships in that bill authorized, the present Speaker of the House, then on the floor, used this language:

If it be in order to build a ship, it is in order to say how or where it shall be builded. The greater includes the less.

It seems that that is a self-evident proposition; that the authority to build a ship includes the authority to provide for the detail of that construction and for the acquirement of every particle of material in it. The gentleman from Ohio [Mr. GROSVENOR], a member of the Committee on Rules, during the debate upon that point of order, said:

Now, having to my own satisfaction established the power of Congress to build one or more battle ships, pursuant to the general power conferred upon Congress to build and maintain a navy, there then arises the necessary inherent power, in making such provision, to limit the appropriation and in all respects to direct how it shall be executed.

The gentleman further said:

Is it any more new legislation to say that these battle ships shall be built here or there or of this and that material than it is to say how many tons displacement they shall have? We are here proposing to build some battle ships, the like of which we never built before.

And further:

My argument is, and I think I have made myself understood, that the power conferred upon Congress to build battle ships carries with it all the necessary incidents of every description.

Now, Mr. Chairman, it seems to me, as I have said before, that it is a self-evident proposition that the power to build the ships includes the power to provide in detail for their construction. As has been said on a similar proposition, the question now is not whether this proposition is an extension of power or new legislation, but whether it is germane to the main proposition of building the battle ships.

It seems to me idle, it seems unreasonable, to say that this House has the power to put new battle ships upon an appropriation bill and yet has not the power under the rules to provide for their completion. The authorities cited by gentlemen one year ago to sustain the point of order were rulings upon points of order made upon independent propositions to construct an armor-plate factory for general purposes, and not connected with ships authorized in pending bills. Now, the present proposition is limited to the battle ships in this bill in the first instance authorized, and the amendment proposes to put a limitation of $398 a ton upon each ton of armor plate for them; and to complete the ships herein authorized it directs the Secretary of the Navy, if he can not secure armor by purchase at that price, to secure it in another way—that is, by manufacture. Is it according to principle for the Chair to hold or for this House to sustain the proposition that we can direct him to purchase, but can not direct him to manufacture?

There is no law upon the statute books to-day, Mr. Chairman, that authorizes him to purchase armor plate for these ships. The authority in the act of last year to purchase armor plate was specifically limited to the armor for ships theretofore and in that act authorized. There is no law that authorizes or directs how these ships shall be constructed. The authority to construct the ships in this bill mentioned is a new one; it is a new proposition, and it is right and germane to limit that authority and direct how it shall be exercised. Can anyone point out the difference in legal principle between conferring the power to purchase and the power to manufacture? With all due respect to the position that the occupant of the chair took on this floor a year ago upon a similar point of order, I appeal to the Chair to regard the principle involved and to see that the authorities cited last year of rulings on independent propositions for an armor-plate factory were not in principle the same as the proposition to provide for armor plate for ships in a pending bill authorized and made necessary on account of new construction authorized for the first time. I think the Chair, upon consideration of the principles involved in it, ought to overrule the point of order and permit this House to vote directly upon the merits of the amendment.

The CHAIRMAN. The amendment offered by the gentleman from North Carolina provides for the erection of an armor-plate factory, and the Chair has no question in his mind at all that it is clearly legislation and not in order.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I respectfully appeal from the decision of the Chair on that. I do not care to be heard upon it, as I have discussed the main points.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and the decision of the Chair was sustained.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I now offer the following amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment which the Clerk will report.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I will not offer that amendment at present.

Mr. VANDIVER. Mr. Chairman, I desire to offer an amendment which I send to the Clerk's desk and ask to have it read.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 68, after line 15, insert "*Provided*, That the limit of price to be paid by the Secretary of the Navy for armor plate for such vessels shall be $398 per ton for Class A, $393 for Class B, $388 for Class C, and $385 for Class D armor plate."

Mr. DAYTON. Mr. Chairman, I make the point of order that this is not germane to the section at all. There is no provision for armor. On the contrary, that provision excludes armor.

The CHAIRMAN. The Chair will hear the gentleman from Missouri.

Mr. VANDIVER. Mr. Chairman, this proposition is directed as an amendment to the paragraph which provides for the authorization of these two battle ships. If it is not in order to prescribe the price for any part of the material which shall enter into the construction of these vessels, I respectfully suggest that it would not be in order either to provide the limit of cost for the vessels themselves.

This is distinctly a proposition to limit the cost. It is decidedly a different proposition from that which was submitted by my colleague on the committee, the gentleman from North Carolina [Mr. WILLIAM W. KITCHEN], which provided for the construction of an armor-plate factory to manufacture armor. This is essentially and distinctly a proposition to limit the cost, and under the rules of this House I maintain that is in order.

The CHAIRMAN. The amendment offered by the gentleman from Missouri [Mr. VANDIVER] is clearly not germane to this paragraph. The Chair sustains the point of order.

Mr. FITZGERALD. Mr. Chairman, that paragraph provides for armor. It provides for construction, by contract or in the navy-yards, of two first-class battle ships carrying the heaviest armor and the most powerful armament. Battle ships complete carry armor, and this provides they shall carry the heaviest armor, and the authority which authorizes the President to make a contract for the hull authorizes him also to make contracts for the armor.

The CHAIRMAN. The provision for armor and armament is in another paragraph.

Mr. FITZGERALD. The provision in another paragraph is to pay for armor already contracted for for ships now under construction. The authorization for armor for the ships authorized here is contained in this very paragraph to which the amendment is offered.

Mr. DAYTON. Not at all, Mr. Chairman. This is a provision for the hulls of ships exclusive of the armor and armament, and this section is expressly limited to the construction of the hull and machinery.

Mr. RIXEY. I would like to call the attention of the Chair to the fact that if the amendment is not germane under that paragraph there is no other paragraph in the bill to which it is germane. The only paragraph referring to armor and armament is for contracts made for ships heretofore authorized.

Mr. MADDOX rose.

The CHAIRMAN. For what purpose does the gentleman from Georgia [Mr. MADDOX] rise?

Mr. MADDOX. Mr. Chairman, I move that the committee do rise and report progress to the House.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. MADDOX demanded a division: and there were—ayes 64, noes 114.

So the motion was rejected.

Mr. VANDIVER. Mr. Chairman, I would like to ask if the Chair has ruled on the point of order?

The CHAIRMAN. The Chair has ruled on the point of order.

Mr. PAYNE. Then why does not the Clerk read?

The CHAIRMAN. The Clerk will read.

Mr. MADDOX rose.

The CHAIRMAN. For what purpose does the gentleman form Georgia [Mr. MADDOX] rise?

Mr. MADDOX. I demand tellers, as we have demanded them here time and again.

The CHAIRMAN. The Chair has announced the vote, and thinks the gentleman is too late. The Clerk will read.

The Clerk read as follows:

The Secretary of the Navy is hereby authorized, in his discretion, to build by contract or in a navy-yard, as he shall deem best for the interests of the Government, the collier authorized by act of Congress approved April 27, 1904, to be built in a navy-yard on the Pacific coast.

Mr. BELL of California. Mr. Chairman, I make the point of order against this provision on the ground that it changes existing law, and I call the Chair's attention to the provision contained in the naval bill of the last session of Congress, found on page 350 of the statutes of the last session.

Mr. FOSS. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk proceeded to read.

Mr. BELL of California. Mr. Chairman, I desire to make a parliamentary inquiry. In a previous provision of this bill, relating to yards and docks at Mare Island, unanimous consent was granted that the provision might be continued until after, as I understood it, the disposition of this item. My colleague [Mr. KNOWLAND] made the request.

Mr. KNOWLAND. Mr. Chairman, I would ask that we return to page 22 of the bill.

The CHAIRMAN. The Chair thinks it would be better to go through with the bill first.

Mr. KNOWLAND. I think my motion was pending a point of order on this particular section.

The CHAIRMAN. The Chair will recognize the gentleman from California [Mr. KNOWLAND].

Mr. FITZGERALD. I reserve the point of order against an item in that paragraph first.

The Clerk read as follows:

Amend, on page 32, line 3, by striking out all of the paragraph after the word "dollars" and insert the following:

"For the purpose of preparing and equipping yard for the construction of vessels, $175,000; in all, navy-yard at Mare Island, $325,200."

Mr. FITZGERALD. I desire to make the point of order against the language in lines 2 and 3 on page 32, "Recreation building and equipment, $3,000," for the reason there is no power in the navy-yard for equipment. As I understand, the paragraph was passed over without prejudice at the time it was reached.

The CHAIRMAN. Only for the purpose of an amendment in case the point of order was sustained.

Mr. FITZGERALD. If the Chair please. I understood the paragraph was passed without prejudice until the other paragraph was disposed of.

The CHAIRMAN. For that purpose, and that purpose only.

Mr. FITZGERALD. The statement was that the paragraph would be passed over without prejudice until the other paragraph was reached and disposed of. For that reason the point of order was not raised by me at the time.

The CHAIRMAN. The gentleman from New York should have reserved his point of order then.

Mr. DAYTON. All points of order were passed on, and I submit the gentleman is too late.

Mr. FITZGERALD. I submit to the Chair that where a paragraph is passed without prejudice until another portion of the bill is passed no rights are lost that could have been exercised at that time. I think that the RECORD shows that my statement is correct.

The CHAIRMAN. The Chair will be glad to look at the RECORD.

Mr. FITZGERALD. I will look it up for the Chair.

The CHAIRMAN. Does the Chair understand the gentleman from West Virginia to reserve the point of order on this amendment?

Mr. MANN. I reserve the point of order on the amendment.

The CHAIRMAN. The point of order is reserved.

Mr. KNOWLAND. Mr. Chairman, in reference to the amendment which I have just offered, let me state that the elimination of the paragraph relative to the building of one of the colliers on the Pacific coast, which has just been ruled out on a point of order, makes the adoption of this amendment absolutely necessary. Members of this House will recall that one year ago the naval bill contained a provision for the building of two colliers, to have a trial speed of not less than 16 knots, and to carry 5,000 tons of cargo, coal loaded. An amendment was inserted in the Senate, and I will quote the exact language of that amendment:

Said colliers shall be built in navy-yards, one on the Pacific and the other on the Atlantic coast, the same to be designated by the Secretary of the Navy.

This amendment was not agreed to in conference, with the result that it came before the House for concurrence.

After full debate, by a decisive vote of 118 to 57, this amendment was concurred in. During the course of that debate the chairman of the Naval Committee, for whom I have the greatest respect, desiring that the Members of the House might vote with a full knowledge of what concurrence would carry with it, read a letter from the Secretary of the Navy, and I will quote Chairman Foss, from the CONGRESSIONAL RECORD of the Fifty-eighth Congress, second session, page 5198:

I have a letter here from the Secretary of the Navy, which explains the situation as far as the Navy Department is concerned. It says:

"In response to your verbal request I beg to advise you of the necessity of making some specific appropriation for equipping navy-yards for the construction of vessels, should the Senate provision with relation to the building of the two colliers in navy-yards be concurred in by the House." Then the Secretary goes on and states that it will be necessary to appropriate $175,000 for each yard in order to put the yards in such condition that they can build these colliers. That means, first, the preparation of a suitable slip. We have no navy-yards in the country where there is a suitable slip, except the New York yard, where we are building the battle ship *Connecticut*.

The Members of this very Congress, with these facts before them, knowing that it would cost fully $175,000 to equip each of the yards, voted to concur, and, as before stated, by the decisive vote of 118 to 57. Preliminary steps have been taken to build one of these colliers on the Atlantic coast at the New York Navy-Yard. Under these conditions is it fair, is it just, to deprive the Pacific coast, the great State of California, from building the other, as Congress intended? The Secretary of the Navy, according to the testimony of Chief Constructor Capps before the House Committee on Naval Affairs, has designated the Mare Island Navy-Yard for the building of the Pacific coast collier, and if the law is complied with, as we demand it must be, then this yard must be properly equipped, and we are not asking for one dollar more than this House knew would be required when they voted to build these colliers in the navy-yards.

Mr. LITTLEFIELD. Mr. Chairman, may I inquire of the gentleman from California what is the cost of a collier?

Mr. KNOWLAND. The two colliers are to cost $2,500,000, if my memory serves me.

Mr. LITTLEFIELD. A million and a quarter each?

Mr. KNOWLAND. Yes; a million and a quarter each.

Mr. LITTLEFIELD. Is this output of $175,000 practically for other purposes?

Mr. KNOWLAND. Assuredly. It is a permanent improvement of the yard, and I will touch upon this important fact later. There has recently been launched at the Mare Island Navy-Yard a 2,000-ton steel sailing vessel, the *Intrepid*, a training ship. The mechanics at Mare Island—and we have the highest skilled labor in the world at that yard—have taken a keen interest and just pride in every rivet driven in the construction of the *Intrepid*.

When the launching took place in October of last year the two thousand and more workingmen who daily toil there felt the significance of their success, for they realized, or at least thought they had cause to realize, that the launching of this first great steel product of the yard had demonstrated their ability to construct the collier which Congress had voted must be built in a navy-yard on the Pacific coast, the Mare Island yard having been designated.

Now as to the cost of equipping the yard, about which there appears to be dispute. First, we have the report of the Secretary of the Navy, read upon this floor a year ago by Chairman Foss, placing the figure at $175,000. Secondly, we have the estimate made by the Navy Department in December, three months ago, which I now quote.

For the purpose of preparing and equipping such navy-yard or navy-yards as may be designated for the construction of vessels, $200,000.

Thirdly, after Congress had decided to build one of these colliers on the Pacific coast by a two-to-one vote, a letter was sent from the office of the Chief of the Bureau of Construction and

Repair to Naval Constructor F. B. Zahm, then located at Mare Island, but now with the chief constructor (his ability, no doubt, being recognized), in which letter he was instructed to report relative to the cost of equipping the Mare Island Navy-Yard for the building of this collier. Constructor Zahm made a thorough investigation, and, in his extreme caution, went so far as to obtain certain bids from reliable firms as to the cost of the largest item of equipment. The figures of Constructor Zahm, which I now hold in my hand, with a supplemental addition of $10,000, for a building crane of greater capacity, one that would correspond with the crane in the New York yard, with a capacity for the construction of the largest battle ship, amount to a total of $172,500.

I have just received a telegram from the firm which made the bid for the crane and overhead trestle, a most reliable concern, stating that they will stand by their bid of a year ago. The figures of Naval Constructor Zahm are, in part, verified by former Chief Constructor Bowles in the report of the Secretary of the Navy for 1903, page 853, which report I have upon my desk, the estimates of Admiral Bowles being even lower than the figures of Constructor Zahm.

Let us bear in mind continually that this equipment is a permanent improvement, and in this connection I will quote from the testimony of Admiral Capps before the Committee on Naval Affairs:

It is obviously advantageous to have at some of the larger yards facilities for building ships of the largest size. Disregarding the cost of equipping navy-yards for such work, the future benefit to be derived for providing for a limited amount of shipbuilding in the larger yards can be easily demonstrated. It should be borne in mind, however, that the cost of equipping the navy-yard is a permanent improvement and should not be charged ultimately against the construction of the vessel.

Mr. Chairman, I claim that on the great Pacific coast, with American territory from San Diego to Alaska, with our new possessions across the mighty expanse of ocean, that it is sound business policy, that it will prove a profitable investment to the Government, to maintain on the Pacific coast one, yes, and two, great navy-yards fully equipped for shipbuilding. I hope the amendment will be adopted.

Mr. Chairman, I ask unanimous consent to put in the RECORD the report of Constructor Zahm.

The CHAIRMAN. The gentleman from California asks unanimous consent to put the report he refers to into the RECORD. Is there objection?

There was no objection.

The report is as follows:

UNITED STATES NAVY-YARD,
Mare Island, Cal., May 20, 1904.

SIR: 1. Referring to letter No. 7305-A. 32 from the Bureau of Construction and Repair, dated the 9th instant, calling for a report with dispatch relative to certain questions in connection with the possible construction of a 450-foot collier at this yard, I have the honor to submit the following:

(*a*) SHIPYARD AND MACHINE SHOP APPLIANCES.

2. I consider that the shop equipment now available (including articles covered by approved requisitions) is ample for the construction of the collier in question, and that no expenditure would be absolutely necessary on that account. It is probable that some of the pneumatic drills and hammers in use will have to be replaced on account of wear and tear, and it may be found desirable to purchase an additional plate planing machine and an additional punch and shear, covered by items 2 and 3 of my letter of February 8, 1902, relative to improvements to plant, together with several other tools of minor importance, all of which can be covered by the appropriation of $20,000 which will be available for plant improvement on July 1, of this year. The electric and pneumatic power plants, while not deficient, should, in my opinion, be extended to provide a suitable reserve of power to provide for economical repairs and efficient up-keep of same. Requisitions for an additional generating set and air compressor will be submitted at the earliest practicable date—prior to June 1, if possible—the estimated cost being $32,000 and $13,000 respectively. Plans of certain shops, showing the layout of tools in same, are on file in the Bureau or are being forwarded in accordance with schedule attached hereto.

3. In this connection the attention of the Bureau is invited to the attached copy of correspondence relative to the improvement of building No. 46, now occupied by the bending slab and furnace, for which an appropriation of $20,000 becomes available July 1. As indicated in the correspondence, in order to carry out the improvement of building No. 46, a new location for the bending slab, furnace, and scrive board must first be provided. While it is not considered absolutely necessary to do this on account of the collier, it is very desirable that the improvement should proceed in accordance with the recommendations of the civil engineer and myself, in order that an efficient shop shall be available for coppersmiths, pipefitters, and plumbers.

4. The present angle furnace is 60 feet in length, the bending slab about 40 feet by 50 feet, and the space adjacent thereto and available for a scrive board about 36 feet by 50 feet. It is not proposed to increase the size of slab in the new location, nor is an increase considered necessary on account of the collier, but as will be seen by reference to plan No. 4126, on file in the Bureau, an increase in size would be practicable. The scrive board could be made about 40 feet by 80 feet, or larger, if necessary; and this is desirable in order that full sections may be laid down instead of only on one side of the middle line, as would be necessary with the present board.

5. Under the circumstances referred to in the copy of my indorsement of May 13, 1904, attached hereto, it is estimated that $10,000 by this Department would be necessary for fitting up the interior of new copper shop, moving and resetting furnace and slab, building scrive board, etc. It should be possible to complete this work within two months after July 1, by which date the angle furnace work for the *Intrepid* will be practically completed, permitting the change to proceed.

6. It would be necessary to provide some additional racks for the storage of steel material, which it is estimated would cost $2,500.

(*b*) BUILDING SLIP AND APPLIANCES FOR HANDLING MATERIAL.

7. The only building slip at this yard is that on which the *Intrepid* is building, and it should be vacant in the fall of the present year. It is practically a temporary slip, suitable for a vessel of about 400 feet long only, and has no overhead appliances for handling material. A slip would therefore have to be provided for the collier, and after careful consideration, based on the prospect of building a 450-foot vessel in the immediate future, plan No. 4789 has been prepared and a print attached hereto, showing the proposed location of the slip, together with that of a cantilever crane for handling material over the same. The only interference with this slip would be a portion of the piling on one side of the ferry entrance, which would have to be removed prior to launching. The vessel would be built in very close proximity to several buildings, but this can not be avoided, and the plan would provide for a slip suitable for any size of vessel likely to be built, at the same time allowing for a slip 400 feet long under the opposite side of the crane.

8. Several other plans for building slips, with corresponding recommendations, are on file in the Bureau. Sheet No. 4126, submitted with my annual report of 1902, was intended to provide immediately for a 400-foot slip on the site of the *Intrepid's* ways, with cantilever crane overhead, covering also a prospective slip for vessels 500 feet or over, which involved the removal of buildings Nos. 99, 103, 123, and 125. It is hardly practicable to consider the removal of these buildings in connection with the collier, however, and plan No. 4789 herewith is therefore substituted.

9. It is believed to be only proper, nevertheless, to consider at this time the future development of the yard for building purposes and the possibility for four building slips, as referred to in my annual report of last year and illustrated on plan No. 4785, on file in the Bureau, is not interferred with by the plan now recommended. The location of a single slip on an angle, as illustrated on plan No. 4786 on file in the Bureau and in dotted lines on plan No. 4785, with a view to clearing by a greater amount the buildings now in place, would interfere with a satisfactory programme for the future and, moreover, take all the available space for one slip, whereas two can be provided for as now proposed on plan No. 4789 herewith.

10. Estimates were obtained from the Brown Hoisting Company and from the civil engineer for the 400-foot slip and crane previously recommended, and were submitted, as follows:

Crane and 400 feet of runway on Government foundations	$67,000.00
Piling and concrete to carry structure	7,500.00
Cost to pile and prepare slip	15,000.00

The figures are increased below on account of the larger slip and probable increased cost of work at the present time. Corrected figures are being obtained by correspondence.

(*c*) LABOR CONDITIONS.

11. I am of the opinion that no difficulty whatever should be experienced in obtaining a proper supply of skilled mechanics for the building of a collier. It is believed, in this connection, that the introduction of piecework prices for certain classes of work would be advantageous.

(*d.*) ADVANTAGES OF BUILDING COLLIER AT THIS TIME.

12. Considering the present facilities of the yard, the condition of the water front, the repair work in hand and in prospect and considering particularly the fact that there is a comparatively large force of workmen now employed on the *Intrepid*, many of whom would otherwise probably have to be discharged at about the time material for the collier, if built here, should arrive. I believe it would be of marked advantage to the Government to undertake the construction of the vessel in question.

SUMMARY OF ESTIMATES.

(1)	Additional machinery (appropriated)	$20,000
(2)	Additions to power plant	45,000
(3)	Improvements to building No. 46	2,500
(4)	Removal and reinstallation of furnaces, bending slab, and scrive boards	7,500
(5)	Plate racks	2,500
(6)	Catilever crane over new building slip	75,000
(7)	Foundations for crane runway	10,000
(8)	Cost to pile and prepare slip	20,000
	Total	182,500

13. Of the above, the only absolutely essential expenditure in connection with the building of a collier would be the $22,500, covered by items (5) and (8) of the summary. The crane and foundations covered by items (6) and (7) are very desirable for economical construction work, and the remaining items represent improvements which should be carried out regardless of whether or not a vessel is to be built in the immediate future.

Very respectfully,

F. B. ZAHM,
Naval Constructor, U. S. Navy.

The COMMANDANT,
Navy-Yard, Mare Island, Cal.

[First indorsement.]

UNITED STATER NAVY-YARD, *Mare Island, Cal., May 20, 1904.*

1. Approved and recommended, except the reference to the proposed four building slips in paragraph 9 of the within letter, which, in the opinion of the commandant, it is not necessary to consider at this time.

B. H. MCCALLA,
Rear-Admiral, U. S. Navy,
Commandant, Navy-Yard and Station.

UNITED STATES NAVY-YARD,
Mare Island, Cal., May 23, 1904.

SIR: 1. Referring to my report of the 20th instant, relative to the matter of building a 450-foot collier at this yard, and to the item therein of $75,000 for a cantilever crane, erected on Government foundations, I am in receipt of the following copy of telegram from the San Francisco representative of the Brown Hoisting Machinery Company:

"Price battle ship cantilever crane, duplicate New York Navy-Yard, 198 feet trolley travel; capacity, 60 feet from center, 30,000 pounds; 99 feet from center, 15,000 pounds; with trestle long enough for crane

travel on 520 feet, and for height under crane girder 92 feet, $85,000 delivered and erected on foundation furnished by the Government. Writing fully."

2. It is requested that this information be transmitted to the Bureau of Construction and Repair, in connection with the report referred to. The original estimate of $67,000, increased to $75,000 in my report, was on a crane of somewhat smaller capacity, the maximum load beyond 60 feet from center having been fixed at 10,000 pounds instead of 15,000.

Very respectfully,

F. B. ZAHM,
Naval Constructor, U. S. Navy.

The COMMANDANT,
Navy-Yard, Mare Island, Cal.

[First indorsement.]

UNITED STATES NAVY-YARD,
Mare Island, Cal., May 23, 1904.

1. Respectfully forwarded for the consideration of the Bureau of Construction and Repair.

2. In this connection, and referring to blue print No. 4789, forwarded with the naval constructor's letter No. 193–04 of the 20th instant, the commandant recommends that the cantilever crane should be located 10 feet nearer to buildings Nos. 62 and 112, C. and R., as being more desirable than the location shown on the blue print above mentioned.

B. H. MCCALLA,
Rear-Admiral, United States Navy,
Commandant Navy-Yard and Station.

The CHAIRMAN. The Chair would ask the gentleman from California whether the word "yard," in this amendment, refers to the Mare Island Navy-Yard?

Mr. KNOWLAND. It does.

Mr. MANN. Mr. Chairman, I insist upon my point of order.

Mr. FOSS. I move to close debate on this paragraph in ten minutes.

The CHAIRMAN. The point of order remains to be disposed of.

Mr. MANN. I take it that the amendment is clearly subject to a point of order. It contemplates the construction of a new navy-yard, so far as being equipped for the construction of vessels is concerned, which means practically to equip a navy-yard for entirely new purposes. The Mare Island Navy-Yard is not now equipped for the construction of this class of vessels. This amendment is practically for the creation of a new navy-yard, so far as the construction of vessels is concerned. For that reason it seems to me that it ought to be and is subject to the point of order, and if it is, I make the point of order.

Mr. BELL of California. Mr. Chairman, if the gentleman from Illinois [Mr. MANN] were familiar with the equipment of a navy-yard I am quite sure he would not be so positive in his statements. There is no difference between the equipment of a navy-yard for repairing our largest vessels and the equipment of a navy-yard for building our large vessels. The building slip that will have to be constructed under this amendment can be used for the construction of our battle ships. The cantilever crane, which will be used in the construction of this collier, can be used in the repair of our battle ships. Certainly there can be no point of order made which will lie against a provision of that character, which is for a continuation of a public work. Is the Chair going to hold that we may not, from time to time, add to our navy-yards, so as to prepare them for handling the largest vessels that belong to our naval establishment? If that principle be correct, then one-half of the items in this naval bill would go out on a point of order.

I maintain, Mr. Chairman, that this is strictly a continuation of a public work. How can the gentleman differentiate between this and other items that are provided for in every naval appropriation bill that comes before this House?

Mr. MANN. Mr. Chairman, I differentiate on the basis of what the gentlemen from California themselves say. The navy-yard at Mare Island is not equipped for the construction of this kind of a vessel, and the gentlemen give that as the very reason for putting in this amendment providing this equipment. And if the equipment is new, if the Mare Island Navy-Yard is not equipped for this kind of construction, then it is a new proposition entirely, and not for the purpose of carrying out a work that you are now doing.

Mr. LITTLEFIELD. That is one purpose, and this is a new and different purpose.

Mr. BELL of California. If the gentleman will permit me, just a few months ago they launched a large vessel from the Mare Island Navy-Yard which they had constructed there from stem to stern.

Mr. MANN. Mr. Chairman, I do not know what they launched, but I know what the gentleman from California who offered the amendment stated. He stated that the navy-yard in California was not equipped for the construction of this collier, and this proposition was to give the necessary equipment in order to construct the collier, an entirely different purpose from any which the navy-yard there has ever been used for.

Mr. KNOWLAND. Will the gentleman yield for a question?

Mr. BELL of California. The gentleman is in error.

Mr. KNOWLAND. This is for equipping the yard, in view of the act of Congress which provides that the collier shall be built there in accordance with existing law. When Congress authorizes the building of a collier at a special yard I claim that they have a right to equip that yard.

Mr. FOSS. I want to call the gentleman's attention to the fact that the appropriation bill of last year did not provide that this collier should be built at Mare Island Navy-Yard, but at a navy-yard on the Pacific coast.

Mr. MANN. I was about to call the gentleman's attention to the fact that the act does not provide that this vessel shall be built at Mare Island yard, and, by the same token, you make an appropriation for Mare Island yard to build a collier, and you might as well make it in Portland or Los Angeles or any other port along the Pacific coast.

Mr. KNOWLAND. It was left at the discretion of the Department, and the Department has designated the Mare Island Navy-Yard.

Mr. BELL of California. Will the gentleman permit me?

Mr. MANN. Yes.

Mr. BELL of California. I want to say that the Mare Island Navy-Yard has been constructing vessels for the last thirty years. The *Monadnock*, the *Mohican*, and the *Pensacola* were constructed there, and the *Intrepid* was launched at that yard a few months ago. This is to extend the plant. It is not to fit the yard up for the purpose of constructing vessels, because we have been doing that for the last thirty years. We want to extend the yard to meet the necessities of this collier. When the Secretary of the Navy, under the authority given him by the last naval appropriation bill, assigned this collier to this navy-yard, that designation had all the force of law itself, just as much as if we had designated the yard in the bill. We left it to the discretion of the Secretary of the Navy, and when he directed that vessel to be built there it was as binding as an act of Congress.

Mr. MANN. It is patent that if the Secretary of the Navy had designated Portland as the place to build the collier that would not authorize an item in the appropriation bill for the equipment of a navy-yard at that point.

The CHAIRMAN. Whether the amendment is in order or not depends on the question of fact. If what the gentleman from Illinois [Mr. MANN] says is true, then the point of order is well taken. If, on the other hand, what the gentleman from California [Mr. BELL] says is true, the point of order is not well taken, because it is the continuation of a public work already in progress. The Chair is inclined to permit the committee to dispose of the question, and therefore overrules the point of order.

Mr. FOSS. Mr. Chairman, I desire to answer the gentleman from California with some facts which I think the committee really ought to know before voting on this proposition. I desire to discuss the merits of the proposition.

Mr. BELL of California. I also, Mr. Chairman, desire to discuss the merits of the proposition and exercise my right to five minutes under the rule.

Mr. FOSS. Mr. Chairman, before saying anything upon this proposition I move to close debate in ten minutes.

Mr. BELL of California. Will the gentleman let me have four minutes?

Mr. FOSS. Yes; the gentleman can have five of it.

The CHAIRMAN. The debate can not be closed by the committee until debate has commenced.

Mr. FOSS. Mr. Chairman, the situation is this: Last year we appropriated for two colliers, one to be built on the Atlantic coast and one on the Pacific coast. One collier is now being built in the New York Navy-Yard, which is equipped to build colliers, but the one on the Pacific coast has not been started. Last year the Secretary of the Navy said it would cost $175,000 to equip that navy-yard.

The Chief of the Bureau of Construction came before the committee this year and said that it would not only cost $175,000 to equip a yard, but $350,000 to equip this yard to build a collier. These were his words:

> The cost of equipping the yard with building slip and overhead crane facilities would be about $200,000, and the additional tools and other appliances necessary would bring the total to about $350,000.

Then we asked him this question, after the yard was equipped, how much more would it cost, or how much less would it cost, to build that collier than it would to build it by private contract, and he said it would cost 15 per cent more to build a vessel in the navy-yard than by private contract.

Upon that testimony we put in the bill the provision leaving it to the discretion of the Secretary of the Navy to build by contract or in the navy-yard, as in his judgment he might deem best. That provision has gone out on a point of order.

Mr. LITTLEFIELD. Will the gentleman allow me an inquiry?

Mr. FOSS. Yes.

Mr. LITTLEFIELD. It will not only cost 15 per cent more, but in addition we will have to appropriate $175,000?

Mr. FOSS. Three hundred and fifty thousand dollars.

Mr. LITTLEFIELD. Three hundred and fifty thousand dollars to equip the yard for a work that will cost 15 per cent more than it will cost in a private yard?

Mr. FOSS. Fifteen per cent more to do it. That is the testimony of the Secretary of the Navy before the committee, and also the testimony of the Chief of the Bureau of Construction. Mr. Chairman, I now move that debate be closed in five minutes.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois that debate be closed in five minutes.

The motion was agreed to.

[Mr. BELL of California addressed the committee. See Appendix.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken; and on a division demanded by Mr. BELL of California there were—ayes 100, noes 72.

So the amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I call the attention of the Chair now to the manner in which the paragraph was passed. I make the point of order against the provision on page 32, lines 2 and 3, for a recreation building and equipment, $3,000, on the ground that it is not a part of the equipment of a navy-yard.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MADDOX. Mr. Chairman, I move that the committee rise and report progress. [Laughter and applause.]

The CHAIRMAN. The gentleman from Georgia moves that the committee do now rise.

The question was taken; and the Chair announced that the noes seemed to have it.

Mr. MADDOX. Division, Mr. Chairman.

The committee divided; and there were—yeas 52, noes 111.

So the motion was rejected.

The Clerk read as follows:

Construction and machinery: On account of the hulls, outfits, and machinery of vessels and steam machinery of vessels heretofore authorized, $23,410,833.

Mr. HUGHES of New Jersey. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New Jersey offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by striking out the period in line 2, page 69, substituting a colon, and adding immediately thereafter the following:

"*Provided*, That none of said sum be and none is appropriated on account of the hulls, outfits, or machinery of vessels heretofore authorized, for use, payment, or application under any contract hereafter made in which said contract the contractor shall not have covenanted with the United States as follows:

"That no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day upon said work, except upon permission granted by the Secretary of the Navy during time of war or a time when war is imminent or when any great national emergency exists; and that the contractor contracting with the United States shall, in the event of violation of said covenant as to hours of labor, forfeit to the United States the sum of $5 for each laborer or mechanic for every calendar day for which he shall have been required or permitted to labor more than eight hours upon the work under such contract."

Mr. FOSS. Mr. Chairman, I make the point of order.

Mr. HUGHES of New Jersey. Mr. Chairman, I desire to be heard on the point of order, if the Chair pleases.

[Cries of "Rule!" "Rule!"]

The CHAIRMAN. The Chair is ready to rule.

Mr. HUGHES of New Jersey. Mr. Chairman, I would like to call the attention of the Chair to a ruling of the Chair last session——

The CHAIRMAN. The Chair is perfectly familiar with the ruling to which the gentleman is going to call his attention.

Mr. HUGHES of New Jersey. Mr. Chairman, I want to call the attention of the Chair to the fact that this amendment differs from the last in that it plainly attempts to limit the appropriation. That is all I have to say on it.

The CHAIRMAN. The Chair is clearly of opinion that this legislation is subject to the point of order.

The Clerk read as follows:

Armor and armament: Toward the armament and armor of domestic manufacture for vessels authorized, $18,000,000.

Mr. VANDIVER. Mr. Chairman, I offer the amendment which I sent to the clerk's desk a few moments ago as an amendment to that paragraph at the close of line 5, page 69.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert after line 5, page 69, the following:

"*Provided*, That the limit of price to be paid by the Secretary of the Navy for armor plate for such vessels shall be $398 per ton for Class A, $393 for Class B, $388 for Class C, and $385 for Class D armor."

Mr. VANDIVER. Now, Mr. Chairman, I make this suggestion in regard to this proposition——

The CHAIRMAN. The Chair is ready to rule.

Mr. VANDIVER. No point of order has been made, Mr. Chairman, and I desire to be heard on the question itself. Now, sir, I have put into this amendment the very prices at which the Navy Department has already made contracts for armor plate with the Midvale Company, of Philadelphia. It does not need any argument to sustain this proposition.

I will not consume the time of the House at this late hour in argument of the question, but I simply call attention to the fact that on the 31st of December, 1903, the Navy Department entered into a contract with the Midvale Company to furnish 6,000 tons of armor at the price I have named, and the bid of the Midvale Company as reported to this House in a communication from the Secretary of the Navy just received to-day offers to furnish as much more as may be needed at the same prire.

Mr. MANN. Will the gentleman from Missouri yield for a question?

Mr. VANDIVER. Certainly.

Mr. MANN. If we fix a definite certain price for armor plate, who furnishes the armor plate?

Mr. VANDIVER. This amendment does not fix a definite price, but only a maximum price.

Mr. MANN. Has the company contracted to furnish all the armor plate for all of these vessels, including the two carried in this bill?

Mr. VANDIVER. I beg to inform the gentleman from Illinois [Mr. MANN] that the Midvale Steel Company, of Philadelphia, a strong but independent concern, in competition with the trust made a bid to furnish all the armor plate that the Government wanted for these vessels at the prices that I have named in this amendment.

Mr. MANN. Suppose somebody else is willing to furnish it for less?

Mr. VANDIVER. Then let them have the contract.

Mr. MANN. Has anybody been asked to bid on the armor plate for the vessels which we authorize in this bill?

Mr. VANDIVER. Ah, but the gentleman from Illinois [Mr. MANN] must understand that this amendment refers to the armor plate to be furnished for the vessels that have been previously authorized.

Mr. MANN. I understand that is not what the section says.

Mr. VANDIVER. But it is just exactly what the section says.

Mr. Chairman, I desire to be heard for a moment on another point. [Cries of "Vote!"] The lateness of the hour, I know, is a little unfavorable, but the importance of this question is such that I hope the gentlemen will not insist upon the House passing upon it until they have first heard, at least, the explanation of the Secretary of the Navy as to why he rejected the lower bid and accepted a higher bid at an additional cost of half a million of dollars to the people of the country. I want to say to the gentlemen that the question is even clear that the Secretary of the Navy in canceling the contract already made, the contract which had actually been made, with the Midvale Company did so at an expense of over $300,000 to the Government. Not only that, but here is a company that refused to go into the armor-plate trust. The Carnegie and the Bethlehem companies have constituted a trust that has been for years robbing the Government. They have been holding up the Government now for many years. Here is a new and independent company that offers to furnish this armor plate at a cost of $250,000 less than the contract price which the Government had entered into with the armor-plate trust. This amendment in short, gentlemen, is an encouragement to the independent company to compete with the armor-plate trust. [Cries of "Vote!" "Vote!"]

The question is a very simple one. Shall we feed the armor-plate trust with an extra subsidy of a half of a million dollars a year or shall we patronize an independent company, and thus encourage free and open competition? Shall we help the armor trust to stifle all competition or shall we stand by the taxpayers of the country and encourage free and open competition? Shall we practically say to all outside concerns: "You must first enter the trust and join the combine before you can get a Government contract?"

The Secretary of the Navy, according to newspaper reports, made a record for "rebates" when he was a railroad manager, and now he has made a new record for the Navy Department in Government contracts; and by this amendment I want to

make it impossible for him to repeat the performance. I don't believe the people of this country are so fond of the trust that they are willing to nurse it with an extra half million dollars a year. [Applause on the Democratic side.]

Mr. MORRELL. Mr. Chairman, I regret very much at this late hour to have to occupy the time of the House, but as the matter I desire to discuss is one of very great importance to my district—but before I proceed I should like to have order. I have listened to what the gentleman from Missouri has just said, and, like him, I am aware of the resolutions that were introduced by the gentleman from Virginia [Mr. RIXEY]. These resolutions were introduced a week ago last Friday, and called for a statement on the part of the Secretary of the Navy, together with all correspondence which had passed in relation to the bids for armor plate. Much to the surprise of those who were informed in regard to the prices for armor plate contained in the bids submitted by the Bethlehem Steel Company, the Carnegie Company, and the Midvale Steel Company, it was announced that the award had been made to the first two named companies rather than to the Midvale Company, notwithstanding the fact that their bid was some $350,000 lower than that of their competitors.

As I have said, Mr. RIXEY introduced a resolution calling for information and correspondence concerning these bids. This was introduced by him a week ago last Friday. The answer from the Secretary, while it was delivered to the Speaker on last Saturday, only reached the House in printed form at half past 3 o'clock this afternoon.

In a hasty glance over this document I have noticed that it does not contain the letter under date of February 14 from the Midvale Steel Company to the Secretary of the Navy. This letter I ask permission to insert in the RECORD as a part of my remarks.

FEBRUARY 14, 1905.

Hon. PAUL MORTON,
Secretary of the Navy, Washington, D. C.

SIR: Referring to the decision of the Department relative to the award of 8,000 tons of armor plate for the battle ship *New Hampshire* and the armored cruisers *North Carolina* and *Montana*, we desire to be permitted to call your attention to some facts without any hope of changing your decision, but solely for the purpose of having an expression of the company's views upon the records of your Department.

On page 8 of the report of the Chief of the Bureau of Ordnance to the Secretary of the Navy for the year 1904, referring to the matter of armor, the chief of the Bureau says as follows:

"Contracts under the award noted in the Bureau's last report of the 16,809 tons of armor for the five battle ships authorized by Congress were entered into with the Midvale Steel Company on December 15, 1903; with the Bethlehem Steel Company on December 31, 1903, and with the Carnegie Steel Company on January 9, 1904. A ballistic plate, representing the first group of armor under these contracts, has already been successfully tested at Indian Head, and a plate to represent the second group will shortly be presented for test. The Midvale Steel Company has not as yet made any delivery of armor under its contract of December 15,1903, nor has it submitted any experimental ballistic plates for test to determine the character of armor it may be able to produce, but it is believed that such an experimental plate or plates will be submitted during the current month.

"The Bureau has kept itself informed as to the progress making by the Midvale Steel Company in the perfection of its facilities for the production of armor plate of all dimensions, and is pleased to note that such progress is very satisfactory and all to be expected. The present facilities of this company limit the production of armor plates to small dimensions only, but the additions to its plants that have been projected and are nearly completed will enable the production of plates of all usual dimensions. The full operation of these additions may be expected early in the ensuing year, and there is reasonable promise that the company may commence the delivery of armor under its contract some months prior to its requirements, which prescribes August next as the date of such commencement."

In this report the Chief of the Bureau states that he is "pleased to note that the progress making by the Midvale Steel Company in the perfection of its facilities for the production of armor plate, etc., is very satisfactory," and further, "that there is reasonable promise that the company may commence delivery of armor plate some months prior to its requirements."

This report is evidence of the confidence of the Chief of the Bureau in the ability of this company to make the deliveries on time, as required by the contract, and possibly prior to that date.

In December, 1904, the company sent down to Indian Head trial plates, which were tested on December 19, and in the first paragraph of the official report of these tests Lieutenant-Commander Dieffenbach, inspector of ordnance in charge, makes the following note:

"I have to state that the two experimental 7-inch plates from the Midvale Steel Company were tested in the presence of a number of their representatives, with the result that all the shell broke up and the plates stood the test remarkably well."

There should therefore be no doubt in the minds of your officers as to the ability of this company to manufacture the plates of the quality required by the Department.

This company, not having the privilege to examine the report of your board of officers, made to you as to its facilities for the manufacture and delivery of the plates, is unable to discuss any statements contained in it.

Inasmuch as the contracts entered into by the Department for the *New Hampshire*, the *Montana*, and the *North Carolina* do not require the ships to be completed earlier than thirty-six months from now, it is not unreasonable to suppose that at least some part of the armor required for these ships could, without prejudice to the interests of the Department, have been awarded to this company.

It is unnecessary, in our opinion, to call attention to the fact that we are under heavy bonds to your Department to complete the work with which we have been intrusted; nor do we think it is necessary to call to your attention the responsibility of this company and the fact that it has never failed in any of its obligations to any of its patrons, whether they be Departments of the Government, railroads, or private individuals; and no greater proof of our sincerity and honesty of purpose can be adduced than the fact that we have invested a large sum of money in the installation of an armor-making plant, in the education of our metallurgical engineers, foremen, and workingmen, to produce the armor which your Department requires in the completion of its ships.

This company appeared as bidders for armor plate for the Government the first time in 1900 on a quantity of armor of 36,000 tons. At this time the company received no award, although its price was the lowest. Again, in 1903, this company appeared as bidders on a quantity of armor of 16,000 tons, of which an award was made to it of about 6,000 tons, of which some 600 tons were afterwards gratuitously relinquished by us for the purpose of relieving the Department of an embarrassing situation, created by an unnecessary demand made upon the Department by one of the shipbuilders, and, finally, when, within the last month, the company again appeared as bidders for 8,000 tons of armor plate it was then awarded no part of the same; so that this company has actually been the lowest bidder on 60,000 tons of armor and received award of less than 6,000 tons.

For the reasons given above it is a matter of great disappointment to this company not to have been recognized by the Department in the award of this contract.

Considering the experience that this company has had since its entrance into the armor-plate field as bidders for Government contracts, there would seem to be a lack of that appreciation and encouragement which, under the circumstances attending the armor-plate manufacture in this country, should not unreasonably have been expected from the Department by an independent competitor of whose ability and standing as ordnance manufacturers the Department has had opportunity to judge during a long series of years.

We feel the situation more keenly because of the damage to reputation involved in the Department's total rejection of our entire bid, without any mitigating explanation, carrying with it so weighty a reflection and world-wide publicity.

In order to further place ourselves in a proper position before you and before the Department we would ask you to be good enough, any time after the adjournment of Congress, to indicate a time when we may call upon you and present to your consideration further matter involved in this and other business that we have with the Department.

We are your most obedient servants,

THE MIDVALE STEEL COMPANY,
By CHAS. J. HARRAH, *President*.

I had the honor of accompanying the president, the vice-president, and the superintendent of the Midvale Company to the office of the Secretary of the Navy this morning. In discussing the question of the award the principal point dwelt upon by the commission of five experts which had been appointed by the Secretary of the Navy to inspect the different plants, and was emphasized by him, seemed to resolve itself into the fact that they had never as yet received from the Midvale Company a completed contract or any portion of a contract for armor plate.

The Midvale Company were originally induced to bid for the manufacture of armor plate upon the suggestion made by the President to Admiral O'Neal, that it would be well to have some independent company engage in the manufacture of armor plate. The first bid made by the Midvale Company was in 1900, at which time they had no plant built capable for the manufacture of armor plate.

On this occasion all bids were rejected and afterwards readvertised. The Midvale Company refused to bid again at this time. In 1903 they were again a bidder upon specifications published by the Navy Department. Upon this occasion, their bid being considerably lower than that of their competitors, they were awarded 6,000 out of a total of 16,000 tons, and this, I am told, at the suggestion of the President, notwithstanding the fact that they still had no plant capable for the manufacture of armor plate. Why, therefore, should the point of having no plant be now raised against them—now that they practically have in operation a plant which is capable of producing the portions per month of a contract for 6,000 tons which are called for, awarded to them on that occasion?

After a hurried glance at the letter of the Secretary of the Navy, which is just fresh from the printer, I notice that no considerable amount of armor plate will be required under the conditions of this award of the 8,000-ton contract until September 1, 1906, whereas under the terms of the contract under which the Midvale Company were awarded the contract for 6,000 tons they will be required to furnish armor plate to the Government, commencing August 1, 1905, at the rate of 400 tons per month, which would necessitate the completion of the contract on their part by the 1st of October, 1906, at which time, according to the statements of Admirals Converse and Mason, they express their confidence that the Midvale Company will be able to complete their contract.

It is a well-known fact that a corporation engaged in the manufacture of armor plate must employ experts of many kinds at high salaries, and when they cease to have work they are at once forced to dispense with their services; and, therefore, this plant at the end of fifteen months, as far as any prospect they might have of contracts with the Government of the United States is concerned—their work would cease and they would be forced to close down.

Apart from this and in view of the fact that this company has underbid its competitors in the competition a matter of some $350,000, and having been given no part of this award, it will greatly lessen its prestige among other nations desiring armor plate; and, furthermore, it will at once give rise to discrediting rumors. In fact, I have heard it to-day circulated through the corridors of the Capitol, and have on no less than four occasions been called upon to deny, that the reason that this company was not given any portion of this award was on account of its lack of financial responsibility.

Now, Mr. Chairman, on this point I would like to say that the Midvale Steel Company is one of the most important and growing industries in the city of Philadelphia. It has had business relations with the Government of the United States for the past twenty years, and never to my knowledge has it failed to live up to its contracts. The representatives of the company assured the Secretary that they were prepared to put up bonds to any amount to secure the faithful performance of any contract that they might enter into. And, furthermore, I would like to say, and I am proud to be able to give such a record of any industrial enterprise of its magnitude located in my district and in the city of Philadelphia, that the officers of this company have assured me that they have not one dollar of bonded debt upon any part of its entire plant and not one dollar issued in the shape of outstanding notes.

The Midvale Steel Company made its bid on this new specification in good faith on the strength of the fact that the Government had awarded it a contract for 6,000 tons, which they were about to commence the delivery of, and in view of the fact that when this new supply of 8,000 tons was needed the Navy Department had expressly requested that they should send it certain armor plates for testing at the Government proving grounds. This armor plate, it was reported, stood every test in a satisfactory manner.

Concerning the report that the Midvale Company were unable to live up to their contract for the 6,000 tons, I may say that a very erroneous impression has got abroad. It might be well to state that the shipbuilding companies in their contracts oblige the Government to have armor plate ready at such times as it may be called for.

These contracts with the shipbuilding companies either call for heavy damages in case of failure or else the Government has some fears of a great bugaboo arising in some such form. In any event, as will be seen in the letter which has just arrived from the Secretary in answer to Mr. RIXEY'S resolution, the shipbuilding company which was constructing one of the vessels for which the Midvale Company was to supply the armor made a call earlier than was expected by the Navy Department for a small portion of armor, amounting to scarcely 600 tons. After interviews with the representatives of the Midvale Company they willingly agreed to surrender the manufacture of this small portion of armor, and did not even insist, as a clause in the contracts provide, that they should be given an additional 600 tons of other character of armor plate to manufacture, which is, I am told, a condition made a part of all contracts now entered into between the Navy Department and builders.

I have been informed that the shipbuilding company which made this demand stated that they would be ready for this 600 tons of armor plate on or about the 1st of January. Apparently this armor plate has not as yet been placed, for the reason that the Midvale Company still have the contract for the manufacture of the special bolts used in the placing of this armor, and they have not as yet been called upon for the delivery of all or any portion of them.

The Midvale Steel Company is an independnt manufacturing corporation, which has entered into the manufacture of armor plate in good faith. I feel that it would be a reflection upon the policy of the Government were anything to occur which showed that enterprises of that kind were not at least given what is to-day asured to everyone, namely, a "square deal."

[Cries of "Vote!"]

Mr. DAYTON. Mr. Chairman, I want to make this statement before I make a motion to close the debate. This armor relates to vessels already authorized, the contract for which has already been given. Part of those contracts have gone to the Midvale Steel Company. Others have gone to other companies. There is not a man here in the House but hopes that the Midvale people will be able to comply with their contract. However, they have not been able to deliver any except specimen plates, Mr. Chairman——

Mr. VANDIVER. Are they obliged to do so?

Mr. DAYTON. It is absolutely immaterial to these other people whether this limitation be put upon this appropriation or not. They have their contracts and would be entitled to the damage if they should be violated by this act of Congress.

Mr. MORRELL. Will the gentleman from West Virginia [Mr. DAYTON] stop for a question?

Mr. DAYTON. I want to say further, Mr. Chairman, because I do not want to take a moment's more of time than I can help, that the armor for the new vessels is not provided for by this bill. There is no necessity for a provision to that effect until next year's appropriation bill, and I doubt then whether it will be necessary. The Midvale people have already, I want to say to my friend—there is no controversy about it—surrendered over 600 tons of their contract because they felt their inability to comply with it.

Now, Mr. Chairman, I move that the debate close.

Mr. MORRELL. Mr. Chairman, I would like to ask the gentleman from West Virginia [Mr. DAYTON] a question, please. The gentleman has attacked this company in regard to this 600-ton contract. Let me tell the gentleman this: The 600 tons which they voluntarily gave up, according to the report of the Secretary of the Navy, has not been called for to be placed on the vessels, though the reason they gave it up was that it had to be ready before the 1st of January. And the reason that I make that statement is that the Midvale Company are manufacturing special bolts which are required to put this armor plate in place, and not one of those up to the present time has been called for.

Mr. DAYTON. That is true. The Midvale plant was examined by representatives of the Department, and it was ascertained that they could not comply with this contract.

The CHAIRMAN. The question is on the adoption of the motion of the gentleman from West Virginia, to close debate.

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

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

Mr. VANDIVER. I desire to ask the chairman of the committee, in view of the statement made by the gentleman from Pennsylvania——

Mr. DAYTON. I make the point of order that debate is closed.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. VANDIVER. Division, Mr. Chairman.

The committee divided; and there were—ayes 60, noes 111.

Mr. VANDIVER. Tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN. The gentleman from West Virginia [Mr. DAYTON] and the gentleman from Missouri [Mr. VANDIVER] will take their places and act as tellers.

The committee again divided; and tellers reported—ayes 71, noes 100.

So the amendment was rejected.

Mr. HITCHCOCK. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On line 5, page 69, after the word "dollars," add:

"*Provided*, That no money appropriated in this bill for armor shall be used to purchase armor not yet contracted for from any manufacturer or manufacturers who constitute in whole or in part a trust or trade conspiracy to control the price of steel products in violation of the laws of the United States."

Mr. DAYTON. The point of order, Mr. Chairman.

Mr. HITCHCOCK. I would like to be heard on the point of order. [Cries of "Rule!"]

The CHAIRMAN. The Chair will hear the gentleman.

Mr. HITCHCOCK. In the first place, the amendment is purely and simply a limitation on the expenditure of money appropriated in the bill. In the second place, it is word for word the same amendment that I offered to a similar paragraph at the last session of Congress, to which the gentleman who now occupies the chair objected, but which upon presentation was sustained by the then occupant of the chair. I think that establishes the precedent that this amendment is in order.

The CHAIRMAN. The Chair will hear the gentleman from West Virginia if he desires to be heard.

Mr. DAYTON. I simply want to call the Chair's attention to the fact that this relates to contracts already made, and whether or not it would change those contracts and violate those contracts I do not know; but certainly it is a limitation upon the contracts already made, and they might be repudiated.

Mr. HITCHCOCK. I will state to the gentleman that it specifically relates to contracts not already made. It excludes all contracts already made.

Mr. DAYTON. There is no provision for armor except for vessels for which the contracts have already been made.

Mr. HITCHCOCK. There is no statement in the bill that the money provided is not for new armor.

Mr. DAYTON. For ships already authorized. The contracts are already made.

Mr. HITCHCOCK. It does not say already authorized.

The CHAIRMAN. This is a proposition pertaining to armor plate not yet contracted for. It seems to the Chair that it effects a limitation upon the appropriation and is not subject to a point of order.

Mr. HITCHCOCK. Now, Mr. Chairman, I wish to say that this differs from the amendment offered by the gentleman from Missouri——

Mr. ROBINSON of Indiana. I make the point of order that it is impossible to hear what the gentleman is saying, and we ought to have order.

Mr. DAYTON. I make the point of order that debate is closed on this paragraph and all amendments thereto.

Mr. HITCHCOCK. It has not been begun.

Mr. DAYTON. Well, the debate upon this paragraph was closed when the proposition came from the gentleman from Missouri.

Mr. HITCHCOCK. It was on that amendment.

Mr. DAYTON. It was on the paragraph and amendment.

Mr. ROBINSON of Indiana. I call for the regular order.

The CHAIRMAN. The Chair has been advised that debate was closed on the paragraph.

Mr. HITCHCOCK. It was closed on the amendment.

The CHAIRMAN. It was on the paragraph and the amendment at the time the amendment of the gentleman from Missouri was offered. Therefore debate is not now in order, and the question is on the amendment offered by the gentleman from Nebraska.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. HITCHCOCK. I call for a division, Mr. Chairman.

The committee divided; and there were—ayes 62, noes 103.

So the amendment was rejected.

The Clerk read as follows:

Increase of the Navy, equipment: Toward the completion of the equipment outfit of the new vessels authorized, $845,000.

Mr. WILLIAM W. KITCHIN. I have an amendment to offer, Mr. Chairman.

Mr. FITZGERALD. I offer an amendment——

The CHAIRMAN. The gentleman from North Carolina.

The Clerk read as follows:

Insert in line 4, after "vessels" and before "authorized," the word "heretofore."

Mr. DAYTON. Mr. Chairman, I submit that that amendment is too late. We have passed that paragraph.

Mr. WILLIAM W. KITCHIN. I was up before the Clerk began to read.

Mr. DAYTON. I do not think so, Mr. Chairman.

The CHAIRMAN. The gentleman says so, and that is sufficient for the Chair.

Mr. WILLIAM W. KITCHIN. I know I was.

The question was taken, and the amendment was rejected.

Mr. FITZGERALD. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from New York offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

On page 69, line 8, strike out the words "eight hundred and forty-five" and insert the words "six hundred;" so that it will read "six hundred thousand dollars."

Mr. FITZGERALD. Mr. Chairman, I desire to call the attention of the committee to the fact that for the years 1900, 1901, 1902, 1903, and 1904, $400,000 was the sum appropriated for this purpose; that for the present fiscal year the balance to the credit of this fund was so large that no appropriation was asked for; that in November last the Department had a balance of $119,000 to its credit in this fund. This proposes to authorize more than double the amount that has ever been appropriated before.

Mr. GILLETT of Massachusetts. I rise to a point of order. Has not debate been closed?

Mr. FITZGERALD. Oh, no; it has just started. [Laughter.] This paragraph proposes to appropriate more than twice as much as has ever been appropriated heretofore, although for this year no appropriation was necessary. Now, this amendment which I offer merely reduces the amount $245,000. The Department really does not need it. If my amendment prevails it will leave $600,000 in addition to the $119,000 balance now to the credit of the Department. So that for the coming year it will have $719,000, if this amendment should be agreed to, and I submit that here is an opportunity to save $245,000. I hope the committee will agree to the amendment.

Mr. FOSS. Mr. Chairman, I call for a vote.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The question was taken, and the amendment was rejected.

Mr. BELL of California. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. MORRELL. Mr. Chairman, I ask the same privilege.

Mr. HUGHES of New Jersey. Mr. Chairman, I also ask the same privilege.

The CHAIRMAN. The gentleman from California, the gentleman from Pennsylvania, and the gentleman from New Jersey ask unanimous consent to extend their remarks in the RECORD. Is there objection?

There was no objection.

The Clerk resumed and completed the reading of the bill.

Mr. FOSS. Mr. Chairman, I ask unanimous consent that the Clerk may change the totals of the bill in accordance with the amendments agreed to.

The CHAIRMAN. The Chair doubts very much whether it would be in the province of the committee to do that.

Mr. FOSS. It should be done in the House, then.

The CHAIRMAN. Yes.

Mr. FOSS. Then I move that the committee do now rise and report the bill to the House with the amendments agreed to, and with the recommendation that as amended the bill do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DALZELL, 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. 18467) making appropriations for the naval service for the fiscal year ending June 30, 1906, and for other purposes, and had directed him to report the same to the House with sundry amendments and with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. FOSS. Mr. Speaker, I move the previous question on the bill and amendments to the final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded upon any amendment? If not, they will be voted upon en bloc.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time; and was accordingly read the third time.

Mr. FOSS, Mr. WILLIAM W. KITCHIN, Mr. WADSWORTH, and Mr. HITCHCOCK rose.

The SPEAKER. The gentleman from Illinois.

Mr. FOSS. I move to recommit the bill, and upon that I demand the previous question.

Mr. WILLIAM W. KITCHIN. I move to amend that motion.

Mr. BARTLETT. Mr. Speaker, we recognize this as a parliamentary trick. That is what it is.

Mr. WADSWORTH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The House will be in order.

Mr. WADSWORTH. Mr. Speaker, pending that motion, I move that the House do now adjourn.

The SPEAKER. The Chair will first state the motion. The gentleman from Illinois [Mr. Foss] moves to recommit the bill, and upon that motion demands the previous question. Pending that motion, the gentleman from New York [Mr. WADSWORTH] moves that the House do now adjourn.

The question being taken on the motion of Mr. WADSWORTH, the Speaker announced that the noes appeared to have it.

Mr. ROBINSON of Indiana demanded a division.

The House divided; and there were—ayes 72, noes 121.

Accordingly the motion of Mr. WADSWORTH was rejected.

Mr. WILLIAM W. KITCHIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAM W. KITCHIN. Mr. Speaker, is it in order to move to amend the motion of the gentleman from Illinois [Mr. Foss], so as to instruct the committee to report the bill with one battle ship instead of two?

The SPEAKER. The gentleman from Illinois makes the motion, and demands the previous question.

Mr. WILLIAM W. KITCHIN. My inquiry is——

The SPEAKER. The Chair sought to answer the gentleman's parliamentary inquiry, but will answer it more plainly. The gentleman making the motion was entitled to be recognized to move the previous question. Therefore it is not in order at this time to move an amendment.

Mr. BARTLETT rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. BARTLETT. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. If the motion to recommit is carried, then no other motion to recommit with instructions can be made?

The SPEAKER. The rules provide for only one motion to recommit. The question is on ordering the previous question.

The question was taken; and on a division (demanded by Mr. BARTLETT) there were—ayes 122, noes 68.

Mr. BARTLETT. Mr. Speaker, I demand the yeas and nays.

Mr. ROBINSON of Indiana. Mr. Speaker, I make the point of no quorum. I was on my feet to make the point when the gentleman from Georgia demanded the yeas and nays.

The SPEAKER. Is there any Member of the House that did not vote either way on the last question?

Mr. ROBINSON of Indiana. I voted neither way, Mr. Speaker.

The SPEAKER. The gentleman from Indiana is one and the Chair is two, and that makes a quorum. [Great laughter.] The question is on ordering the yeas and nays.

The question was taken.

The SPEAKER. Thirty-one gentlemen have arisen, not a sufficient number, and the yeas and nays are refused. The question now is on the motion to recommit.

Mr. WILLIAM W. KITCHIN. Mr. Speaker, a parliamentary inquiry. Is it now in order to amend that motion?

The SPEAKER. It is not; the previous question has been ordered.

Mr. WADSWORTH. Would it now be in order, Mr. Speaker, to renew my motion to adjourn?

The SPEAKER. The Chair can not say at this stage of the proceedings that the gentleman's motion would be dilatory.

Mr. WADSWORTH. Then I move that the House do now adjourn.

The SPEAKER. There having been several votes in the meantime, intervening business, the Chair thinks that under the conditions he could hardly say that the motion was dilatory.

The question was taken, and the motion to adjourn was not agreed to.

The SPEAKER. The question now is on the motion of the gentleman from Illinois to recommit the bill.

The question was taken, and the motion was not agreed to.

The SPEAKER. The question now is on the passage of the bill.

The question was taken, and the bill was passed.

Mr. FOSS. Mr. Speaker, I ask unanimous consent that the Clerk may have authority to change the totals in accordance with the amendments.

The SPEAKER. Without objection, the authority will be granted.

There was no objection.

On motion of Mr. Foss, a motion to reconsider the vote whereby the bill was passed was laid on the table.

REPRINT OF RIVER AND HARBOR BILL.

Mr. BURTON. Mr. Speaker, I ask unanimous consent for a reprint of 500 copies of the bill H. R. 18809, the river and harbor bill, and also the reprint of an equal number of copies of the report thereon.

The SPEAKER. Without objection, the reprint will be ordered.

There was no objection.

Mr. KNOWLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Without objection, the gentleman from California will have leave to extend his remarks in the RECORD.

There was no objection.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who informed the House of Representatives that the President had approved and signed bills and joint resolutions of the following titles:

On February 15, 1905:

H. J. Res. 184. Joint resolution authorizing the Secretary of War to furnish a condemned cannon to the armory at St. Paul, Minn., to construct a memorial tablet;

H. J. Res. 213. Joint resolution for appointment of a member of Board of Managers of the National Home for Disabled Volunteer Soldiers;

H. R. 10516. An act for the relief of Edward J. Farrell;

H. R. 17350. An act declaring Grand River to be not a navigable stream;

H. R. 18207. An act to amend sections 1, 5, and 6 of an act entitled "An act authorizing the construction of a wagon, toll, and electric-railway bridge over the Missouri River at Lexington, Mo.," approved April 28, 1904, extending the provisions thereof to steam-railway cars, locomotives, and other motive power, and extending the time for commencing actual construction of said bridge; and

H. R. 18757. An act making an appropriation for clearing the Potomac River of ice.

On February 16, 1905:

H. R. 17992. An act 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; and

H. R. 18428. An act to authorize the Leckrone and Little Whiteley Railroad Company to construct and maintain a bridge across the Monongahela River.

On February 17, 1905:

H. R. 16799. An act making Texas City, Tex., a subport of entry in the customs collection district of Galveston.

On February 18, 1905:

H. R. 11444. An act to grant certain lands to the State of Ohio; and

H. R. 17481. An act authorizing the Alexandria, Bayou Macon and Greenville Railway Company to construct bridges over Red River, Little River, Ouachita River, and Bayou Louis, in Louisiana.

On February 20, 1905:

H. R. 16560. An act to authorize the registration of trademarks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same; and

H. J. Res. 218. Joint resolution to provide for the removal of snow and ice from the cross walks and gutters of the District of Columbia.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 9548. An act for the allowance of certain claims reported by the Court of Claims, and for other purposes;

H. J. Res. 216. Joint resolution providing for the publication of the annual reports and bulletins of the hygienic laboratory and of the yellow-fever institute of the Public Health and Marine-Hospital Service;

H. R. 16629. An act granting an increase of pension to Nathan C. D. Bond;

H. R. 13626. An act to amend an act approved August 13, 1894, entitled "An act for the protection of persons furnishing materials and labor for the construction of public works;"

H. R. 16686. An act granting an increase of pension to Benjamin T. Martin;

H. R. 15489. An act granting an increase of pension to Oliver F. Martin;

H. R. 14575. An act granting an increase of pension to Laura P. Swentzel;

H. R. 16859. An act granting an increase of pension to James Shaw;

H. R. 12479. An act granting an increase of pension to Lucretia T. Cartmell;

H. R. 17411. An act granting an increase of pension to Abel Grovenor;

H. R. 18512. An act granting a pension to Mary O'Dea;

H. R. 8834. An act granting an increase of pension to Joseph H. Richardson;

H. R. 18188. An act granting an increase of pension to William Mock;

H. R. 18187. An act granting an increase of pension to William W. Moore;

H. R. 16398. An act granting an increase of pension to Michael Keating;

H. R. 15718. An act granting an increase of pension to James Parmele; and

H. R. 16961. An act granting an increase of pension to Lydia McCardell.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER also, 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 and joint resolution:

H. J. Res. 218. Joint resolution to provide for the removal of snow and ice from the cross walks and gutters of the District of Columbia;

H. R. 12152. An act relating to the payment and disposition of pension money due to inmates of the Government Hospital for the Insane;

H. R. 18126. An act to close and open an alley in square No. 806 in the city of Washington, D. C.;

H. R. 17746. An act authorizing the Commissioners of the District of Columbia to furnish Potomac water to charitable institutions, etc., in the District of Columbia.

H. R. 15578. An act to prevent the use of devices calculated to convey the impression that the United States Government certifies to the quality of gold or silver used in the arts;

H. R. 13640. An act granting an increase of pension to Eugene Hepp;

H. R. 6702. An act granting an increase of pension to James Slater;

H. R. 6507. An act granting an increase of pension to James J. Champlin;

H. R. 3080. An act granting an increase of pension to David P. Foster;

H. R. 2114. An act granting an increase of pension to William McCloud;

H. R. 1263. An act granting an increase of pension to David Phillips;

H. R. 3710. An act granting an increase of pension to Thomas C. Johnson;

H. R. 4461. An act granting an increase of pension to Frederick Baker;

H. R. 3427. An act granting an increase of pension to Albert Fetterhoff;

H. R. 3273. An act granting an increase of pension to William E. Hill;

H. R. 5205. An act granting an increase of pension to Francis Wilson;

H. R. 5265. An act granting an increase of pension to Sara A. Haskell;

H. R. 15787. An act granting an increase of pension to Thorndike P. Heath;

H. R. 7609. An act granting an increase of pension to Mary A. Ryon;

H. R. 7760. An act granting an increase of pension to Sarah A. Pierce;

H. R. 7761. An act granting an increase of pension to Quintus Hummel;

H. R. 15769. An act granting an increase of pension to Henry Peoples;

H. R. 15768. An act granting an increase of pension to R. Howard Wallace;

H. R. 5284. An act granting an increase of pension to John Maupin;

H. R. 5995. An act granting an increase of pension to Joseph Fulton;

H. R. 7378. An act granting an increase of pension to Israel Purdy;

H. R. 7350. An act granting an increase of pension to John C. Besier;

H. R. 7097. An act granting an increase of pension to John White;

H. R. 7014. An act granting an increase of pension to James J. Boyd;

H. R. 6957. An act granting an increase of pension to Alexander C. Bowen;

H. R. 15776. An act granting an increase of pension to Harrison Ball;

H. R. 15775. An act granting an increase of pension to Daniel W. Smith;

H. R. 5887. An act granting an increase of pension to William H. Swinney;

H. R. 5876. An act granting an increase of pension to Elijah S. Carleton; and

H. R. 5113. An act granting an increase of pension to Almon W. Gould.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6930. An act granting an increase of pension to Helen S. Wright—to the Committee on Invalid Pensions.

S. 3442. An act granting an increase of pension to William S. Underdown—to the Committee on Invalid Pensions.

S. 7194. An act granting an increase of pension to John Welch—to the Committee on Invalid Pensions.

S. 7210. An act granting an increase of pension to Charles M. Suter—to the Committee on Invalid Pensions.

S. 706. An act for the relief of David H. Moffat—to the Committee on Military Affairs.

RESIGNATION.

The SPEAKER laid before the House the following:

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

MY DEAR SIR: I hereby tender you my resignation as a member of the Committee on Printing, to take effect at once.

Yours, respectfully,

F. C. TATE.

The SPEAKER appointed Mr. GRIGGS to fill the vacancy above named.

WITHDRAWAL OF PAPERS.

Mr. GIBSON, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of Jacob Lyon (H. R. 5680, Fifty-eighth Congress), no adverse report having been made thereon.

LEAVE OF ABSENCE.

Mr. HOWELL of Utah, by unanimous consent, was given leave of absence for three days, on account of important business.

DEATH OF REPRESENTATIVE NORTON P. OTIS.

Mr. PAYNE. Mr. Speaker, it becomes my sad duty to announce the death of my late colleague, Hon. NORTON P. OTIS, which occurred at his home in Yonkers, N. Y., this morning. I send the following resolutions to the Clerk's desk.

The Clerk read as follows:

Resolved, That the House has heard with profound regret of the untimely death of Hon. NORTON P. OTIS, late a Representative from the State of New York.

Resolved, That a committee of eleven Members of the House, with such members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant-at-Arms of the House of Representatives be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expense in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolutions were unanimously agreed to.

The SPEAKER appointed as a committee to attend the funeral Mr. SHERMAN, Mr. CURRIER, Mr. SMITH of New York, Mr. SULZER, Mr. DOUGLAS, Mr. BASSETT, Mr. GOLDEN, Mr. BONYNGE, Mr. LEGARE, Mr. THOMAS, and Mr. DICKERMAN.

Mr. PAYNE. Mr. Speaker, as a further mark of respect to the deceased Member, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 10 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General submitting an estimate of appropriation for the United States penitentiary at Leavenworth—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Navy, transmitting, in response to the inquiry of the House, information in relation to the use of Gathmann shells—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. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18861) fixing the rate of pension for persons eligible under the act of June 27, 1890, and acts amendatory thereof, who require the frequent and periodical or regular attendance of another person, reported the same without amendment, accompanied by a report (No. 4668); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MORRELL, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 18904) to amend section 12 of an act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railway Company in the city of Washington, and so forth, approved February 12, 1901, reported the same with amendment, accompanied by a report (No. 4672); which said bill and report were referred to the House Calendar.

Mr. DIXON, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 5203) providing for the resurvey of township 18 north, range 6 east, and township 19 north, range 6 east, Montana meridian, Cascade County, State of Montana, reported the same with amendment, accompanied by a report (No. 4673); which said bill and report were referred to the House Calendar.

Mr. HITT, from the Committee on Foreign Affairs, to which was referred the bill of the Senate (S. 5441) in relation to the

assignment of diplomatic and consular officers, reported the same without amendment, accompanied by a report (No. 4675); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 7181) to amend section 1742 of the Revised Statutes of the United States, reported the same without amendment, accompanied by a report (No. 4674); which said bill and report were referred to the House Calendar.

Mr. McCLEARY of Minnesota, from the Committee on the Library, to which was referred the bill of the House (H. R. 19052) to incorporate the American Academy in Rome, reported the same without amendment, accompanied by a report (No. 4682); which said bill and report were referred to the House Calendar.

Mr. SCOTT, from the Committee on Agriculture, to which was referred the House resolution (H. Res. 509) directing the Secretary of Agriculture to investigate the use of alcohol in the arts, etc., reported the same without amendment, accompanied by a report (No. 4791); which said resolution 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. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 68) granting an increase of pension to Martha M. Bolton, reported the same without amendment, accompanied by a report (No. 4654); 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. 2456) granting a pension to William G. Bradley, reported the same without amendment, accompanied by a report (No. 4655); 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. 5405) granting an increase of pension to John Leary, reported the same without amendment, accompanied by a report (No. 4656); 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. 5897) granting a pension to Collin A. Wallace, reported the same without amendment, accompanied by a report (No. 4657); 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. 5907) granting an increase of pension to Mary E. Robinson, reported the same without amendment, accompanied by a report (No. 4658); 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. 6185) granting an increase of pension to Thomas Read, reported the same without amendment, accompanied by a report (No. 4659); 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. 6467) granting an increase of pension to Jonathan Story, reported the same without amendment, accompanied by a report (No. 4660); 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. 6681) granting an increase of pension to John L. Kiser, reported the same without amendment, accompanied by a report (No. 4661); 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. 6847) granting an increase of pension to Thomas Dunn, reported the same without amendment, accompanied by a report (No. 4662); 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. 6466) granting an increase of pension to John W. Kennedy, reported the same without amendment, accompanied by a report (No. 4663); 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. 6859) granting an increase of pension to Lizzie D. Wise, reported the same without amendment, accompanied by a report (No. 4664); 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. 7056) granting an increase of pension to Martha Haddock, reported the same without amendment, accompanied by a report (No. 4665); 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. 7064) granting an increase of pension to Esther S. Damon, reported the same without amendment, accompanied by a report (No. 4666); 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. 7076) granting a pension to Susan Hayman, reported the same without amendment, accompanied by a report (No. 4667); which said bill and report were referred to the Private Calendar.

Mr. FOSTER of Vermont, from the Committee on Claims, to which was referred the bill of the House (H. R. 4723) for the relief of the Stone, Sand and Gravel Company, of New Orleans, La., and the surety for the performance of its contract with the Government for diverting the mouth of the Yazoo River near Vicksburg, reported the same without amendment, accompanied by a report (No. 4669); which said bill and report were referred to the Private Calendar.

Mr. GOOCH, from the Committee on Claims, to which was referred the bill of the House (H. R. 10228) for the relief of William C. Watts, reported the same without amendment, accompanied by a report (No. 4670); which said bill and report were referred to the Private Calendar.

Mr. BUTLER of Pennsylvania, from the Committee on Claims, to which was referred the bill of the House (H. R. 18008) for the relief of L. Biertempfel, reported the same without amendment, accompanied by a report (No. 4671); which said bill and report were referred to the Private Calendar.

Mr. CLAUDE KITCHIN, from the Committee on Claims, to which was referred the bill H. R. 2073, reported in lieu thereof a resolution (H. Res. 514) referring to the Court of Claims the papers in the case of Mary Montville, accompanied by a report (No. 4676); which said resolution and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill H. R. 6523, reported in lieu thereof a resolution (H. Res. 515) referring to the Court of Claims the papers in the case of William H. Diamond, accompanied by a report (No. 4677); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill H. R. 3782, reported in lieu thereof a resolution (H. Res. 516) referring to the Court of Claims the papers in the case of George Serrell, accompanied by a report (No. 4678); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill H. R. 11950, reported in lieu thereof a resolution (H. Res. 517) referring to the Court of Claims the papers in the case of William E. Murray, accompanied by a report (No. 4679); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill H. R. 15416, reported in lieu thereof a resolution (H. Res. 518) referring to the Court of Claims the papers in the case of Erskine R. K. Hayes, accompanied by a report (No. 4680); which said resolution and report were referred to the Private Calendar.

Mr. FOSTER of Vermont, from the Committee on Claims, to which was referred the bill of the Senate (S. 6362) for the relief of Jeanie R. Bartlett, widow of the late Rear-Admiral John Russell Bartlett, United States Navy, reported the same without amendment, accompanied by a report (No. 4681); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred to bill of the Senate (S. 5505) granting an increase of pension to William B. Chapman, reported the same without amendment, accompanied by a report (No. 4683); 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. 5170) granting a pension to Kate M. Smith, reported the same without amendment, accompanied by a report (No. 4684); 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. 5160) granting an increase of pension to Harriett P. Gray, reported the same without amendment, accompanied by a report (No. 4685); 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. 3898) granting an increase of pension to Noah C. Standiford, reported the same without amendment, ac-

companied by a report (No. 4686); 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. 3864) granting an increase of pension to Dean W. King, reported the same without amendment, accompanied by a report (No. 4687); 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. 3075) granting an increase of pension to Emma J. Kanady, reported the same without amendment, accompanied by a report (No. 4688); 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. 2985) granting an increase of pension to William Wallace, reported the same without amendment, accompanied by a report (No. 4689); 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. 2304) granting an increase of pension to Samuel S. Merrill, reported the same without amendment, accompanied by a report (No. 4690); 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. 2251) granting an increase of pension to Edward W. Bennett, reported the same without amendment, accompanied by a report (No. 4691); 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. 1990) granting an increase of pension to Catherine Howland, reported the same without amendment, accompanied by a report (No. 4692); 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. 1946) granting an increase of pension to Edward J. Palmer, reported the same without amendment, accompanied by a report (No. 4693); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7019) granting an increase of pension to Annie T. Seaman, reported the same without amendment, accompanied by a report (No. 4694); 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. 6925) granting an increase of pension to Laura C. Curtiss, reported the same without amendment, accompanied by a report (No. 4695); 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. 6924) granting an increase of pension to Richard H. McIntire, reported the same without amendment, accompanied by a report (No. 4696); 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. 6727) granting an increase of pension to Simeon Perry, reported the same without amendment, accompanied by a report (No. 4697); 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. 6556) granting a pension to Amanda B. Mack, reported the same without amendment, accompanied by a report (No. 4698); 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. 5493) granting an increase of pension to Charles S. Kerns, reported the same without amendment, accompanied by a report (No. 4699); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6492) granting an increase of pension to Joseph Howe, reported the same without amendment, accompanied by a report (No. 4700); 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. 107) granting an increase of pension to Joel H. Warren, reported the same without amendment, accompanied by a report (No. 4701); 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. 4918) granting an increase of pension to Merida P. Tate, reported the same without amendment, accompanied by a report (No. 4702); 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. 5118) granting an increase of pension to Andrew R. Mark, reported the same without amendment, accompanied by a report (No. 4703); 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. 5382) granting a pension to Sarah A. Morris, reported the same without amendment, accompanied by a report (No. 4704); 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. 5890) granting an increase of pension to Andrew Magnuson, reported the same without amendment, accompanied by a report (No. 4705); 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. 6418) granting an increase of pension to Wallace Goff, reported the same without amendment, accompanied by a report (No. 4706); 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. 6579) granting an increase of pension to James W. Foley, reported the same without amendment, accompanied by a report (No. 4707); 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. 101) granting an increase of pension to James M. Shippee, reported the same without amendment, accompanied by a report (No. 4708); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6989) granting an increase of pension to Jacob O. Stout, reported the same without amendment, accompanied by a report (No. 4709); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7125) granting an increase of pension to Lorenzo D. Cousins, reported the same without amendment, accompanied by a report (No. 4710); 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. 7034) granting an increase of pension to John Q. A. Foss, reported the same without amendment, accompanied by a report (No. 4711); 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. 6948) granting an increase of pension to Bradford Burnham, reported the same without amendment, accompanied by a report (No. 4712); 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. 6922) granting a pension to Sarah Ferry, reported the same without amendment, accompanied by a report (No. 4713); 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. 6706) granting an increase of pension to Jacob Ormerod, reported the same without amendment, accompanied by a report (No. 4714); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6698) granting an increase of pension to Charlotte Johnson, reported the same without amendment, accompanied by a report (No. 4715); 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. 6374) granting an increase of pension to Lewis Secor, reported the same without amendment, accompanied by a report (No. 4716); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3122) granting an increase of pension to Elias Thomas, reported the same without amendment, accompanied by a report (No. 4717); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1660) granting an increase of pension to John C. Wilkinson, reported the same without amendment, accompanied by a report (No. 4718); 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. 1299) granting a pension to John M. Reimer, reported the same without amendment, accompanied by a report (No. 4719); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pen-

sions, to which was referred the bill of the Senate (S. 6993) granting an increase of pension to Helen B. Messenger, reported the same without amendment, accompanied by a report (No. 4720); 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. 6946) granting an increase of pension to Judson L. Mann, reported the same without amendment, accompanied by a report(No. 4721); 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. 6901) granting an increase of pension to Allen Thompson, reported the same without amendment, accompanied by a report (No. 4722); 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. 6749) granting an increase of pension to Alfred Diehl, reported the same without amendment, accompanied by a report (No. 4723); 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. 6354) granting an increase of pension to Pierce McKeogh, reported the same without amendment, accompanied by a report (No. 4724); 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. 6099) granting an increase of pension to Dempsey Ferguson, reported the same without amendment, accompanied by a report (No. 4725); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3556) granting an increase of pension to Theodore P. Rynder, reported the same without amendment, accompanied by a report (No. 4726); 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. 4588) granting a pension to Hannah B. Nyce, reported the same without amendment, accompanied by a report (No. 4727); 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. 4684) granting an increase of pension to Ella M. Ewing, reported the same without amendment, accompanied by a report (No. 4728); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6357) granting an increase of pension to Alvan P. Granger, reported the same without amendment, accompanied by a report (No. 4729); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1690) granting an increase of pension to James K. Brooks, reported the same without amendment, accompanied by a report (No. 4730); 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. 4551) granting an increase of pension to Richard Gable, reported the same without amendment, accompanied by a report (No. 4731); 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. 5321) granting an increase of pension to William Klingensmith, reported the same without amendment, accompanied by a report (No. 4732); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6471) granting an increase of pension to Frances H. Scott, reported the same without amendment, accompanied by a report (No. 4733); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 331) granting an increase of pension to Henry E. Jones, reported the same without amendment, accompanied by a report (No. 4734); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6921) granting an increase of pension to George W. Cole, reported the same without amendment, accompanied by a report (No. 4735); 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. 6762) granting an increase of pension to David Wertz, reported the same without amendment, accompanied by a report (No. 4736); 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. 6743) granting a pension to Joseph A. Aldrich, reported the same without amendment, accompanied by a report (No. 4737); 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. 6515) granting an increase of pension to George Murphy, reported the same without amendment, accompanied by a report (No. 4738); 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. 5973) granting a pension to Jane N. Clements, reported the same without amendment, accompanied by a report (No. 4739); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6415) granting an increase of pension to Daniel Bolen, reported the same without amendment, accompanied by a report (No. 4740); 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. 6939) granting an increase of pension to John Coburn, reported the same without amendment, accompanied by a report (No. 4741); 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. 5638) granting a pension to Susan E. McCarty, reported the same without amendment, accompanied by a report (No. 4742); 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. 6440) granting an increase of pension to John F. Wallace, reported the same without amendment, accompanied by a report (No. 4743); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7124) granting an increase of pension to Harris Howard, reported the same without amendment, accompanied by a report (No. 4744); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6388) granting an increase of pension to George W. Hadlock, reported the same without amendment, accompanied by a report (No. 4745); 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. 6009) granting an increase of pension to James H. Briggs, reported the same without amendment, accompanied by a report (No. 4746); 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. 899) granting an increase of pension to John Moulton, reported the same without amendment, accompanied by a report (No. 4747); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6472) granting an increase of pension to Samuel Hice, reported the same without amendment, accompanied by a report (No. 4748); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5636) granting an increase of pension to James Nowell, reported the same without amendment, accompanied by a report (No. 4749); 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. 6015) granting an increase of pension to Thomas Ritchie, reported the same without amendment, accompanied by a report (No. 4750); 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. 6432) granting an increase of pension to James Campbell, reported the same without amendment, accompanied by a report (No. 4751); 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. 6484) granting an increase of pension to

Ellen Scott, reported the same without amendment, accompanied by a report (No. 4752); 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. 6562) granting an increase of pension to George W. Moyer, reported the same without amendment, accompanied by a report (No. 4753); 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. 6571) granting an increase of pension to John Van Lear, reported the same without amendment, accompanied by a report (No. 4754); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6010) granting an increase of pension to Justus A. Chafee, reported the same without amendment, accompanied by a report (No. 4755); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6804) granting an increase of pension to Mary C. Leefe, reported the same without amendment, accompanied by a report (No. 4756); which said bill and report were referred to the Private Calendar.

Mr. HUNTER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6943) granting an increase of pension to Francis W. Little, reported the same without amendment, accompanied by a report (No. 4757); 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. 6940) granting an increase of pension to George W. Enyart, reported the same without amendment, accompanied by a report (No. 4758); 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. 6938) granting an increase of pension to Patrick W. Kennedy, reported the same without amendment, accompanied by a report (No. 4759); 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. 6898) granting an increase of pension to Joseph Wood, alias Joseph Rule, reported the same without amendment, accompanied by a report (No. 4760); 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. 6897) granting an increase of pension to James Flanagan, reported the same without amendment, accompanied by a report (No. 4761); 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. 6896) granting an increase of pension to William Gleason, reported the same without amendment, accompanied by a report (No. 4762); 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. 6676) granting an increase of pension to Albert S. Hopson, reported the same without amendment, accompanied by a report (No. 4763); 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. 6675) granting an increase of pension to Halsey S. Curry, reported the same without amendment, accompanied by a report (No. 4764); 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. 6661) granting an increase of pension to Edwin R. Kennedy, reported the same without amendment, accompanied by a report (No. 4765); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7096) granting an increase of pension to Amanda H. Burrows, reported the same without amendment, accompanied by a report (No. 4766); 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. 6441) granting an increase of pension to John Sebry, reported the same without amendment, accompanied by a report (No. 4767); 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. 7093) granting an increase of pension to William Dawson, reported the same without amendment, accompanied by a report (No. 4768); 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. 4638) granting an increase of pension to Edwin F. Barrett, reported the same without amendment, accompanied by a report (No. 4769); 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. 6417) granting an increase of pension to Lucy F. Cruttenden, reported the same without amendment, accompanied by a report (No. 4770); 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. 6442) granting an increase of pension to William Southwick, reported the same without amendment, accompanied by a report (No. 4771); 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. 6443) granting an increase of pension to Terence J. Tully, alias James Fox, reported the same without amendment, accompanied by a report (No. 4772); 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. 6576) granting an increase of pension to Carrie M. Cleveland, reported the same without amendment, accompanied by a report (No. 4773); 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. 6578) granting an increase of pension to Josiah Pearson, reported the same without amendment, accompanied by a report (No. 4774); 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. 7021) granting an increase of pension to Catharine R. Reynolds, reported the same without amendment, accompanied by a report (No. 4775); which said bill and report were referred to the Private Calendar.

Mr. HUNTER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6580) granting an increase of pension to Melissa E. Nelson, reported the same without amendment, accompanied by a report (No. 4776); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7095) granting an increase of pension to Lewis M. Duff, reported the same without amendment, accompanied by a report (No. 4777); 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. 6966) granting an increase of pension to Peter A. Purdy, reported the same without amendment, accompanied by a report (No. 4778); 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. 7066) granting an increase of pension to Edmond W. Eakin, reported the same without amendment, accompanied by a report (No. 4779); 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. 3406) granting an increase of pension to Amanda D. Penick, reported the same without amendment, accompanied by a report (No. 4780); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6096) granting an increase of pension to Charles Grass, reported the same without amendment, accompanied by a report (No. 4781); 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. 6076) granting an increase of pension to James B. Clark, reported the same without amendment, accompanied by a report (No. 4782); 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. 6075) granting an increase of pension to Samuel M. Jones, reported the same without amendment, accompanied by a report (No. 4783); 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. 6045) granting an increase of pension to Almon W. Bennett, reported the same without amendment, accompanied by a report (No. 4784); 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. 5814) granting an increase of pension to Edward D. Hamilton, reported the same without amendment, accompanied by a report (No. 4785); 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. 5824) granting an increase of pension to Benjamin P. Thompson, reported the same without amendment, accompanied by a report (No. 4786); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 194) granting an increase of pension to Chester E. Dimick, reported the same without amendment, accompanied by a report (No. 4787); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 568) granting an increase of pension to Lyman H. Lamprey, reported the same without amendment, accompanied by a report (No. 4788); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3253) granting an increase of pension to Gilbert L. Eberhart, reported the same without amendment, accompanied by a report (No. 4789); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7206) granting a pension to Jane Hollis, reported the same without amendment, accompanied by a report (No. 4790); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3442) granting an increase of pension to Wiliam S. Underdown, reported the same without amendment, accompanied by a report (No. 4792); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6930) granting an increase of pension to Helen S. Wright, reported the same without amendment, accompanied by a report (No. 4793); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7194) granting an increase of pension to John Welch, reported the same without amendment, accompanied by a report (No. 4794); 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. 7210) granting an increase of pension to Charles M. Suter, reported the same with amendment, accompanied by a report (No. 4795); which said bill and report were referred to the Private Calendar.

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 19036) for the relief of Bert E. Barnes, reported the same without amendment, accompanied by a report (No. 4796); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Accounts was discharged from the consideration of the resolution (H. Res. 510) for the relief of C. M. Curtiss, and the same was referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. HEARST: A bill (H. R. 19061) to supplement and amend the act entitled "An act to regulate commerce," approved February 4, 1887, and the acts amendatory thereof and supplemental thereto—to the Committee on Interstate and Foreign Commerce.

By Mr. ALEXANDER: A bill (H. R. 19062) to make Buffalo, N. Y., a port at which merchandise may be imported for transportation without appraisement—to the Committee on Ways and Means.

By Mr. JONES of Washington: A bill (H. R. 19071) providing for the appointment of an appraiser of merchandise for the customs collection district of Puget Sound, State of Washington—to the Committee on Ways and Means.

By Mr. WACHTER: A resolution (H. Res. 513) authorizing the chairman of the Committee on Enrolled Bills to appoint two additional clerks—to the Committee on Accounts.

By Mr. CLAUDE KITCHIN, from the Committee on Claims: A resolution (H. Res. 514) referring to the Court of Claims H. R. 2073—to the Private Calendar.

By Mr. GRAFF, from the Committee on Claims: A resolution (H. Res. 515) referring to the Court of Claims H. R. 6523—to the Private Calendar.

Also, from the same committee: A resolution (H. Res. 516) referring to the Court of Claims H. R. 3782—to the Private Calendar.

Also, from the same committee: A resolution (H. Res. 517) referring to the Court of Claims H. R. 11950—to the Private Calendar.

Also, from the same committee: A resolution (H. Res. 518) referring to the Court of Claims H. R. 15416—to the Private Calendar.

By Mr. BAKER: A resolution (H. Res 519) referring to the assassination of Grand Duke Sergius—to the Committee on Foreign Affairs.

By Mr. FULLER: Memorial from the legislative assembly of the State of Illinois, favoring Mississippi River improvements—to the Committee on Interstate and Foreign Commerce.

By Mr. JENKINS: Memorial from the legislative assembly of the State of Wisconsin, commending action of the Members from Wisconsin relative to tariff readjustment—to the Committee on Ways and Means.

By Mr. ESCH: Memorial from the legislative assembly of the State of Wisconsin, relative to action of Wisconsin Members on tariff readjustment—to the Committee on Ways and Means.

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. WILLIAMS of Illinois: A bill (H. R. 19063) granting an increase of pension to John K. Lasater—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 19064) granting an increase of pension to Stephen Weeks—to the Committee on Pensions.

Also, a bill (H. R. 19065) granting a pension to Henry Sistrunk—to the Committee on Pensions.

Also a bill (H. R. 19066) granting an increase of pension to Julius D. Rogers—to the Committee on Pensions.

By Mr. RAINEY: A bill (H. R. 19067) granting an increase of pension to Martin V. Cannedy—to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 19068) granting an increase of pension to John Claar—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19069) granting an increase of pension to Thomas W. Patterson—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 19070) for the relief of the legal representatives of Alexander L. Williams, deceased—to the Committee on War Claims.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 19072) for the relief of the heirs of B. T. Terry, deceased—to the Committee on Military Affairs.

By Mr. GILBERT: A bill (H. R. 19073) granting an increase of pension to David Bethusum—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 19074) granting an increase of pension to Wesley Breeding—to the Committee on Pensions.

By Mr. COWHERD: A bill (H. R. 19075) granting a pension to Christina Drick—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 19076) granting an increase of pension to Mary B. Minton—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 19077) for the relief of Paul Werner—to the Committee on Military Affairs.

By Mr. BANKHEAD: A bill (H. R. 19078) granting an increase of pension to Martin V. Smith—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 19079) granting an increase of pension to Austin Gill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19080) granting an increase of pension to Benton A. Joiner—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 the executive council of the State Board of Trade, for the repeal of the 15 per cent ad valorem duty on hides—to the Committee on Ways and Means.

Also, resolutions of the Wisconsin legislature, commending the action of the Wisconsin delegation in Congress relative to readjustments of the tariffs—to the Committee on Ways and Means.

By Mr. ALEXANDER: Petition of Brownville (N. Y.) Grange, favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of Seneca Division, No. 659, Brotherhood of Locomotive Engineers, of Buffalo, N. Y., favoring bill H. R. 7041—to the Committee on the Judiciary.

Also, petition of Buffalo Chapter, American Institute of Bank

Clerks, favoring the Gaines bill relative to mutilated currency—to the Committee on Banking and Currency.

Also, petition of the Exempt Volunteer Firemen's Association, of Buffalo, N. Y., against the Morrell insurance bill—to the Committee on the Judiciary.

Also, petition of the fire commissioner of Buffalo, N. Y., opposing the Morrell insurance bill—to the Committee on the Judiciary.

By Mr. BIRDSALL: Petition of citizens of Bremen County, Iowa, against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. BROWN of Wisconsin: Resolutions of the Chamber of Commerce of Milwaukee, protesting against the amendment prohibiting trading or dealing in options or futures—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Chamber of Commerce of Milwaukee, favoring the enactment into law of the Townsend-Esch bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BURLEIGH: Petition of citizens of Maine, favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Hartland, Me., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Maine, against repeal of the Grout bill—to the Committee on Agriculture.

By Mr. COWHERD: Paper to accompany bill for relief of Christiana Drick, widow of Martin Drick—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: Paper to accompany bill for relief of Wesley Breeding—to the Committee on Pensions.

By Mr. DRAPER: Resolutions of the American Institute of Marine Underwriters, favoring passage by the House of bill S. 2262—to the Committee on Interstate and Foreign Commerce.

By Mr. EMERICH: Petition of the Trout Hardware Company, of Chicago, Ill., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of the National Association of Agricultural Implement and Vehicle Manufacturers, for repeal of the commutation clause of the homestead act and the timber and stone act—to the Committee on the Public Lands.

Also, petition of F. A. Hardy & Co., of Chicago, Ill., against repeal of the bankruptcy law—to the Committee on the Judiciary.

Also, resolutions of the Chicago Shippers' Association, indorsing President Roosevelt's recommendations relative to equitable freight rates—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Illinois Lumber Dealers' Association, favoring just and equitable freight rates—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the New England Tobacco Growers' Association, against reduction of tariff on tobacco coming from the Philippines—to the Committee on Ways and Means.

Also, resolution of the Chicago Leaf Tobacco Manufacturers' Association, against reduction of tariff on tobacco and cigars from the Philippines—to the Committee on Ways and Means.

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

Also, petition of Irwin, Green & Co., of Chicago, favoring the original Lodge bill relative to the consular service—to the Committee on Foreign Affairs.

Also, petition of Pettibone, Mullikin & Co., of Chicago, favoring the original Lodge bill in preference to the Lodge and Adams bill touching the consular service—to the Committee on Foreign Affairs.

Also, petition of J. Friedman & Co., of Chicago, against further reduction of the tariff between this country and the Philippines—to the Committee on Ways and Means.

Also, petition of the J. W. Butler Paper Company, of Chicago, favoring the Henry postal bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Chicago Distillery Company, favoring a reduction of the tax on whisky—to the Committee on Ways and Means.

Also, petition of Newman, Northrup, Levinson & Becker, against repeal of the bankruptcy law—to the Committee on the Judiciary.

Also, petition of Carson, Pirie, Scott & Co., of Chicago, favoring the original Lodge bill in preference to the so-called "short-form Lodge and Adams bill" for reorganization of the consular service—to the Committee on Foreign Affairs.

Also, petition of the inspectors of customs at the port of Chicago, for more just and equitable compensation for services as inspectors of customs—to the Committee on Ways and Means.

Also, petition of the Fitz Simons & Connell Company, of Chicago, Ill., against Government construction and ownership of bridge property—to the Committee on Rivers and Harbors.

Also, petition of the National Business League, of Chicago, favoring repeal of the desert-land act, the commutation clause of the homestead act, and the timber and stone act—to the Committee on the Public Lands.

By Mr. ESCH: Resolutions of the Chamber of Commerce of Milwaukee, thanking the President and the House for the Esch-Townsend bill and requesting the Senate to pass it—to the Committee on Interstate and Foreign Commerce.

By Mr. EVANS: Petition of citizens of Pennsylvania, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GILBERT: Petition of citizens of Shelbyville, Ky., against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. GILLETT of Massachusetts: Petition of the Massachusetts State Board of Trade, asking for the repeal of the 15 per cent ad valorem duty on hides—to the Committee on Ways and Means.

By Mr. HULL: Resolutions of citizens of Ames, Iowa, favoring arbitration treaties between the United States and foreign countries—to the Commitee on Foreign Affairs.

By Mr. HUMPHREY of Washington: Paper to accompany bill for relief of heirs of B. T. Terry—to the Committee on War Claims.

By Mr. LINDSAY: Petition of the American Institute of Marine Underwriters, favoring bill S. 2262—to the Committee on Interstate and Foreign Commerce.

By Mr. LITTLEFIELD: Petition of citizens of Mechanic Falls, Me., favoring a parcels post and postal currency—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Maine, against repeal of the Grout law—to the Committee on Agriculture.

By Mr. LIVINGSTON: Paper to accompany bill for relief of the legal representatives of Alexander L. Williams—to the Committee on War Claims.

By Mr. LUCKING: Petition of citizens of the First Congressional district of Michigan, favoring amendment to the Constitution prohibiting polygamy in the United States—to the Committee on the Judiciary.

By Mr. MONDELL: Petition of Rocky Mountain Subdivision, No. 103, Brotherhood of Locomotive Engineers, asking for a law against excessive hours of labor for engineers—to the Committee on the Judiciary.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Mrs. H. E. Aiken, widow of J. R. Aiken—to the Committee on Invalid Pensions.

By Mr. OLMSTED: Petition of Washington Camp, No. 381, of Lebanon, Pa., Patriotic Order Sons of America, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. OTJEN: Petition of the Ancient Order of Hibernians of Milwaukee, favoring a monument to Commodore John Barry—to the Committee on the Library.

Also, resolution of the Wisconsin legislature, commending the action of the Wisconsin delegation in Congress favoring revision of the tariff—to the Committee on Ways and Means.

By Mr. PUJO: Petition of citizens of Acadia, La., favoring a parcels-post and postal-currency law—to the Committee on the Post-Office and Post-Roads.

By Mr. RUPPERT: Petition of the American Institute of Marine Underwriters, favoring bill S. 2262—to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN: Petition of the American Institute of Marine Underwriters, of New York, favoring bill S. 2262—to the Committee on Interstate and Foreign Commerce.

By Mr. STEVENS of Minnesota: Petition of St. Paul (Minn.) Chapter of American Institute of Bank Clerks, favoring the Gaines bill relative to redemption of mutilated currency—to the Committee on Banking and Currency.

By Mr. SULZER: Petition of the American Institute of Marine Underwriters, of New York, favoring bill S. 2262—to the Committee on Interstate and Foreign Commerce.

Also, petition of Hodenpyl & Sons, of New York, against repeal of the bankruptcy law—to the Committee on the Judiciary.

Also, petition of Walter N. Walker, of New York, against repeal of the bankruptcy law—to the Committee on the Judiciary.

By Mr. WANGER: Petition of the Philadelphia Milk Shippers' Union, of Tilford, Pa., against repeal of the Grout law—to the Committee on Agriculture.